



ONLY FULLY COMPLETED APPLICATIONS ARE ACCEPTED. PAYMENT AND ALL REQUIRED DOCUMENTATION IS REQUIRED AT TIME OF APPLICATION SUBMITTAL. LICENSES THAT HAVE LAPSED OVER THIRTY (30) DAYS FROM THEIR EXPIRATION DATE MUST RE-APPLY AS A NEW LICENSE. RENEWAL APPLICATIONS THAT ARE SUBMITTED PAST THEIR DUE DATE OR WHOSE LICENSE HAD EXPIRED OVER THIRTY (30) DAYS WILL BE CHARGED A LATE FEE OF \$25.00 OR 10% OF THE TOTAL LICENSE, WHICHEVER IS GREATER. THE LICENSE HOLDER IS RESPONSIBLE FOR KNOWING THEIR LICENSE EXPIRATION DATE AND RENEWING THEIR LICENSE IN A TIMELY MANNER.

## SALE OF TOBACCO AND TOBACCO RELATED PRODUCTS LICENSE APPLICATION

**SALE OR DISPENSING OF TOBACCO OR TOBACCO RELATED PRODUCTS BY MEANS OF A VENDING MACHING IS PROHIBITTED UNLESS THE VENDING MACHINE IS LOCATED IN AN AREA WHICH DOES NOT PERMIT UNRESTRICTED ACCESS TO THE VENDING MACHINE BY A MINOR OR CAN BE CONTROLLED BY AN ELECTRONIC DEVICE BY AN EMPLOYEE OF THE BUSINESS.**

**SALE OF TOBACCO OR TOBACCO RELATED PRODUCTS FOR THIS LICENSE WILL BE THROUGH A VENDING MACHINE:**     YES             NO

**IF YES, IS THE VENDING MACHINE LOCATED IN AN AREA RESTRICTED FOR ACCESS BY A MINOR OR CAN IT BE CONTROLLED BY AN ELECTRONIC DEVICE BY AN EMPLOYEE OF THE BUSINESS:**     YES             NO

**IF NO, YOU ARE NOT ELIGIBLE FOR A LICENSE FOR THE SALE OF TOBACCO AND TOBACCO RELATED PRODUCTS THROUGH A VENDING MACHINE.**

## CHECKLIST OF REQUIRED DOCUMENTATION:

- \_\_\_ License Application Packet, fully completed.
- \_\_\_ Payment  
New Licenses are \$500.00 (\$30.00 investigation fee, \$530.00 Total annual license fee).
- \_\_\_ Photocopy of Current Minnesota Driver’s License, Minnesota State Issued Identification Card or other Government Issued Identification as evidence that applicant is at least eighteen (18) years of age. (For Each Owner)
- \_\_\_ If space is rented or leased, then copy of rental form or lease agreement.
- \_\_\_ Workers Compensation Form, fully completed (required by State Law). (include copy of insurance)
- \_\_\_ SP:C1 Tax Clearance Form, fully completed (required by State Law).
- \_\_\_ Tennessee Warning Form (for each owner)
- \_\_\_ CT102 Form

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(I) do hereby swear that I have submitted all of the required documentation as listed above and that the answers in this application are true and correct to the best of knowledge. I do authorize the City of Anoka, its agents, and employees, to obtain any necessary information and to conduct an investigation, if necessary, into the truth of the statements set forth in this application and my qualifications for this license. I do understand that providing false information shall be grounds for denial of my license. I fully understand that it is my responsibility to be familiar with the requirements of the City, as are amended from time to time, and of which is detailed in the pertinent section of the Anoka City Code, which was provided to me with my original license application, and of which I may request additional copies of by contacting the office of the City Clerk.

Signature of Individual: \_\_\_\_\_ Date: \_\_\_\_\_

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THIS APPLICATION, FEE AND REQUIRED DOCUMENTATION MUST BE FILED AND A LICENSE OBTAINED BEFORE YOU CAN LEGALLY ENGAGE IN BUSINESS IN THE CITY OF ANOKA, MINNESOTA. APPLICATION FEES ARE REFUNDABLE ONLY IF APPLICATION IS WITHDRAWN PRIOR TO APPROVAL. INCOMPLETE APPLICATIONS ARE NOT ACCEPTED.

