



TOBACCO LICENSE APPLICATION CHECKLIST AND INSTRUCTIONS

City of Maple Grove

**The following forms must be completed by the individual making application
for a Tobacco License (new or renewal)**

- 1. Tobacco License Application

- 2. Background Investigation Consent Release
completed by the person signing the application

- 3. License Payment of \$200.00
the fee is not pro-rated and is non-refundable

Licensing period is January 1 through December 31 of each year

Upon City Council approval,
a license will be prepared and mailed
to the Maple Grove establishment

Return Completed Documents to

City of Maple Grove

Attn: Administration-Kim

12800 Arbor Lakes Parkway

Maple Grove, MN 55369

Contact 763-494-6007



TOBACCO LICENSE APPLICATION

City of Maple Grove • 12800 Arbor Lakes Pkwy Maple Grove, MN 55369 • 763-494-6007

Part I: Business Information

Legal Corporate Name	Trade Name (DBA)	Telephone Number	
Address	City	State	Zip code
Mailing Address (if different than above)	City	State	Zip code
MN Tax ID number (state statute 270C.72 subd. 3)		Federal Tax ID number (state statute 270C.72 subd. 3)	

For a Corporation, Partnership or LLC list all partners, officers or directors with complete mailing addresses and date of birth below:

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

Part II: Workers' Compensation Information (Minnesota Statute Section 176.182)

Complete number 1, 2, or 3 below

NUMBER 1 – Complete this portion if you are insured:

Workers' Compensation Insurance Company (not agency or agent)	Policy Number	Coverage Dates
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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:

Part III: Applicant Information - person signing application
Applicant needs to Complete background form included in this packet

Name	Social Security Number (per state statute 270C.72 subd. 3)	E-mail Address
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Home Address	City, State, Zip
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Residential Phone Number	Business Phone Number
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During the last five years, has the applicant been convicted of any violation of a Federal, State, or Local Law, Ordinance, or other regulation relating to tobacco, tobacco products, or tobacco-related devices? ___yes ___no
 If yes, explain: (per City Code 10-575(2))

Has the applicant had a license to sell tobacco, tobacco products, or tobacco-related devices revoked within the preceding 12 months of the date of this application? ___yes ___no If yes, explain: (per City Code 10-575(3))

Is the applicant prohibited by federal, state, or local law, ordinance or other regulation from holding a tobacco license? ___yes ___no If yes, explain: (per City Code 10-575(5))

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

Signature	Date
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Print Name	Title
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**BACKGROUND CONSENT AND RELEASE**

City of Maple Grove • 12800 Arbor Lakes Pkwy Maple Grove, MN 55369 • 763-494-6007

As a license applicant, I hereby give my consent for a personal background investigation, which may 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 according to state law upon 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.

Maple Grove Business Name:

Personal Information:

First Name	Middle Name	Last Name
Home Address		City/State/Zip
Home Telephone		Business Telephone
Date of Birth		City and State of Birth
Drivers License Number		State

Physical Information:

Sex	Race	Height	Weight	Eye Color	Hair Color
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Other Known Names:

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. You are not legally obligated to supply the requested information. The known consequence of supplying the requested information is that the information or further investigation could cause your application to be denied. The known consequences of refusing to supply the requested information is that your request for a license cannot be processed.
3. 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.
4. Other governmental agencies necessary to process your application are authorized by law to receive the information provided.
5. 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
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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.

ARTICLE XVI. – TOBACCO- MAPLE GROVE CITY CODE – SEPT, 2021

Sec. 10-571. - Purpose.

Because the city recognizes that many persons under the age of 21 purchase or otherwise obtain, possess, and use tobacco, tobacco products, tobacco-related devices, electronic delivery devices and nicotine delivery 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, tobacco-related devices, electronic delivery devices and nicotine delivery devices for the purpose of enforcing and furthering existing laws, to protect persons under 21 years of age 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; Ord. No. 20-10, § 1(Exh. A), 12-7-2020)

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:

Child-resistant packaging is defined as set forth in Code of Federal Regulations, title 16, section 1700.15(b)(1) as in effect on January 1, 2015, when tested in accordance with the method described in Code of Federal Regulations, title 16, section 1700.20, as in effect on January 1, 2015.

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 persons under the age of 21 as authorized pursuant to this article.

Electronic delivery device means any device or product containing or delivering nicotine or any other substances, whether natural or synthetic, intended for human consumption through inhalation of aerosol or vapor from the product. Electronic delivery devices include, but is not limited to, devices manufactured, marketed, or sold as electronic cigarettes, electronic cigars, electronic pipe, vape pens, modes, tank systems, or under any other product name or descriptor. Electronic delivery device includes any component part of a product, whether or not marketed or sold separately. Electronic delivery device excludes any product that has been approved or certified by the United States Food and Drug Administration for sale as a tobacco-cessation product, as a tobacco-dependence product, or for other medical purposes, and is marketed and sold for such an approved purpose.

