TOBACCO
LICENSE APPLICATION INSTRUCTIONS

City of Maple Grove•P.O. Box 1180 Maple Grove, MN 55311•763-494-6010

The following forms must be completed by the individual making application for a Tobacco License: *(New or Renewal)*

- ☑ 1. Application form for Tobacco License
- ☑ 2. Background Investigation Consent Release
- ☑ 3. Certificate of Compliance Dept. of Revenue Information
- ☑ 4. Certificate of Compliance Workers' Compensation Law

These forms are to be submitted with the following License Fee:

$200.00

The licensing year is January 1 through December 31
Note: The fee is not pro-rated and is non-refundable.

Return Completed Documents to
City of Maple Grove
Administration Department
P.O. Box 1180
Maple Grove, MN 55311-6180
Contact 763-494-6010

TOBACCO LICENSE APPLICATION

City of Maple Grove•P.O. Box 1180 Maple Grove, MN 55311•763-494-6010

Part I: Business Information	
Legal Corporate Name of Business	Business Telephone Number
DBA *(doing business as name if applicable)*	**License Coordinator Email Address - *contact person for receipt of renewal and licensing information.***
Address	
City/State/Zip	
Type of Ownership: ☐ Sole Proprietor ☐ Corporation ☐ Partnership ☐LLC	Date & State of Incorporation:
Minnesota Tax ID Number	

Part II: Business Information for: Corporation, Partnership or LLC list all partners, officers or directors with complete mailing addresses and date of birth.

First and Last Name	Mailing Address City/State/Zip	Date of Birth

Part III: Applicant Information

Applicant Name _____

The applicant will be the person responsible for receiving notices, administrative or criminal, sent by the City to the licensee.

Address
City/State/Zip
Phone Number

During the last five years, has the Applicant been convicted of any violation of a Federal, State, or Local Law or Ordinance related to tobacco, tobacco products, or tobacco-related devices? ___yes ____no If yes, explain:

Part IV: If the Applicant has been doing business at its present location for **less than ten (10) years,** list three (3) business references, giving names, addresses, and contact numbers:

First and Last Name	Address	City/State/Zip	Contact Number

The undersigned acknowledges that he/she has read and is familiar with the ordinances of the City of Maple Grove and the statutes of the State of Minnesota governing the possession and the sale of tobacco.

_____

Signature of Applicant

I declare under penalty of perjury that the above information is true and correct to the best of my knowledge.

Signature of Applicant

Date

STATE OF _____

COUNTY OF _____

Subscribed and sworn to before me this _____ day of _____, _____.

_____ *Seal*

Notary Public

BACKGROUND INVESTIGATION CONSENT RELEASE

City of Maple Grove•P.O. Box 1180 Maple Grove, MN 55311•763-494-6010

As a license applicant, I hereby give my consent for a personal background investigation, to include a criminal history check, to be used in the determination of whether my application is to be approved. The results of such investigation shall be made public pursuant to appropriate City Council approval or denial of the license application. I understand that I am under no legal obligation to consent to such investigation, but that if I refuse to so consent, my application cannot be processed.

I release the City of Maple Grove and the Maple Grove Police Department, and any of its agents or employees, from any and all liability for its receipt and use of information and records received pursuant to this consent. I further acknowledge that I have carefully read this release, fully understand its terms and legal significance, and execute it voluntarily.

Business Name

Applicant Information:

First Name	Middle Name	Last Name

Home Address	City/State/Zip
Home Telephone	Business Telephone
Date of Birth	City and State of Birth
Driver's License Number	State

Physical Information:

Sex	Race	Height	Weight	Eye Color	Hair Color

Other Known Names:

Have you ever been convicted of a felony, gross misdemeanor, or misdemeanor? ☐Yes ☐No

If yes, state jurisdiction, type of violation and disposition

TENNESSEN WARNING: In connection with your request for a license, the City has asked that you provide information about yourself which may be classified as private, confidential, nonpublic, or protected nonpublic under the Minnesota Government Data Practices Act. This means that this data is not ordinarily available to the general public. Accordingly, the City is required to inform you of the following:

1. The purpose and intended use of the information requested is to determine if you are eligible for a license from the City of Maple Grove.
2. The known consequences of supplying the requested information is that the information or further investigation could disclose information which could cause your application to be denied.
3. You are not legally obligated to supply the requested information. The known consequences of refusing to supply the requested information is that your request for a license cannot be processed.
4. A criminal charge, arrest, or conviction will not necessarily bar you from obtaining a license with the City, unless the conviction is related to the matter for which the license is sought, according to Minn Stat. 364.03. However, failure to reveal the requested criminal information will be considered falsification of the application and may be used as grounds for the denial of the application.
5. Other governmental agencies necessary to process your application are authorized by law to receive the information provided.
6. The City is required by law to furnish some of this information to the Department of Labor and Industry and the Minnesota Commissioner of Revenue.

The undersigned, by signing this notice, acknowledges that he/she has read and understood the contents of this notice and has received a copy of this notice.

Signature	Date

These statements are true, correct and are made with the knowledge that this information may be made public. False disclosures are subject to perjury proceedings and forfeiture of the license application.

CERTIFICATE OF COMPLIANCE
DEPARTMENT OF REVENUE INFORMATION

City of Maple Grove•P.O. Box 1180 Maple Grove, MN 55311•763-494-6010

Pursuant to Minnesota Statute 270C.72 Tax Clearance; Issuance of Licenses, the licensing authority is required to provide to the Minnesota Commissioner of Revenue your Minnesota business tax identification number and the social security number of each license applicant (person signing the application).

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, renewal, or transfer of your license in the event you owe the Minnesota Department of Revenue delinquent taxes, penalties, or interest;
2. Upon receiving this information, the license 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.

Please supply the following information and return along with your application:

Personal Information:

Applicant Name	
Applicant Address	City/State/Zip
Social Security Number	Phone Number

Business Information:

Business Name	
Business Address	City/State/Zip
Minnesota Tax ID #	**Federal Tax ID #**

If a Minnesota Tax ID number is not required, please attach explanation.

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1. The purpose and intended use of the information requested is to determine if you are eligible for a license from the City of Maple Grove.
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3. You are not legally obligated to supply the requested information. The known consequences of refusing to supply the requested information is that your request for a license cannot be processed.
4. A criminal charge, arrest, or conviction will not necessarily bar you from obtaining a license with the City, unless the conviction is related to the matter for which the license is sought, according to Minn Stat. 364.03. However, failure to reveal the requested criminal information will be considered falsification of the application and may be used as grounds for the denial of the application.
5. Other governmental agencies necessary to process your application are authorized by law to receive the information provided.
6. The City is required by law to furnish some of this information to the Department of Labor and Industry and the Minnesota Commissioner of Revenue.

The undersigned, by signing this notice, acknowledges that he/she has read and understood the contents of this notice and has received a copy of this notice.

Signature	
Position	Date

CERTIFICATE OF COMPLIANCE
MINNESOTA WORKERS' COMPENSATION LAW

City of Maple Grove•P.O. Box 1180 Maple Grove, MN 55311•763-494-6010

Minnesota Statute, 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 an activity in Minnesota until the applicant presents acceptable evidence of compliance with the workers' compensation insurance coverage requirements of Minnesota Statute 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.

This information is required by law, and licenses and permits to operate a business may not be issued or renewed if it is not provided and/or is falsely reported. Furthermore, if the required information is not provided or is falsely stated, it shall result in a $2000 penalty assessed against the applicant by the commissioner of the Department of Labor and Industry. This information will be collected by the City and retained in the files.

A valid workers' compensation policy must be kept in effect at all times by employers as required by law.
Please supply the following information and return along with your application:

Business Name *(Individual name only if no company name used)*
DBA *(doing business as name, if applicable)*
Business Address/City/State/Zip

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 Agency or Agent)*		
Workers' Compensation Insurance Policy No.	Effective Date	Expiration Date

NUMBER 2 – Complete this portion if self-insured:

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

NUMBER 3 – Complete this portion if exempt:

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

☐ I have no employees

☐ I have employees but they are not covered by the workers' compensation law. (See MN Stat. 176.041 for a list of excluded employees.) Explain why your employees are not covered: _____

_____

☐ Other: _____

_____

ALL APPLICANTS COMPLETE THE FOLLOWING SECTION:

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	Title	Date

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.