## LICENSE APPLICATION

### BUSINESS INFORMATION:

BUSINESS NAME (Individual or Company) \_\_\_\_\_

STREET NUMBER & NAME \_\_\_\_\_ CITY \_\_\_\_\_ STATE \_\_\_\_\_ ZIP \_\_\_\_\_

MAILING ADDRESS (IF DIFFERENT FROM ABOVE) \_\_\_\_\_ CITY \_\_\_\_\_ STATE \_\_\_\_\_ ZIP \_\_\_\_\_

PHONE NUMBER: (\_\_\_\_\_) \_\_\_\_\_ ALTERNATE NUMBER: (\_\_\_\_\_) \_\_\_\_\_

### BUSINESS OWNERSHIP INFORMATION: *(complete this section only if applicable)*

TYPE OF OWNERSHIP:  Individual  Partnership  Limited Liability Corporation (LLC)  Corporation (INC)

LLC OR CORPORATION NAME \_\_\_\_\_

NAME OF OWNERSHIP, PARTNER(S) OR OFFICERS, TITLE, HOME ADDRESS AND PHONE NUMBER  
*(attach additional sheets as necessary)*

I AM THE OWNER OF THE BUSINESS:  Yes  No *(if no you must attach written a statement from the business owner that authorizes you to apply for the business license on behalf of the business owner)*

### PREMISE/PROPERTY INFORMATION: *(complete this section only if applicable)*

The property at which I am requesting a license for, I  Own  Rent  Lease  Other: \_\_\_\_\_

*(If you rent or lease the premises, you must attach a copy of your fully executed rental or lease agreement or a notarized statement from the property owner that you are authorized to operate such business or provide such services on the property)*

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## APPLICANT INFORMATION:

APPLICANT NAME (Full, Middle, Last) \_\_\_\_\_

HOME ADDRESS \_\_\_\_\_

CITY \_\_\_\_\_

STATE \_\_\_\_\_

ZIP \_\_\_\_\_

PHONE NUMBER: (\_\_\_\_\_) \_\_\_\_\_ ALTERNATE NUMBER: (\_\_\_\_\_) \_\_\_\_\_

DRIVER'S LICENSE #: \_\_\_\_\_ EXPIRATION DATE: \_\_\_\_\_ STATE OF ISSUANCE: \_\_\_\_\_

PLEASE ANSWER ALL QUESTIONS TRUTHFULLY AND TO THE BEST OF YOUR KNOWLEDGE.

IF THE APPLICATION IS SUBMITTED ON BEHALF OF A PARTNERSHIP, LLC OR CORPORATION, YOU MUST INCLUDE THE FOLLOWING INFORMATION FOR EACH PARTNER, OFFICER AND DIRECTOR (*attach additional sheets as necessary*)

1. Have you ever been convicted of any misdemeanor or felony violation of local ordinances (with the exception of misdemeanor traffic violations)?  Yes  No

*(if yes, you must provide details of conviction(s); date of offense, date of conviction, location and charge)*

\_\_\_\_\_

2. Have you ever applied for or held a license to conduct a like or similar activity in any other City or State, not including Anoka?  Yes  No

*(if yes, you must provide details; description, date and location)*

\_\_\_\_\_

3. Have you ever been denied a license to conduct a similar or like activity or had such licenses suspended, revoked or canceled in any City/State, including Anoka?  Yes  No

*(if yes, you must provide details; description, date and location)*

\_\_\_\_\_

4. List all names, nicknames and aliases by which you have been known:

\_\_\_\_\_

5. List two (2) of your previous addresses, immediately prior to your present address:

\_\_\_\_\_

\_\_\_\_\_

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# SUPPLEMENTAL DETAILS

**LICENSE TYPE:** **SALE OF TOBACCO AND TOBACCO RELATED PRODUCTS**

**Additional Documentation:** **Applications cannot be accepted without the following:**

- Minnesota Dept of Revenue form CT102

**SUPPLIER INFORMATION:**

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Supplier (Company Name)

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Address	City	State	Zip
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Phone (including Area Code)

YES      NO     I am the owner of the property premises for which this license will be granted.

