



COMMUNITY DEVELOPMENT,
LICENSING
14600 MINNETONKA BLVD
MINNETONKA, MN 55345

Phone: 952/939-8274
Fax: 952/939-8244
Email: vnorthway@eminnetonka.com

TO: APPLICANT FOR TOBACCO SALES

FROM: VALERIE NORTHWAY, LICENSING COORDINATOR

Attached are the license application forms for "Tobacco Sales" and a copy of Minnetonka City Code §625 regarding this type of business.

The application forms and other items you need to provide are the following:

1. [Minnetonka Application Form](#)
2. [Minnesota Business Tax Identification form](#)
3. [Minnesota Workers' Compensation Insurance form](#)
4. License fee – follow this link to the [License Fee Schedule](#) for the current year – look under Tobacco-Retail Sales. Make checks payable to "City of Minnetonka".

Complete the forms (#1-3). Mail the completed forms together with the fee (#4) to the address shown above.

The application will be processed within seven days. The signed/approved license will be mailed to you, at the address you have delegated on the application form.

The licensing year is January 1 through December 31 and the licensing fee may not be pro-rated. An annual renewal notice will be sent approximately 30 days prior to the expiration date (to the address you designate on the application.) However, if the renewal forms do not reach you, it is your responsibility to contact the city to renew your license every year by December 31.

You are to keep and read the following attached documents – do not return these forms to the city:

1. The memo to: Holders of Tobacco Licenses, and also an "employee form" that you may use at your business.
2. Minnetonka Code of Ordinances; Section 625. Tobacco Sales

If you have any questions or need my assistance, please call or contact me (see top of page).



Application For Tobacco Sales License

COMMUNITY DEVELOPMENT-LIC
14600 MINNETONKA BLVD.
MINNETONKA, MN 55345
(952) 939-8274
Fax (952) 939-8244

INSTRUCTIONS: The information you provide is critical; an incomplete application or any incorrect information is a violation of the City Ordinance and can result in denial of licensing and/or prosecution.

1. You must fill it in every line (even if your response is Not Applicable = " N/A"). Please print.
2. Be sure three telephone numbers are entered – one in each division below.
3. Signature must be that of an owner/officer.

ESTABLISHMENT INFORMATION:

Name: _____ Manager or agent of owner: _____
 Address: _____ () _____
 City, State, Zip: _____
 Establishment telephone #: () _____
 This property is leased from: _____
 Their phone number is: () _____

LICENSEE INFORMATION (this must be a corporation, partnership, or individual who owns):

Name: _____ Owner Telephone number: _____
 Officer: _____ () _____
 Address: _____

BILLING INFORMATION – send all notices, renewals, & licenses to the following:

Name: _____ Licensing agent telephone number: _____
 Attn: _____ () _____
 Address: _____

TYPE OF TOBACCO PRODUCTS OFFERED: _____

FEE (from the [License Fee Schedule](#))

-- make check payable to the City of Minnetonka.

\$ _____

I, THE UNDERSIGNED, AGREE TO COMPLY WITH ALL REQUIREMENTS OF THE CITY CODE OF THE CITY OF MINNETONKA NECESSARY FOR OBTAINING THIS LICENSE. NOW, THEREFORE, I HEREBY MAKE APPLICATION TO OPERATE THE ABOVE NAMED ESTABLISHMENT SUBJECT TO ALL CONDITIONS AND PROVISIONS OF THESE ORDINANCES.

Authorized Signature _____

Print name: _____

Date _____

Print title: _____

MINNESOTA BUSINESS TAX IDENTIFICATION LAW

Pursuant to Minnesota Statute 270C.72 (Tax Clearance; Issuance of Licenses), Subd.4, the licensing authority is required to provide, upon request of the Minnesota Commissioner of Revenue, either the applicant's Minnesota business tax identification number with the business name and address – or the social security number of the primary officer, along with their complete name, home address, and home phone number.

