

ORDINANCE NO. 926

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF GLENWOOD, IOWA BY AMENDING PROVISIONS PERTAINING TO CIGARETTE AND TOBACCO PERMITS.

BE it enacted by the City of Glenwood, Iowa:

SECTION AMENDED: Chapter 121, Section 01, Subsections 3 and 9, are hereby amended and added to read in full as follows:

121.01 **DEFINITIONS.** For use in this chapter the following terms are defined:

* * *

3. "Alternative nicotine product" means a product, not consisting of or containing tobacco, that provides for the ingestion into the body of nicotine, whether by chewing, absorbing, dissolving, inhaling, snorting, or sniffing, or by any other means. "Alternative nicotine product" does not include cigarettes, tobacco products, or vapor products, or a product that is regulated as a drug or device by the United States Food and Drug Administration under Chapter V of the Federal Food, Drug, and Cosmetic Act.

* * *

9. "Vapor product" means any noncombustible product, which may or may not contain nicotine, that employs a heating element, power source, electronic circuit, or other electronic, chemical, or mechanical means, regardless of shape or size, that can be used to produce vapor from a solution or other substance. "Vapor product" includes an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device, and any cartridge or other container of a solution or other substance, which may or may not contain nicotine, that is intended to

be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device. "Vapor product" does not include a product regulated as a drug or device by the United States Food and Drug Administration under Chapter V of the Federal Food, Drug, and Cosmetic Act.

SECTION AMENDED: Chapter 121, Section 02, is hereby amended to read in full as follows:

121.02 **PERMIT REQUIRED.** For use in this chapter the following terms are defined:

1. Retail Cigarette Permits. It is unlawful for any person, other than a holder of a retail permit, to sell cigarettes, alternative nicotine products, or vapor products at retail and no retailer shall distribute, sell, or solicit the sale of any cigarettes, alternative nicotine products, or vapor products within the City without a valid permit for each place of business. The permit shall, at all times, be publicly displayed at the place of business so as to be easily seen by the public and the persons authorized to inspect the place of business.

2. Retail Tobacco Permits. It is unlawful for any person to engage in the business of a retailer of tobacco, tobacco products, alternative nicotine products, or vapor products at any place of business without first having received a permit as a retailer for each place of business owned or operated by the retailer.

A retailer who holds a retail cigarette permit is not required to also obtain a retail tobacco permit. However, if a retailer only holds a retail cigarette permit and that permit is suspended, revoked, or expired the retailer shall not sell any tobacco, tobacco products, alternative nicotine products, or vapor products, during such time.

SECTION AMENDED: Chapter 121, Section 07, is hereby amended to read in full as follows:

121.07 **PERSONS UNDER LEGAL AGE.** No person shall sell, give or otherwise supply any tobacco, tobacco products, alternate nicotine products, vapor products or cigarettes to any person under twenty-one (21) years of age. The provision of this section includes prohibiting a minor from purchasing tobacco, tobacco products, alternative nicotine products, vapor products and cigarettes from a vending machine. If a retailer or an employee of a retailer violates the provisions of this section, the Council shall, after written notice and hearing, and in addition to the other penalties fixed for such violation, assess the following:

1. For a first violation, the retailer shall be assessed a civil penalty in the amount of three hundred dollars (\$300.00). Failure to pay the civil penalty as ordered under this subsection shall result in automatic suspension of the permit for a period of fourteen (14) days.

2. For a second violation within a period of two (2) years, the retailer shall be assessed a civil penalty in the amount of one thousand five hundred dollars (\$1,500.00) or the retailers permit shall be suspended for a period of thirty (30) days. The retailer may select its preference in the penalty to be applied under this subsection.

3. For a third violation with a period of three (3) years, the retailer shall be assessed a civil penalty in the amount of one thousand five hundred dollars (\$1,500.00) and the retailer's permit shall be suspended for a period of sixty (60) days.

4. For a fourth violation within a period of three (3) years, the retailer shall be assessed a civil penalty in the amount of one thousand five hundred dollars (\$1,500.00) and

the retailers permit shall be suspended for a period of sixty (60) days.