*If no, you must attach proof of your authorized use or lease with the owner, providing the name, address and phone number of the property owners.*

YES      NO     I am the sole owner of the business for which this license will be granted.

*If jointly owned or partnership, you must provide the following information on any/all joint owners and partners.  
(Use additional sheets as necessary)*

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Joint Owner/Partner (Full First, Middle, Last Name)

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Home Street Address	City/State	Zip
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Home Phone (including area code)	Cell Phone (including area code)
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Date of Birth: \_\_\_\_\_ Drivers License # \_\_\_\_\_  
State of Issuance: \_\_\_\_\_

**PLEASE ANSWER ALL QUESTIONS TRUTHFULLY AND TO THE BEST OF YOUR KNOWLEDGE**

*(attached additional sheets as necessary)*

1. Have you (or company) ever been convicted of violation of local ordinances or applicable zoning regulations? Yes  (provide details on attached paper) No
2. Have you (or company) been convicted within the previous five (5) years of the date of application of sale of tobacco or tobacco related products to minors? Yes  (provide details on attached paper) No
3. Have you ever been denied a license to conduct a like or similar activity or had such license suspended, revoked, or canceled, in any City/State? Yes  (provide details on attached paper) No

**SALE OR DISPENSING OF TOBACCO OR TOBACCO RELATED PRODUCTS BY MEANS OF A VENDING MACHING IS PROHIBITTED UNLESS THE VENDING MACHINE IS LOCATED IN AN AREA WHICH DOES NOT PERMIT UNRESTRICTED ACCESS TO THE VENDING MACHINE BY A MINOR OR CAN BE CONTROLLED BY AN ELECTRONIC DEVICE BY AN EMPLOYEE OF THE BUSINESS.**

**SALE OF TOBACCO OR TOBACCO RELATED PRODUCTS FOR THIS LICENSE WILL BE THROUGH A VENDING MACHINE:  YES  NO**

**IF YES, IS THE VENDING MACHINE LOCATED IN AN AREA RESTRICTED FOR ACCESS BY A MINOR OR CAN IT BE CONTROLLED BY AN ELECTRONIC DEVICE BY AN EMPLOYEE OF THE BUSINESS:  YES  NO**

**IF NO, YOU ARE NOT ELIGIBLE FOR A LICENSE FOR THE SALE OF TOBACCO AND TOBACCO RELATED PRODUCTS THROUGH A VENDING MACHINE.**

**WHAT TYPE OF BUSINESS IS THIS:**

\_\_\_ **License for Tobacco Shop\***

\*Tobacco Shop means a retail establishment that derives more than 50 percent of its gross revenue from the sale of any product, or any component part of a product, whether or not marketed or sold separately, containing or delivering, or designed to deliver, nicotine, lobelia, or any other substance intended for human consumption that can be used by a person to simulate smoking in the delivery of nicotine or any other substance through inhalation of vapor from the product.”)

OR

\_\_\_ **License for Non-Tobacco Shop**



REAL. CLASSIC.

# CERTIFICATE OF COMPLIANCE MINNESOTA WORKER'S COMPENSATION LAW

### PRINT LEGIBLY IN INK OR TYPE

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 any activity in Minnesota until the applicant presents acceptable evidence of compliance with the worker's compensation insurance coverage requirement of Minnesota Statutes, Chapter 176. The required worker's 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.

**ALL APPLICANTS:** 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.

Signature: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_ Date: \_\_\_\_\_

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

- I have no employees
- I have employees but they are not covered by worker's compensation law.  
(see Minnesota Statute 176.041 for a list of excluded employees)

Explain why your employees are not covered: \_\_\_\_\_  
\_\_\_\_\_

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**COMPLETE THIS PORTION ONLY IF YOU ARE INSURED:** *A valid worker's 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 is used): \_\_\_\_\_

DBA (if applicable): \_\_\_\_\_

Address (must include street address): \_\_\_\_\_

Insurance Company Name (not agent): \_\_\_\_\_

Workers Compensation Policy No.: \_\_\_\_\_

Effective Date: \_\_\_\_\_ Expiration Date: \_\_\_\_\_

### IF SELF-INSURED - ATTACH A COPY OF THE PERMIT TO SELF-INSURE

NOTE: If your worker's compensation policy is cancelled within the license period, you must notify the agency who issued the license/permit by resubmitting this form.