Article XVI. Tobacco

Sec. 10-571. Purpose.
Sec. 10-572. Definitions.
Sec. 10-573. Penalties.
Sec. 10-574. License required.
Sec. 10-575. Ineligibility for license.
Sec. 10-576. License conditions.
Sec. 10-577. Prohibited sales.
Sec. 10-578. Vending machines.
Sec. 10-579. Responsibility of licensee for acts of employees.
Sec. 10-580. Compliance checks and inspections.
Sec. 10-581. Purchase, possession or use of tobacco products by minors.

Sec. 10-571. Purpose.

Because the city recognizes that many persons under the age of 18 purchase or otherwise obtain, possess, and use tobacco, tobacco products, and tobacco-related devices in violation of state law, and because smoking has been shown to be the cause of several serious health problems which subsequently place a financial burden on all levels of government, this article is intended to regulate the sale, possession, and use of tobacco, tobacco products, and tobacco-related devices for the purpose of enforcing and furthering existing laws, to protect minors against the serious effects associated with the illegal use of tobacco, tobacco products, and tobacco-related devices, and to further the public policy of the state in regard to preventing young people from starting to smoke as stated in Minn. Stats. § 144.391.

(Code 1984, § 421.00)

Sec. 10-572. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Compliance check means the system used by the city to investigate and ensure that those authorized to sell tobacco, tobacco products, and tobacco-related devices are following and complying with the requirements of this article and state statutes. Compliance checks may involve the use of minors as authorized pursuant to this article.

Individually packaged means the practice of selling any tobacco or tobacco product wrapped individually for sale. Individually wrapped tobacco and tobacco products shall include, but not be limited to, single cigarette packs, single bags or cans of loose tobacco in any form, and single cans or other packaging of snuff or chewing tobacco. Cartons or other packaging containing more than a single pack or other container as described in this definition shall not be considered individually packaged.

Loosies is the plural form of any single or individually packaged cigarette.

Minor means any natural person who has not yet reached the age of 18 years.

Movable place of business means any form of business which does not operate from a lawfully constructed building with a permanent address, including, but not limited to, a truck, van, automobile, or other type of vehicle or transportable shelter without a fixed address.

Retail establishment means any licensed place of business where any tobacco, tobacco product, or tobacco-related device is available for sale to the general public. Retail establishments include, but are not limited to, grocery stores, convenience stores, and restaurants.

Sale means any transfer of any tobacco, tobacco product, or tobacco-related device as a free sample, or for money, trade, barter, or other consideration.

Self-service merchandising means any open display of any tobacco, tobacco product, or tobacco-related device in any way where any person has access to the product or tobacco-related device without the assistance or intervention of a licensee or an employee of the premises maintaining the display. The term does not include vending machines as allowed in this article.

Tobacco and *tobacco product* mean any substance or item containing tobacco leaf, including, but not limited to, any cigarette; cigar; pipe tobacco; snuff; fine-cut or other chewing tobacco; cheroots; stogies; perique; granulated, plug-cut, ready rubbed and other smoking tobacco; snuff flowers; cavendish; shorts; plug and twist tobacco; dipping tobacco; refuse scraps, clippings, cuttings, and sweepings of tobacco; and other kinds and forms of tobacco leaf prepared in such a manner as to be suitable for chewing, sniffing, or smoking. Substances or items, including without limitation juices or oils, used with or intended for use with e-cigarettes, regardless whether they contain tobacco leaf, are included within this definition for purposes of this chapter.

Tobacco-related device means any tobacco product as well as a pipe, rolling paper, or other device, including without limitation e-cigarettes or similar devices, which is used, or can be used, for the chewing, sniffing, smoking or vaping of any tobacco or tobacco product.