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.

Licensed products, mean, collectively, any tobacco, tobacco-related device, electronic delivery device, or nicotine or lobelia delivery products.

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

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.

Nicotine or lobelia delivery products, mean any product containing or delivering nicotine or lobelia intended for human consumption, or any part of such a product, that is not tobacco or an electronic delivery system as defined in this chapter; except, it does not include any nicotine cessation product that has been authorized by the U.S. Food and Drug Administration to be marketed and for sale as drugs, devices or combination products as defined in the Federal Food, Drug, and Cosmetic Act.

Retail establishment means any licensed place of business where any licensed products are 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 licensed products 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 products means 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 rolling papers, wraps, pipes, or other device intentionally designed or intended to be used with tobacco products. Tobacco-related

device includes components of tobacco-related devices or tobacco products, which may be marketed or sold separately. Tobacco-related device may or may not contain tobacco.

Vending machine means any mechanical, electric, or electronic or other type of device which dispenses any licensed products 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; Ord. No. 15-13, § 7, 9-21-2015; Ord. No. 20-10, § 1(Exh. A), 12-7-2020)

Sec. 10-573. - Penalties.

(a) A violation of this article shall be punishable as a petty misdemeanor for the first violation and any violation within five years of the first violation 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 or individual 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.

(b) It shall be an affirmative defense to a charge of selling tobacco to a person under the age of 21 years in violation of this section that the licensee or individual making the sale relied in good faith upon proof of age as described in Minn. Stats. § 340A.503, subd. 6.

(c) Notwithstanding subsection 10-573(a), persons under the age of 21 who use false identification to purchase or attempt to purchase licensed products may only be subject to non-criminal, non-monetary civil penalties or remedies such as tobacco-related education classes, diversion programs, community services, or another non-monetary, civil penalty that the city determines to be appropriate. The city council will consult with educators, parents, guardians, persons under the age of 21, public health officials, court personnel, and other interested parties to determine an appropriate remedy for persons under the age of 21 in the best interest of the underage person. The remedies for persons under 21 who use a false identification to purchase or attempt to purchase licensed products may be established by ordinance and amended from time to time.

(Code 1984, § 421:50; Ord. No. 20-10, § 1(Exh. A), 12-7-2020)

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 licensed products 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, 3-5-2012; Ord. No. 20-10, § 1(Exh. A), 12-7-2020)

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 21 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 licensed products.

(3) The applicant has had a license to sell licensed products 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; Ord. No. 20-10, § 1(Exh. A), 12-7-2020)

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 acts.

(a) 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 licensed products as follows:

(1) It shall be unlawful to sell or offer to sell such items to any person under the age of 21 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 21 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 any liquid, whether or not such liquid contains nicotine, that is intended for human consumption and use in a tobacco-related device that is not contained in child-resistant packaging.

(6) 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.

(7) 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.

(b) No person within the city shall sell, give, or furnish licensed products to a person under the age of 21 years. It is a violation of this article for any person 21 years of age or older to purchase or otherwise obtain any licensed product on behalf of a person under the age of 21.

(c) No person shall use any form of false identification, whether the identification is that of another person or has been modified or tampered with to represent an age older than the actual age of the person using the identification.

(Code 1984, § 421:25; Ord. No. 15-13, § 8, 9-21-2015; Ord. No. 20-10, § 1(Exh. A), 12-7-2020)

Sec. 10-578. - Vending machines.

No person shall sell licensed 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 21 years of age.

(Code 1984, § 421:30; Ord. No. 20-10, § 1(Exh. A), 12-7-2020)

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 or otherwise furnishing of licensed products on the licensed

premises, and the sale of such an item by an employee shall be considered a sale or furnishing by the license holder for the purposes of license revocation or non-issuance.

(Code 1984, § 421:35; Ord. No. 20-10, § 1(Exh. A), 12-7-2020)

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 individuals over the age of 17, but under the age of 21 to enter the licensed premises to attempt to purchase tobacco, tobacco products, or tobacco-related devices.

(b) Individuals over the age of 17, but under the age of 21 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 individual over the age of 17, but under the age of 21 used in compliance checks shall attempt to use a false identification misrepresenting the individual's age, and all individuals over the age of 17, but under the age of 21 lawfully engaged in a compliance check shall answer all questions about the individual's age asked by the licensee or his employee and shall produce any identification for which the individual is asked.

(Code 1984, § 421:40; Ord. No. 20-10, § 1(Exh. A), 12-7-2020)