**SP:CI TAX CLEARANCE FORM**  
**(This form may contain private data – do not release to public)**

**PRINT LEGIBLY IN INK OR TYPE**

Pursuant to Minnesota Statute, Section 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/or the Social Security Number of each license applicant.

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 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 Services.
3. Failure to supply this information may jeopardize or delay the processing of your license, its' issuance or renewal.

Please supply the information and return this form along with your application to the agency issuing your license. **DO NOT RETURN TO THE DEPARTMENT OF REVENUE.**

Licensing Authority: CITY OF ANOKA, MINNESOTA

Signature: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Date: \_\_\_\_\_

**PERSONAL INFORMATION:** *Complete this section only if you are applying as an individual and/or do not hold a Minnesota Tax Identification # or Federal Tax Identification #.*

Applicant Name: \_\_\_\_\_

Applicant Address: \_\_\_\_\_

Social Security Number: \_\_\_\_\_

**BUSINESS INFORMATION:** *Complete this section only if you are applying as a business.*

Business Name: \_\_\_\_\_

Db: \_\_\_\_\_

Minnesota Tax Identification #: \_\_\_\_\_

Federal Tax Identification #: \_\_\_\_\_

**For businesses: If a Minnesota Tax Identification # is not required, you must submit a written explanation.**



**APPLICATION FOR LICENSE INVOLVING  
PRIVATE OR CONFIDENTIAL INFORMATION  
(Tennessee Warning)**

**THIS FORM MUST BE COMPLETED BY ALL INDIVIDUALS LISTED IN APPLICATION**

In connection with your request for a license/registration the City of Anoka has asked that you provide it with information about yourself which is classified as either *private* or *confidential* by the Minnesota Government Data Practices Act (M.S.A. 13.04). Accordingly, the City is required to inform you of the following:

1. The private or confidential information requested includes, but may not necessarily be limited to, the following: *Your social security number or Minnesota business identification number.*
2. The purpose and intended use of the information requested is: *To comply with Minnesota Statutes, Section 270C.72.*
3. You are required to supply the requested information.
4. The known consequences of supplying the requested information is as follows: *Loss or denial of the requested license if you owe the State of Minnesota delinquent taxes, penalties or interest.*
5. The known consequences of refusing to supply the requested information is: *Your request for a license cannot be processed.*
6. The following persons and entities are authorized by law to receive the information if provided: *State of Minnesota - Department of Revenue and other government agencies as provided by law.*

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

Applicant's Signature: \_\_\_\_\_

Printed Name of Applicant: \_\_\_\_\_

Date: \_\_\_\_\_ DOB: \_\_\_\_\_

**License Application to Make Retail Sales of Cigarette and Other Tobacco Products**

To be completed by applicant when applying for a license with a city or county.

*FOR MUNICIPAL USE ONLY*

<b>Print or Type</b>	Applicant's Minnesota Tax ID Number		The Minnesota Tax ID must be issued in the same legal name of the licensee below.		License Authority	
					License Number	
					Period Covered	
					Date of Issuance	
	Licensee's Legal Name				Federal Employer ID Number (FEIN)	
	Business Trade Name (doing business as)				Daytime Phone	
	Complete Address of Business Location (permit location)		County	Other Phone Number		
	City	State	ZIP Code	Fax Number		
Mailing Address (if different than business address)		City	State	ZIP Code	Email Address	

**Cigarettes/tobacco products will be sold** (a separate license is required for each location or vending machine):

Over Counter       Through Vending Machine       Both

<b>Business Information</b>	<b>Type of legal organization (check one):</b>				
	<input type="checkbox"/> Sole proprietor	<input type="checkbox"/> Minnesota corporation: Enter date of incorporation _____			
	<input type="checkbox"/> Partnership	<input type="checkbox"/> Out-of-state corporation: State of incorporation _____			
	<input type="checkbox"/> Other (describe) _____	Are you registered to do business in Minnesota? <input type="checkbox"/> Yes <input type="checkbox"/> No			
<b>Corporate officers or partners (attach a list if necessary)</b>					
Name		Title			
Address		City	State	ZIP Code	
Name		Title			
Address		City	State	ZIP Code	