Under the Minnesota Government Data Practices Act and the Federal Privacy Act of 1974, we are required to advise you of the following regarding the use of this information:

1. This information may be used to deny the issuance or renewal of your license in the event you owe Minnesota sales, employer's withholding, or motor vehicle excise taxes.
2. Upon receiving this information, the licensing authority will supply it only to the Minnesota Department of Revenue. However, under the Federal Exchange of Information Agreement, the Department of Revenue may supply this information to the Internal Revenue Service.
3. Failure to supply this information may jeopardize or delay the processing of your license issuance or renewal application.

NAME UNDER WHICH THE MN TAX ID IS FILED (licensee name)				type of license applying for:	
licensee: Address		City	State	Zip	Phone
Establishment: Name				Minnetonka License Number (completed by Minnetonka)	
Establishment: Address		City	State	Zip	Phone
Minnesota Tax Identification Number			Federal Tax Identification Number		

Be sure to sign and date at bottom of form.

INSTRUCTIONS FOR BOXES BELOW:

1. If all boxes above are completed, including both the Minnesota and Federal Tax numbers, no additional information is required by the MN Department of Revenue below.
2. However, if all boxes above are not completed, Minnesota law requires personal information about the primary owner or primary officer. In this case you must complete all boxes below, including the owner or primary officer's social security number, home address, and home phone. (NOTE: If the business and home address are the same, please check the box indicating this.)

applicant's (person's) name (LAST, first, middle initial)		Social Security Number	
Home address		Home City, State, Zip code	
<input type="checkbox"/> Check if address is for both home & business		Home Phone number	

Signature: _____ Date: _____

Certificate of Compliance

Minnesota Workers' Compensation Law

PRINT IN INK or TYPE.

Minnesota Statutes, Section 176.182 requires every state and local licensing agency to withhold the issuance or renewal of a license or permit to operate a business or engage in any activity in Minnesota until the applicant presents acceptable evidence of compliance with the workers' compensation insurance coverage requirement of Minnesota Statutes, Chapter 176. The required workers' compensation insurance information is the name of the insurance company, the policy number, and the dates of coverage, or the permit to self-insure. If the required information is not provided or is falsely stated, it shall result in a \$2,000 penalty assessed against the applicant by the commissioner of the Department of Labor and Industry.

A valid workers' compensation policy must be kept in effect at all times by employers as required by law.

BUSINESS NAME (Individual name only if no company name used)	LICENSE OR PERMIT NO (if applicable)
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DBA (doing business as name – local establishment name – only if different than above)

DBA/LOCAL BUSINESS ADDRESS (PO Box must include street address)	CITY	STATE	ZIP CODE
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YOUR LICENSE OR CERTIFICATE WILL NOT BE ISSUED WITHOUT THE FOLLOWING INFORMATION.
You must complete number 1, 2 or 3 below.

NUMBER 1 COMPLETE THIS PORTION IF YOU ARE INSURED:

INSURANCE COMPANY NAME (not the insurance agent)

WORKERS' COMPENSATION INSURANCE POLICY NO.	EFFECTIVE DATE	EXPIRATION DATE
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NUMBER 2 COMPLETE THIS PORTION IF YOU ARE SELF-INSURED:

I have attached a copy of the permit to self-insure.

NUMBER 3 COMPLETE THIS PORTION IF YOU ARE EXEMPT:

I am not required to have workers' compensation insurance coverage because:

- I have no employees.
- I have employees but they are not covered by the workers' compensation law. (See Minn. Stat. § 176.041 for a list of excluded employees.) Explain why your employees are not covered: _____.
- Other: _____

ALL APPLICANTS COMPLETE THIS PORTION:

I certify that the information provided on this form is accurate and complete. If I am signing on behalf of a business, I certify that I am authorized to sign on behalf of the business.

APPLICANT SIGNATURE (mandatory)	TITLE	DATE
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NOTE: If your Workers' Compensation policy is cancelled within the license or permit period, you must notify the agency who issued the license or permit by resubmitting this form.

This material can be made available in different forms, such as large print, Braille or on a tape. To request, call 1-800-342-5354 (DIAL-DLI) Voice or TDD (651) 297-4198.