Vending machine means any mechanical, electric, or electronic or other type of device which dispenses any tobacco, tobacco product, or tobacco-related device upon the insertion of money, tokens, or other form of payment directly into the machine.

(Code 1984, § 421.05; Ord. No. 13-21, § 1, 10-7-2013)

Cross reference— Definitions generally, § 1-2.

Sec. 10-573. Penalties.

A violation of this article shall be punishable as a misdemeanor. In addition to any fine or other penalty, whether administrative, civil, or criminal, a violation of this article shall be grounds for the suspension or revocation of any license issued under this article. The penalties set forth in Minn. Stats. § 461.12 shall be deemed the minimum administrative penalties to be imposed for violation of this article. No suspension, revocation or other penalty may take effect until the licensee has received notice, served personally or by mail, of the alleged violation and an opportunity for a hearing pursuant to the provisions of section 1-14. However, section 1-14 may be altered to the extent that the council may, in its discretion, designate an independent hearing officer to issue notice of hearing, request the attendance and testimony of

witnesses and production of evidence relevant to the matter; take evidence; and transmit findings and a report of the evidence and hearing, together with recommendations, to the city council for action thereon.

(Code 1984, § 421.50)

Sec. 10-574. License required.

(a) No person shall directly or indirectly keep for retail sale, sell at retail, or offer to sell or give away as free samples any tobacco, tobacco product, or tobacco-related device without first having obtained a license to do so from the city.

(b) An application for a license shall be made to the city clerk on a form provided by the city and shall be accompanied by the annual license fee as set forth in section 16-81. The fee is not returnable and shall not be prorated except as may otherwise be provided in this article.

(c) The application shall contain the full name of the applicant, the applicant's residential and business addresses and telephone numbers, the name and address of the business for which the license is sought, and any additional information the city deems necessary. If the city clerk shall determine that an application is incomplete, he shall return the application to the applicant with notice of the information necessary to make the application complete.

(d) The completed application shall be delivered to the police department for investigation in accordance with section 2-1 and report the results of its investigation to the city clerk within 15 business days of receipt of the application.

(e) Upon receipt of the results of the police department's investigation, the city clerk shall forward the application to the city council for action at its next regularly scheduled meeting. If the council shall approve the license, the clerk shall issue the license to the applicant, which shall be only for the location on the application. If the council denies the license, written notice of the denial shall be given to the applicant.

(Code 1984, § 421.10; Ord. No. 12-03, § 5, 3-5-12)

Sec. 10-575. Ineligibility for license.

The following shall be grounds for denying the issuance or renewal of a license under this article, and such a license shall be immediately and automatically revoked upon the discovery that the person to whom the license was issued was ineligible for the license for one of the following reasons:

(1) The applicant is under the age 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, or other regulation relating to tobacco, tobacco products, or tobacco-related devices.

(3) The applicant has had a license to sell tobacco, tobacco products, or tobacco-related devices revoked within the preceding 12 months of the date of the application.

(4) The applicant fails to provide any information required on the application or provides false or misleading information.

(5) The applicant is prohibited by federal, state, or local law, ordinance, or other regulation from holding such a license.

(6) Any other cause which the council in its judgment finds should disqualify the applicant from receiving a license, including, but not limited to, violations of any law regarding liquor sales.

(Code 1984, § 421.15)

Sec. 10-576. License conditions.

(a) *Term.* All licenses issued under this article shall expire December 31.

(b) *Suspension or revocation.* Any licenses issued under this article may be revoked or suspended as provided in section 10-573

(c) *Transfer.* All licenses issued under this article shall be valid only on the premises for which the license was issued and only for the person to whom the license was issued. No transfer of any license to another location or person shall be valid without the prior approval of the city council.

(d) *Movable places of business.* No license shall be issued for a movable place of business. Only fixed location businesses shall be eligible to be licensed under this article.

(e) *Posting.* All licenses shall be posted and displayed in plain view of the general public on the licensed premises and shall be exhibited to any person upon request.

(f) *Renewal.* The renewal of a license issued under this article shall be treated in the same manner as the original application for the license. An application for renewal, accompanied by a license fee required pursuant to section 16-81, shall be filed with the city clerk during the month of November. A license issued pursuant to this article shall be considered a privilege, and not a right, and shall not entitle the holder to an automatic renewal of the license.