<b>Statement of Understanding</b>	<b>As a licensed tobacco products or cigarette retailer, I understand that:</b>				
	1. I can purchase cigarettes and tobacco from a Minnesota distributor or subjobber who holds a license with the Minnesota Department of Revenue. The Cigarette and Tobacco Distributor List is on our website. Go to <a href="http://www.revenue.state.mn.us">www.revenue.state.mn.us</a> and type Distributor List in the Search box.				
	2. I must obtain a tobacco products distributor license if I purchase untaxed tobacco products from an out-of-state company.				
	3. I may not sell cigarettes affixed with Minnesota Native American stamps unless my retail business is located on a reservation that has a tax agreement with the State of Minnesota.				
	4. I may not purchase from or exchange cigarettes or tobacco products with another retailer.				
	5. I must keep complete and legible cigarette and tobacco products invoices on the licensed premises, or make invoices available within one hour of request, for at least one year after the date of the purchase.				
	6. I know that the Minnesota Department of Revenue and/or law enforcement may conduct cigarette and tobacco inspections of the premises, including inspections of inventory, invoices and licenses, and I understand that a refusal to allow an inspection is grounds for revocation of my license.				
	7. I know that failure to comply with all requirements can result in criminal penalties, including the loss of cigarettes and tobacco products.				

<b>Sign Here</b>	Licensee Signature	Title	Print Name	Date	Daytime Phone
	Licensing Agent's Signature	Title	Print Name	Date	Daytime Phone

**License applicant:** Submit this form to the licensing authority along with the license application.  
**Licensing authority:** Mail, email or fax to:  
 Minnesota Revenue, Mail Station 3331, St. Paul, MN 55146-3331.  
 Fax: 651-556-5236. Email: [cigarette.tobacco@state.mn.us](mailto:cigarette.tobacco@state.mn.us)

## **ARTICLE IX. TOBACCO AND TOBACCO RELATED PRODUCTS<sup>1</sup>**

### **Sec. 22-542. 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 checks* means the system the city uses 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 ordinance and state laws. Compliance checks shall involve the use of compliance check minors as authorized by this article. Compliance checks shall also mean the use of compliance check minors who attempt to purchase tobacco, tobacco products, or tobacco related devices for educational, research and training purposes as authorized by state and federal laws.

*Compliance check minors* means any person between the ages of 15 and 18 years.

*Minor* means any person under the age of 21 years.

*Retail establishment* means any place of business where tobacco, tobacco products, or tobacco related devices are available for sale to the general public. Retail establishments shall include, but not be limited to, grocery stores, convenience stores, and restaurants.

*Self-service merchandising* means open displays of tobacco, tobacco products, or tobacco related devices in any manner where any person shall have access to the tobacco, tobacco products, or tobacco related devices, without the assistance or intervention of the licensee or the licensee's employee.

*Tobacco or tobacco products* means 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, smoking, smoking in a pipe, rolling paper, or other tobacco-related device.

*Tobacco related devices* means any tobacco product as well as a pipe, rolling papers, or other device intentionally designed or intended to be used in a manner which enables the chewing, sniffing, or smoking of tobacco or tobacco products.

*Vending machine* means any mechanical, electric or electronic or other type of device which dispenses tobacco, tobacco products, or tobacco related devices upon the insertion of money, tokens, or other form of payment directly into the machine by the person seeking to purchase the tobacco, tobacco product, or tobacco related device.

(Prior Code, § 22-481; Ord. No. 2020-1722, § 1, 2-18-2020)

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<sup>1</sup>State law reference(s)—Municipal licensing and regulation of retail sales of tobacco, M.S.A. § 461.12.

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### **Sec. 22-543. Responsibility of licensee.**

All licensees under this article shall be responsible for the actions of their employees in regard to the sale of tobacco, tobacco products, or tobacco related devices on the licensed premises, and the sale of such item by an employee shall be considered a sale by the license holder. All licensees shall comply with the provisions of this article and all state and federal laws and regulations.