Community Development
14600 Minnetonka Boulevard
Minnetonka, MN 55345
Telephone: (952) 939-8274
Fax: (952) 939-8244

TO: Holders of Tobacco Licenses
FROM: Julie Wischnack, Community Development Director
SUBJECT: Possession of Tobacco by People Under 18

As you are aware, the Minnetonka City Code **prohibits anyone one under the age of 18 from having a tobacco product in his/her possession.** As a result, a person under the age of 18 who is employed by a seller of tobacco products must not have those products in his/her possession at any time, **whether it is for the purpose of storage, stocking, or sale.** If a customer wishes to purchase a tobacco product, an employee under the age of 18 must request help from another employee who is over 18.

We have prepared the attached form, which we are recommending that you use with your employees **and retain for your records.** If there is a violation of the ordinance and the employer can show that the employee had been provided this notice or one that is substantially similar to it, the consequences to the employer may be reduced. Accordingly, using this form may be to your benefit.

If you have question about this law, please call Val Northway at 952/939-8274 or myself at 952/939-8282.

NOTE:

THIS PAGE AND THE NEXT PAGE ARE BEING SENT TO YOU FOR YOUR BUSINESS USE -- DO NOT RETURN THEM TO US.

WE SUGGEST YOU MAKE COPIES OF THE ATTACHED "EMPLOYEE" FORM AND, ONCE FILLED IN, RETAIN THEM IN YOUR RECORDS/FILE.



Notice Regarding Possession of Tobacco Products

Under the City of Minnetonka

ordinances, no one under the age of 18 may have any tobacco product in his/her possession. As a result, a person under the age of 18 who is employed by a seller of tobacco products must not have those products in his/her possession at any time, whether it is for the purpose of storage, stocking, or sale. If a customer wishes to purchase a tobacco product, an employee under the age of 18 must request help from another employee who is over 18.

To be completed by employee:

I acknowledge reading and receiving a copy of this notice.

Date: _____

Signature

Print name

SECTION 625. TOBACCO SALES.

625.005. Definitions.

The following words and terms when used in this section have the following meanings unless the context clearly indicates otherwise.

1. "Movable place of business" means a business whose physical location is not permanent or is capable of being moved or changed.
2. "Person" includes natural persons, partnerships, firms, corporations and associations.
3. "Self-service merchandising" means a method of displaying tobacco-related products so that they are accessible to the public without the intervention of an employee of the license.
4. "Tobacco-related products" means cigarette papers or pipes for smoking and any substance or item containing tobacco leaf, including but not limited to, cigarettes; cigars; pipe tobacco; snuff; fine cut or other chewing tobacco; cheroots; stogies; perique; granulated, plug cut, crimp cut, ready-rubbed, and other smoking tobacco; snuff flowers; cavendish; shorts; plug and twist tobaccos; dipping tobaccos; refuse scraps, clippings, cuttings, and sweepings of tobacco; and other kinds and forms of tobacco leaf prepared in such manner as to be suitable for chewing, sniffing, or smoking.

625.010. License Required.

A person must not directly or indirectly keep for retail sale, sell at retail, dispense, or give away in a retail setting any tobacco related product at any place in the city, without first obtaining a license from the city.

625.015. Application and Issuance.

Application for a license must be made to the community development director on a form supplied by the city. The application must state the full name of the applicant, the location of the building and the part intended to be used by the applicant under the license, the kind of business conducted at the location, and the other information as required by the application form. The community development director has the authority to determine whether or not a license will be issued. An applicant may appeal the director's decision to the city council by submitting a written request to the city clerk within 10 days after the decision. A license may be denied for the following reasons:

1. the applicant is under the ages of 18 years;
2. the applicant has been convicted within the past five years of any violation of a federal, state, or local law, ordinance provision, or other regulation relating to tobacco-related products;
3. the applicant has had a license to sell tobacco-related products revoked within the preceding twelve months of the date of application;
4. the applicant fails to provide any information required on the application, or provides false or misleading information; or
5. The applicant is prohibited by federal, state, or other local law, ordinance, or other regulation, from holding such a license.

