RESOLUTION NO. 23-205

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE THE ORDER ASSESSING THE CIVIL PENALTY OF $1,500.00 UPON TOBACCO VAPE & FOOD, LLC, 1531 2ND AVENUE, COUNCIL BLUFFS, IA 51501 FOR VIOLATION OF IOWA CODE SECTION 453A.2(1).

WHEREAS, the Iowa Alcoholic Beverages Division has enacted a comprehensive program aimed at reducing underage tobacco use; and

WHEREAS, recent compliance checks in Council Bluffs resulted in a citation being issued to an employee of Tobacco Vape & Food Mart, LLC, 1531 2nd Avenue, Council Bluffs, IA 51501 on or about May 10, 2023 and this permit holder had a previous violation on January 30, 2023; and

WHEREAS, since this violation is the second violation within the period of two years, the permit holder has the option of paying a $1,500.00 civil penalty or choosing a 30-day suspension of their tobacco license pursuant to Iowa Code Section 453A.22(2)(b); and

WHEREAS, this permit holder did not pay the civil penalty, did not provide verification of choosing a 30-day permit and failed to appear for the hearing on July 10, 2023; and

WHEREAS, due to the lack of communication and cooperation by the permit holder, it is in the best interest of the City to execute an Order assessing the permit holder a civil penalty of $1,500.00.

NOW, THEREFORE, BE IT RESOLVED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA

That the Mayor is hereby authorized to execute the Order assessing the civil penalty of $1,500.00 to Tobacco Vape & Food Mart, LLC, 1531 2nd Avenue, Council Bluffs, IA 51501 to be considered this permit holder's second violation of Iowa Code Section 453A.2(1).

ADOPTED
AND July 24, 2023.
APPROVED

_____
MATTHEW J. WALSH Mayor

Attest: _____
JODI QUAKENBUSH City Clerk