(Code 1984, § 421.20)

Sec. 10-577. Prohibited sales.

It shall be a violation of this article for any person to sell or offer to sell, with or without a license required by this article, directly or indirectly, any tobacco, tobacco product, or tobacco-related device as follows:

(1) It shall be unlawful to sell or offer to sell such items to any person under the age of 18 years.

(2) It shall be unlawful to sell or offer to sell such items by means of any type of vending machine, except as allowed in section 10-578

(3) Except for tobacco shops, all tobacco, tobacco products, and tobacco-related devices shall be stored behind the counter or in some other area not freely accessible to customers, and no sales shall be made by means of self-service merchandising. For the purpose of this section, the term "tobacco shop" shall mean a retail establishment devoted exclusively to the sale of tobacco, tobacco products and tobacco-related devices. No person under the age of 18 shall be permitted in a tobacco shop unless accompanied by a parent or guardian.

(4) It shall be unlawful to sell or offer to sell such items by means of loosies.

(5) It shall be unlawful to sell or offer to sell items containing opium, morphine, jimsonweed, belladonna, strychnia, cocaine, marijuana, or other type of deleterious, hallucinogenic, or toxic or controlled substance, except nicotine, and not naturally found in tobacco or tobacco products.

(6) It shall be unlawful to sell or offer to sell such items by any other means, or to any other person, prohibited by federal, state, or other local law, ordinance provision, or other regulation. If there is a conflict between regulations, the more restrictive shall apply.

(Code 1984, § 421.25)

Sec. 10-578. Vending machines.

No person shall sell tobacco products from vending machines. This section does not apply to vending machines in facilities that cannot be entered at any time by persons younger than 18 years of age.

(Code 1984, § 421.30)

Sec. 10-579. Responsibility of licensee for acts of employees.

All licensees under this article shall be responsible for the actions of their employees with regard to the sale of tobacco, tobacco products, or tobacco-related devices on the licensed premises, and the sale of such an item by an employee shall be considered a sale by the license holder for the purposes of license revocation or non-issuance.

(Code 1984, § 421 35)

Sec. 10-580. Compliance checks and inspections.

(a) All premises licensed under this article shall be open to inspection by the city and its police department during regular business hours. From time to time the city shall conduct compliance checks by engaging minors, between 15 and 18 years of age, to enter the licensed premises to attempt to purchase tobacco, tobacco products, or tobacco-related devices.

(b) Minors used for the purposes of compliance checks shall not be guilty of unlawful possession of tobacco, tobacco products, or tobacco-related devices when such items are obtained as a part of the compliance check.

(c) No minor used in compliance checks shall attempt to use a false identification misrepresenting the minor's age, and all minors lawfully engaged in a compliance check shall answer all questions about the minor's age asked by the licensee or his employee and shall produce any identification for which the minor is asked.

(Code 1984, § 421:40)

Sec. 10-581. Purchase, possession or use of tobacco products by minors.

(a) No person under the age of 18 years shall possess any tobacco, tobacco product, or tobacco-related device, or enter the premises of a tobacco shop unless accompanied by his parent or guardian. This subsection shall not apply when the person is in the household of his guardian, and shall not apply to minors lawfully involved in a compliance check on behalf of the city.

(b) It shall be a violation of this article for any minor to smoke, chew, sniff, or otherwise use any tobacco, tobacco product, or tobacco-related device.

(c) It shall be a violation of this article for any minor to purchase or attempt to purchase, or otherwise obtain, any tobacco, tobacco product, or tobacco-related device. It shall also be a violation of this article for any person to purchase or otherwise obtain such items on behalf of a minor, or for any person to coerce or attempt to coerce a minor to illegally purchase or otherwise obtain or use any tobacco, tobacco product, or tobacco-related device. This subsection shall not apply to minors lawfully involved in a compliance check on behalf of the city.

(d) No minor shall attempt to disguise his true age by use of 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.

(Code 1984, § 421:45)