

Chapter 8.10

Tobacco Retail Licenses

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Section 8.10.010 Definitions.

- 1) License - A license issued by the City of Corvallis for the retail sale of tobacco products.
- 2) Licensee - The holder of a valid license for the retail sale of tobacco products.
- 3) Minor - Any person under 18 (eighteen) years of age.
- 4) Self service displays - Open display of tobacco products that the public has access to without the intervention of a store employee.
- 5) Tobacco product - Any tobacco cigarette, cigar, pipe tobacco, smokeless tobacco, chewing tobacco, or any other form of tobacco which may be utilized for smoking, chewing, inhalation, or other means of ingestion.
- 6) Vendor-assisted - Only a store employee has access to the tobacco product and assists the customer by supplying the tobacco product; the customer does not take possession of the tobacco product until after it is purchased.

(97-16, Added, 08/18/1997)

Section 8.10.020 License requirement.

- 1) It shall be a violation of this chapter for a retailer to sell tobacco products unless that retailer holds a valid license from the City of Corvallis for each location in which tobacco products are sold. All such licenses shall be renewed annually on or before June 30.
- 2) All licenses issued prior to January 1, 2006 shall have the term of the license automatically extended to June 30, 2006 when the license renewal will be required.
- 3) Any license issued in accordance with the provisions of this chapter shall remain the property of the City, and upon expiration, revocation, or suspension it shall be returned to the City. If a license is lost or destroyed, it may be replaced upon the payment by the applicant of a fee as set forth in section 8.10.030.

(Ord. 2005-18 §1, 11/21/2005; Ord. 99-24 §1, 12/06/1999; Ord. 97-16, Added, 08/18/1997)
(99-24, Amended, 12/06/1999; 97-16, Added, 08/18/1997)

Section 8.10.030 License fee.

No tobacco retailer's license shall be issued or continue to be valid unless the holder thereof has paid the fees as required by Chapter 8.03.

(97-16, Added, 08/18/1997)

Section 8.10.040 Non-transferability of license.

A license is non-transferable, except a new license will be issued upon application to an eligible tobacco retailer who changes locations.

(97-16, Added, 08/18/1997)

Section 8.10.050 Sales to minors.

It shall be a violation of this chapter for a retailer to sell tobacco products to minors under eighteen (18) years of age.

(97-16, Added, 08/18/1997)

Section 8.10.060 Vendor-assisted sales.

It shall be a violation of this chapter for any person, business, or tobacco retailer to sell, permit to be sold, or offer for sale any tobacco product by means of self-service displays or any means other than vendor-assisted sales, except for vending machine sales in taverns, cocktail lounges, industrial plants as defined in ORS 308.408, hotels, and motels.

(Ord. 98-04, § 2, 03/02/98; Ord. 97-16, § 1, 08/18/97)(97-16, Added, 08/18/1997)

Section 8.10.070 Non-retaliation.

It shall be a violation of this chapter for any person or employer to discharge, refuse to hire, or in any manner retaliate against any employee, applicant for employment, or customer because such employee, applicant, or customer reports or attempts to prosecute any violation of this chapter.

(97-16, Added, 08/18/1997)

Section 8.10.080 License holder penalties.

1) Any license holder who violates any provision of this chapter other than section 8.10.020 shall be assessed penalties and/or have their license suspended as follows:

a) In the case of a first violation within two years, the licensee shall be fined two hundred dollars (\$200.00) and shall be notified in writing of penalties levied for further violations.

b) In the case of a second violation in any two year period, the licensee shall be fined three hundred and fifty dollars (\$350.00) and the license shall be suspended for forty-five (45) days.

c) In the case of three or more violations within any two year period, the licensee shall be fined five hundred dollars (\$500.00) and the license shall be revoked and the revoked retailer shall be ineligible to apply for a new license for six months after the effective date of the revocation.

2) Failure to pay a fine levied under this chapter within thirty (30) days of the date the fine becomes effective shall result in the suspension of the licensee's license until such fines are paid.

3) During any suspension or revocation of a license under this section, the retailer so suspended may not sell tobacco products and must remove all tobacco products from all retail areas. In addition, any new application for a license while a retailer is suspended under this chapter shall be denied.

(97-16, Added, 08/18/1997)

Section 8.10.090 Selling tobacco without a license penalty.

Violators of section 8.10.020 are subject to a fine of five hundred dollars (\$500.00) for each day a violation occurs.

(97-16, Added, 08/18/1997)

Section 8.10.100 Notice.

1) Unless otherwise provided, prior to the revocation or suspension of a license issued under this chapter, the City Manager shall provide a notice to the holder of said license. The notice shall contain the following information:

- a) The name and title of the person issuing the notice;
- b) The date on which the fine, suspension, or revocation will become effective;
- c) The reason for the fine, revocation, or suspension;
- d) That the licensee may request a hearing regarding the fine, revocation, or suspension;
- e) That the request for a hearing must be made in person or in writing and received by the City Manager within ten (10) days after receipt of the notice;

f) That failure to appear in person or through mail received by the City Manager within ten (10) days after receipt of the notice or by the notice's return by the Postal Service shall act as a waiver of the right to a hearing and the fine, revocation, or suspension will, if applicable, become effective on the date included in the notice.

(97-16, Added, 08/18/1997)

Section 8.10.110 Hearing.

1) Upon request for a hearing as provided in section 8.10.100, a hearing shall be held before a Hearings Officer appointed by the City Manager. The hearing shall be set and conducted within forty-eight (48) hours of receipt of the request, holidays, Saturdays, and Sundays not to be included. The hearing can be set for a later day if the applicant or licensee so requests.

2) At the hearing, the applicant or licensee may contest the denial, fine, revocation, or suspension.

3) If the Hearings Officer finds that the applicant is not eligible for a license, the Hearings Officer shall declare the license application denied. If the Hearings Officer finds that the fine, suspension, or revocation is in accordance with this chapter then that fine, suspension, or revocation shall take effect immediately. The action of the Hearings Officer is final.

4) If the applicant or licensee does not appear at the scheduled hearing, the Hearings Officer shall enter an order supporting the denial, fine, revocation, or suspension of the licensee or applicant.

(97-16, Added, 08/18/1997)