(Prior Code, § 22-482; Ord. No. 2020-1722, § 1, 2-18-2020)

### **Sec. 22-544. Penalties; revocation or suspension of license.**

A violation of any provision of this article shall constitute a misdemeanor, unless otherwise specified by other federal or state laws or regulations. A violation of any provision of this article shall be cause for consideration of immediate revocation or suspension of the license by the city council. Any fee paid to the city for a license shall be forfeited upon revocation or suspension of the license.

(Prior Code, § 22-483; Ord. No. 2020-1722, § 1, 2-18-2020)

### **Sec. 22-545. Administrative penalties.**

- (a) *Notice.* Upon discovery of a suspected violation of any of the provisions of the article, the alleged violator shall be issued, either personally or by mail, a citation that sets forth the alleged violation and which shall inform the alleged violator of his/her right to be heard on the charges.
- (b) *Hearings.* If a person accused of violating this article so requests, a hearing shall be scheduled, the time and place of which shall be provided to the accused violator.
- (c) *Hearing officer.* The city manager shall serve as the hearing officer.
- (d) *Decision.* If the hearing officer determines that a violation of this article has occurred, that decision, along with the hearing officer's reasons for finding a violation and the penalty to be imposed, shall be recorded in writing, a copy of which shall be provided to the accused violator. Likewise, if the hearing officer finds that no violation occurred or finds grounds for not imposing any penalty, such findings shall be recorded and a copy provided to the acquitted accused violator.
- (e) *Appeals.* Appeals of any decision made by the hearing officer shall be filed with the clerk of the county district court.
- (f) *Misdemeanor prosecution.* Nothing in this section prohibits the city from seeking criminal prosecution for any alleged violation of this article.
- (g) *Continuing violations.* Each violation, and every day in which a violation occurs or continues, shall constitute a separate offense.
- (h) *Penalties.* Any licensee found to have violated this article, or whose employee shall have violated this article, may be charged an administrative fee of \$75.00 for a first violation of this ordinance; \$200.00 for a second offense at the same licensed premises within a 24-month period; and \$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 shall be suspended for not less than seven days.
- (i) *Other individuals.* Other individuals, other than minors regulated by subsection (j) of this section, may be charged an administrative fee of \$50.00.

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- (j) *Minors.* Minors found in unlawful possession of, or who unlawfully purchase or attempt to purchase, tobacco, tobacco products, or tobacco related devices, may be charged an administrative fee of \$25.00, participate in the juvenile metro program or engage in such other program as the city police department believes will be appropriate and effective.

(Prior Code, § 22-484; Ord. No. 2020-1722, § 1, 2-18-2020)

### **Sec. 22-546. Compliance checks and inspections.**

All licensed premises shall be open to inspection by the city police or other authorized city official during regular business hours. From time to time, but at least once per year, the city shall conduct compliance checks by engaging, with the written consent of their parents or guardians, compliance check minors to enter the licensed premise to attempt to purchase tobacco, tobacco products, or tobacco related devices. Compliance check minors used for the purpose of compliance checks shall be supervised by city law enforcement officers. Compliance check minors used for 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. No compliance check minor used in compliance checks shall attempt to use a false identification misrepresenting the minor's age, and all compliance check minors lawfully engaged in a compliance check shall answer all questions about the minor's age asked by the licensee or his/her employee and shall produce any identification, if any exists, for which he/she is asked. Nothing in this section shall prohibit compliance checks authorized by state or federal laws for educational, research, or training purposes, or required for the enforcement of a particular state or federal law or regulation.

(Prior Code, § 22-485; Ord. No. 2020-1722, § 1, 2-18-2020)

### **Sec. 22-547. Underage persons.**

- (a) *Illegal sales.* It shall be a violation of this article for any person to sell or otherwise provide any tobacco, tobacco product, or tobacco related device to any minor.
- (b) *Illegal possession.* It shall be a violation of this article for any minor to have in his/her possession any tobacco, tobacco product, or tobacco related device. This subdivision shall not apply to compliance check minors lawfully involved in a compliance check.
- (c) *Illegal use.* 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.
- (d) *Illegal procurement.* 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, and it shall be a violation of this ordinance for any person to purchase or otherwise obtain such items on behalf of a minor. It shall further be a violation 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 subdivision shall not apply to compliance check minors lawfully involved in a compliance check.
- (e) *Use of false identification.* It shall be a violation of this article for any minor to attempt to disguise his/her true age by the 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.

