RESOLUTION NO. 23-282

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE THE ORDER ACCEPTING THE ACKNOWLEDGMENT/SETTLEMENT AGREEMENT FROM TOBACCO VAPE & FOOD, LLC, 1531 2ND AVENUE, COUNCIL BLUFFS, IA 51501, ASSESSING THE CIVIL PENALTY OF $1,500.00 AND SUSPENDING THEIR CIGARETTE/TOBACCO/NICOTINE/VAPOR PERMIT FOR THIRTY (30) DAYS 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, a recent follow-up compliance check of this business 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 June 2, 2023 at approximately 10:00 a.m.; and

WHEREAS, this violation is considered a 3rd violation in the last 3 years for this permit holder and pursuant to Iowa Code Section 453A.22(2)(c), there is a $1,500.00 mandatory civil penalty and a 30 day tobacco permit suspension; and

WHEREAS, the permit holder has paid their civil penalty of $1,500.00 for this violation and returned their executed Acknowledgment/Settlement Agreement (attached hereto); and

WHEREAS, it is in the best interest of the City to execute an Order accepting this permit holder's Acknowledgment/Settlement Agreement, their civil penalty payment and suspending their Cigarette/Tobacco/Nicotine/Vapor Permit for 30 days.

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 Accepting the Acknowledgment/ Settlement Agreement from Tobacco Vape & Food Mart, LLC, 1531 2nd Avenue, Council Bluffs, IA 51501, assessing the civil penalty of $1,500.00 and suspending their Cigarette/Tobacco/Nicotine/Vapor Permit for 30 days in consideration for this permit holder's third violation of Iowa Code Section 453A.2(1).

ADOPTED
AND
APPROVED

October 9, 2023.

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CHAD M. HANNAN Mayor Pro Tem

Attest: _____

JODI QUAKENBUSH City Clerk