

SECTION 430 CIGARETTE SALES

430.01 LICENSE REQUIRED

No person shall directly or indirectly or by means of any device keep for retail sale, sell at retail, or otherwise dispose of any cigarette or cigarette wrapper at any place in the city of Tonka Bay unless a license therefore shall first have been obtained as provided in this ordinance.

430.02 APPLICATION AND ISSUANCE

Application for such license shall be made to the city clerk on a form supplied by the city. Such applicant shall state the full name and address of the applicant, the location and such other information as shall be required by the application form. Upon the filing of such application with the clerk, it shall be presented to the City Council for its consideration, and if granted by the council, a license shall be issued by the city clerk upon payment of the required fee.

430.03 LICENSE FEE

The license fee for every such license is set by Section 402.01 of this code. For any license issued after January 31st in any year the fee shall be computed at one twelfth of its yearly rate for each month or fractional part of a month covered by the license. Licenses shall not be transferable from one person to another.

430.04 LICENSE SHALL BE DISPLAYED

Every such license shall be kept conspicuously posted about the place for which the license is issued and shall be exhibited to any person upon request.

430.05 RESTRICTIONS

No license shall be issued except to a person of good moral character. No license shall be issued to an applicant for sale of cigarettes at any place other than his established place of business. No license shall be issued for the sale of cigarettes at a movable place of business; nor shall any license be issued for the sale of cigarettes at more than one place of business. No person shall sell or give away any cigarette, cigarette paper or cigarette wrapper to any person below the age of 18 years. No person shall keep for sale, sell or dispose of any cigarette containing opium, morphine, jimson weed, bella donna, strychnina, cocaine, marijuana, or any other deleterious or poisonous drug except nicotine.

430.06 ADDITIONAL REQUIREMENTS

Each person, firm, partnership, association, or corporation which has been issued such license shall post a notice in a conspicuous place and in a conspicuous way near where any cigarette, cigarette paper or cigarette wrapper is sold or disposed, which notice shall state that "Cigarettes May Not Be Purchased By Any Person Below the Age of 18 - Identification Required." Each person selling any cigarette, cigarette paper or cigarette wrapper shall request identification of age and birth date from any purchaser when the selling person

has any doubts as to the lawful age of the purchaser. No person under the age of eighteen (18) may sell any cigarette, cigarette paper or cigarette wrapper unless that person is under the supervision of an adult. No person under the age of eighteen (18) may hold a valid license issued under this Ordinance.

430.07 REVOCATION

Every such license may be revoked by the council for the violation of any of the provisions of this ordinance if the licensee has been given a reasonable notice and an opportunity to be heard.

430.08 PENALTY

Any person who shall violate any provision of this ordinance shall be guilty of a misdemeanor.