(Prior Code, § 22-486; Ord. No. 2020-1722, § 1, 2-18-2020)

State law reference(s)—Similar provisions, M.S.A. § 609.685.

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**Sec. 22-548. Retail license.**

- (a) No person shall directly or indirectly keep for retail sale or sell at retail any tobacco, tobacco product or tobacco related device in the city unless a license therefore shall first have been obtained.
- (b) An application for a license to sell tobacco, tobacco products, or tobacco related devices shall be made on a form provided by the city. The application shall 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, the location of the building and the part intended to be used by the applicant under such license, the kind or nature of business, and any additional information the city deems necessary. Upon the filing of such application with the city clerk, it shall be presented to the city council for consideration, and if granted by the city council, a license shall be issued by the city clerk upon payment of the required fee.
- (c) The fees for licenses under this article shall be determined by the city council. Each such license shall expire on December 31 next after its issuance. Licenses shall not be transferable from one person or entity to another, nor shall they be transferable from one premises to another premises.
- (d) Every license issued under this article shall be kept conspicuously posted about the place for which the license is issued and shall be exhibited to any person upon request.
- (e) The renewal of a license issued under this article shall be made in the same manner as the original application. The request for a renewal shall be made at least 30 days but no more than 60 days before the expiration of the current license.
- (f) The following shall be grounds for denying the issuance or renewal of a license under this article:
  - (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 provision, 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 24 months of the date of 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 other local law, ordinance, or regulation from holding such a license;
  - (6) The applicant has failed to pay any required application or licensing fees to the city.

(Prior Code, § 22-487; Ord. No. 2020-1722, § 1, 2-18-2020)

**Sec. 22-549. Vending machines.**

No person shall sell or dispense any tobacco, tobacco product, or tobacco related device by means of a vending machine. A violation of this section shall be cause for immediate license revocation.

(Prior Code, § 22-488; Ord. No. 2020-1722, § 1, 2-18-2020)

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**Sec. 22-550. Self-service merchandising.**

No person or entity shall offer for sale any tobacco, tobacco products, or tobacco related devices, by any means where the customer has access to such items without having to request the item from a licensee or a licensee's employee, and whereby there is not a physical exchange of the tobacco, tobacco product, or tobacco related device, between the licensee or his/her clerk and the customer. All tobacco, tobacco products, and tobacco related devices shall either be stored behind a counter or in an area not freely accessible to a customer, or in a case or in a storage unit not left open and accessible to the general public.

(Prior Code, § 22-489; Ord. No. 2020-1722, § 1, 2-18-2020)

**Sec. 22-551. Prohibited sales.**

It shall be a violation of this article for any person to sell or offer to sell any tobacco, tobacco product, or tobacco related device:

- (1) To any person under the age of 21 years;
- (2) By means of any type of vending machine;
- (3) By means of self-service methods in which the customer does not need to make a verbal or written request to an employee of the licensed premises in order to receive the tobacco, tobacco product, or tobacco related device and where there is not a physical exchange of the tobacco, tobacco product, or tobacco related device between the licensee or the licensee's employee, and the customer;
- (4) Containing opium, morphine, jimson weed, belladonna, strychnos, cocaine, marijuana, or other deleterious, hallucinogenic, toxic, or controlled substances except nicotine and other substances found naturally in tobacco or added as part of an otherwise lawful manufacturing process;
- (5) By any other means, to any other person, or in any other manner or form prohibited by federal, state, or other local law, ordinance provision, or regulation.

