

## Chapter 737 TOBACCO PRODUCT SALES

### 737.04 LICENSE REQUIRED.

- (a) No person shall sell or offer to sell any licensed product without first having obtained a license to do so from the Department.
- (b) An application for a license must be made on a form provided by the Department. The application must contain the full name of the applicant, the applicant's residential and business addresses and telephone numbers, the name of the business for which the license is sought, and any additional information the city or Department deems necessary. If the Department determines that an application is incomplete, it will be returned to the applicant with notice of the information necessary to make the application complete.
- (c) The fee for a license shall be initially set, and subsequently reviewed and adjusted annually, by the City/~~Department~~; however, the fee for a license shall not be less than \$500.00.
  - (1) Licensing fees are due at the time of application and are not refundable.
  - (2) A license cannot be renewed if the Tobacco Retailer has outstanding fines pursuant to this Chapter.
- (d) The license term is one calendar year, beginning on ~~March~~January 1. For initial applications submitted by September 1, 2024, the Department may issue a license for the remainder of the standard term period and may extend until December 31<sup>st</sup>, 2025. In cases of applications for a new license submitted after ~~March~~January 1 of a given year and more than 60 days before the following ~~March~~January 1, the Department may issue a license for the remainder of the standard term period, but such license term will only extend to the following ~~last day of February~~December 31<sup>st</sup>.
- (e) Any license issued may be suspended or revoked following the procedures set forth in this chapter.
- (f) All licenses issued are valid only on the premises for which the license was issued and only for the person to whom the license was issued.
- (g) All licenses must be posted and displayed in a conspicuous location at all times in plain view of the general public in the tobacco retail establishment.
- (h) A renewal application will be mailed to the establishment 30—60 days prior to ~~March~~December 1 of the calendar year. The renewal application, along with any fees, must be received or postmarked by the ~~Department/City of Gahanna, along with any fees,~~ by ~~March~~December 1 of the calendar year and may face fines if any or all of the renewal application is received after ~~March~~December 1.
- (i) Issuance is a privilege and not a right. The issuance of a license is a privilege and does not entitle the license holder to an automatic renewal of the license.
- (j) No person shall distribute samples of any tobacco products free of charge or at a nominal cost. The distribution of tobacco products as a free donation is prohibited.

(Ord. No. ORD-0071-2023, § 1(Exh. A), 12-18-23)

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### **737.14 OTHER LAWS.**

This Chapter ~~does not intend and shall not be interpreted to regulate any conduct where the regulation of such conduct has been preempted by the United States or the State of Ohio, nor shall not in~~ limit in any way the City of Gahanna Division of Police or Code Enforcement from conducting their statutory and permissible duties.

(Ord. No. ORD-0071-2023, § 1(Exh. A), 12-18-23)