5. For a fifth violation within a period of four (4) years, the retailer's permit shall be revoked.

The Clerk shall give ten (10) days' written notice to the retailer by mailing a copy of the notice to the place of business as it appears on the application for the permit. The notice shall state the reason for the contemplated action and the time and place at which the retailer may appear and be heard.

PASSED by the Glenwood City Council this 24th day of January, 2023, and approved the 24th day of January, 2023.

Ron Kohn
Ron Kohn, Mayor



ATTEST:

Jessica Alley
Jessica Alley, City Clerk

1st I certify that the foregoing was published as Ordinance No. 926 on the day of February, 2023.

Jessica Alley
Jessica Alley, City Clerk

AFFIDAVIT OF PUBLICATION

MILLS COUNTY, IOWA

STATE OF IOWA }
COUNTY OF }
MILLS COUNTY }

SS

GW ORD 926
ONE COLUMN 176 LINES

CITY OF GLENWOOD LEGALS
5 N VINE ST
GLENWOOD IA 51534
Account #: 1556
Description: GW ORD 926

Regional Office Manager, being duly sworn, says:

That she is Peggy Boeye of The Opinion-Tribune, a newspaper of general circulation, printed and published in Glenwood, Mills County, Iowa; that the publication, a copy of which is attached hereto, was published in the said newspaper on the following dates:

2- Opinion Tribune: 2/1/2023

Total Publisher's Fee for 1 runs: \$86.86

Said newspaper was regularly issued and circulated on those dates:

SIGNED:

Peggy Boeye

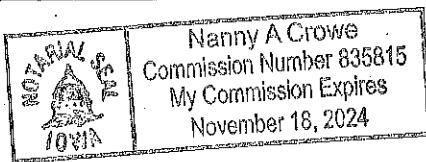
Subscribed to and sworn to me on:

2/1/2023

Nanny A Crowe

My commission expires:

November 18, 2024



City of Glenwood

ORDINANCE NO. 926

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF GLENWOOD, IOWA BY AMENDING PROVISIONS

PERTAINING TO CIGARETTE AND TOBACCO PERMITS

BE IT ENACTED BY THE CITY OF GLENWOOD, IOWA:

SECTION AMENDED: Chapter 121, Section 01. Subsections 3 and 9, are hereby amended and added to read in full as follows:

121.01 DEFINITIONS. For use in this chapter the following terms are defined:

3. "Alternative nicotine product" means a product, not consisting of or containing tobacco, that provides for the ingestion into the body of nicotine, whether by chewing, absorbing, dissolving, inhaling, snorting, or sniffing, or by any other means. "Alternative nicotine product" does not include cigarettes, tobacco products, or vapor products, or a product that is regulated as a drug or device by the United

States Food and Drug Administration under Chapter V of the Federal Food, Drug, and Cosmetic Act.

9. "Vapor product" means any non-combustible product, which may or may not contain nicotine, that employs a heating element, power source, electronic circuit, or other electronic, chemical, or mechanical means, regardless of shape or size, that can be used to produce vapor from a solution or other substance. "Vapor product" includes an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device, and any cartridge or other container of a solution or other substance, which may or may not contain nicotine, that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device. "Vapor product" does not include a product regulated as a drug or device by the United States Food and Drug Administration under Chapter V of the Federal Food,

Drug, and Cosmetic Act.

SECTION AMENDED: Chapter 121, Section 02, is hereby amended to read in full as follows:

121.02 PERMIT REQUIRED. For use in this chapter the following terms are defined:

1. Retail Cigarette Permits. It is unlawful for any person, other than a holder of a retail permit, to sell cigarettes, alternative nicotine products, or vapor products at retail and no retailer shall distribute, sell, or solicit the sale of any cigarettes, alternative nicotine products, or vapor products within the City without a valid permit for each place of business. The permit shall, at all times, be publicly displayed at the place of business so as to be easily seen by the public and the persons authorized to inspect the place of business.

2. Retail Tobacco Permits. It is unlawful for any person to engage in the business of a retailer of tobacco, tobacco products, alternative nicotine products, or vapor products at any place of business without first having