625.020. Fees, Duration.

The application must be accompanied by the required license fee specified in section 710. Licenses are valid for a one year period or part thereof and expire on December 31.

625.025. License Display.

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

625.030. Restrictions.

No license may be issued to a person not of good moral character. No license may be issued for the sale of tobacco-related products at a movable place of business. A separate license is required for the sale of tobacco-related products at each place of business. A license is not transferable from one person to another.

625.035. Mandatory Education.

Each licensee must have at least one representative attend all mandatory tobacco license training seminars conducted by the city. The representative need not be the same person each time but must hold a position of responsibility in either the ownership or management of the licensee.

625.040. Prohibited Sales.

A person must not sell or give away any tobacco-related product to any person below the age of 18 years. A person must not sell, dispense, or give away any tobacco related product through the use of a vending machine or similar automated dispensing device. A person must not sell, dispense or give away cigarettes or smokeless tobacco through self-service merchandising, except in facilities where the retailer ensures that no person younger than 18 years of age is present, or permitted to enter, at any time. A person must not sell tobacco-related products outside the location or area covered by a license.

625.045. Other Illegal Acts.

Unless otherwise provided, the following acts are a violation of this section.

1. **Illegal Possession.** A person under 18 years of age must not have in his or her possession, or use any tobacco-related product. This subdivision does not apply to minor lawfully involved in a compliance check.
2. **Illegal Procurement.** A person under 18 years of age must not purchase or attempt to purchase or otherwise obtain any tobacco related product, and a person must not purchase or otherwise obtain such items on behalf of a minor. A person must not coerce or attempt to coerce a minor to illegally purchase or otherwise obtain or use any tobacco related product. This subdivision does not apply to minors lawfully involved in a compliance check.
3. **False Identification.** A person under 18 years of age must not attempt to disguise his or her true age by the use of a false form of identification, nor possess a false form of identification, whether the identification is that of another person or one on which the age of the person has been modified or tampered with to represent an age older than the actual age of the person.

625.050. Exceptions and Defenses.

Nothing in this section prevents the providing of tobacco- related products to a minor as part of a lawfully recognized religious, spiritual, or cultural ceremony. It is an affirmative defense to a violation of this section for a person to have reasonably relied on proof of age as described by state law.

625.055. Violations: Administrative Penalties.

Any person violating a provision of this section may be subject to the administrative enforcement program contained in section 1310.015 through 1310.050 of this code. In addition, upon finding that a licensee of any license granted pursuant to this section has failed to comply with any applicable statute, regulation or ordinance relating to the sale or use of tobacco-related products, the council may either revoke the license or suspend the license.

1. **Licensees.** Any licensee who has violated this section, or whose employee has violated this section, will be charged an administrative fine of at least \$75.00 for a first violation of this section; at least \$200.00 for a second offense at the same licensed premises within a 24-month period; and at least \$250.00 for a third or subsequent offense at the same location within a 24-month period. In addition, after the third offense, the license will be suspended for not less than seven days.
2. **Other Adults.** Other adults who have violated this section will be charged an administrative fine of at least \$50.00.
3. **Minors.** Minors found in unlawful possession of, or who unlawfully purchase or attempt to purchase, tobacco-related products, may be required to participate in a youth diversion, tobacco free education, or other alternative program selected by the chief of police.
4. **Judicial Review.** Any person aggrieved by a decision under paragraphs 1 or 2 above may have the decision reviewed in the district court in the same manner and procedure as provided in Minn. Stat. § 462.361.

625.060. Violations: Criminal Penalties.

Every person who commits or attempts to commit, conspires to commit or aids or abets in the commission of any act constituting a violation of this section, is guilty of a misdemeanor and every person who causes, coerces, permits or directs another to violate any of the provisions of this section is likewise guilty of a misdemeanor. Section 625.055 does not prohibit the city from seeking prosecution as a misdemeanor for any violation of this section.