(Prior Code, § 22-490; Ord. No. 2020-1722, § 1, 2-18-2020)

**Secs. 22-552—22-615. Reserved.**

## *DIVISION 2. DRUG PARAPHERNALIA*

### **Sec. 46-226. Definitions.**

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

*Drug paraphernalia.*

- (1) The term "drug paraphernalia" means all equipment, products, and materials of any kind which are used, primarily used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, enhancing, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance in violation of M.S.A. ch. 152, as it may be amended from time to time.
- (2) The term "drug paraphernalia" includes, but is not limited to:
  - a. Diluents and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose, and lactose, used, intended for use, or designed for use in cutting controlled substances;
  - b. Separation gins and sifters used, intended for use, or designed for use in removing twigs and seeds from, or in otherwise cleaning or refining, marijuana;
  - c. Kits used, intended for use, or designed for use in planting, propagating, cultivating, growing or harvesting any species of plant which is a controlled substance or from which controlled substances can be derived;
  - d. Kits used, intended for use, or designed for use in manufacturing, compounding, converting, producing, processing or preparing controlled substances;
  - e. Isomerization devices used, intended for use, or designed for use in increasing the potency of any species of plant which is a controlled substance;
  - f. Testing equipment used, intended for use, or designed for use in identifying or in analyzing the strength, effectiveness, or purity of controlled substances;
  - g. Scales and balances used, intended for use, or designed for use in weighing or measuring controlled substances;
  - h. Blenders, bowls, containers, spoons, grinders, and mixing devices used, intended for use, or designed for use in compounding, manufacturing, producing, processing, or preparing controlled substances;
  - i. Capsules, balloons, envelopes, and other containers used, intended for use, or designed for use in packaging small quantities of controlled substances;
  - j. Containers and other objects used, intended for use, or designed for use in storing or concealing controlled substances or products or materials used or intended for use in manufacturing, producing, processing, or preparing controlled substances;

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- k. Objects used, intended for use, or designed for use in ingesting, inhaling, or otherwise introducing marijuana, cocaine, hashish, or hashish oil into the human body, which shall include, but not be limited to the following:
1. Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens, permanent screens, hashish heads, or punctured metal bowls;
  2. Water pipes;
  3. Carburetion tubes and devices;
  4. Smoking and carburetion masks;
  5. Objects commonly referred to as roach clips, meaning objects used to hold burning materials, such as a marijuana cigarette, which has become too small or too short to be held in the hand;
  6. Miniature cocaine spoons and cocaine vials;
  7. Chamber pipes;
  8. Carburetor pipes;
  9. Electric pipes;
  10. Air-driven pipes;
  11. Chillums;
  12. Bongs;
  13. Ice pipes or chillers; and
- l. Ingredients or components to be used or intended or designed to be used in manufacturing, producing, processing, preparing, testing, or analyzing a controlled substance, whether or not otherwise lawfully obtained, including anhydrous ammonia, nonprescription medications, methamphetamine precursor drugs, or lawfully dispensed controlled substances.
- (3) Drug paraphernalia does not include the possession, manufacture, delivery, or sale of hypodermic needles or syringes.
- (4) Factors to be considered in determining if an object is drug paraphernalia. In determining whether an object is drug paraphernalia, a court or other authority shall consider, in addition to all other logically relevant factors, the following:
- a. Statements by an owner or by anyone in control of the object concerning its use;
  - b. Prior convictions, if any, of an owner or of anyone in control of the object under any state or federal law relating to any controlled substance or drug paraphernalia;
  - c. The proximity of the object, in time and space, to a direct violation of this section;
  - d. The proximity of the object to any controlled substance;
  - e. The existence of any residue of a controlled substance on the object;
  - f. Direct or circumstantial evidence of the intent of an owner, or of anyone in control of the object, to deliver it to any person whom he knows, or should reasonably know, intends to use the object to facilitate a violation of this section. The innocence of an owner, or of anyone in control of the object, as to a direct violation, of this act shall not prevent a finding that the object is intended for use or designed for use as drug paraphernalia;

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- g. Instructions, oral or written, provided with the object concerning its use;
  - h. Descriptive materials accompanying the object which explain or depict its use;
  - i. National and local advertising concerning its use;
  - j. The manner in which the object is displayed for sale;
  - k. Direct or circumstantial evidence of the ratio of sales of the object or objects to the total sales of the business enterprise;
  - l. The existence and scope of any legitimate use for the object in the community;
  - m. Expert testimony concerning its use;
  - n. Whether the owner, or any one in control of the object, is a legitimate supplier of like or related items to the community, for example, a licensed distributor or dealer of tobacco products; and
  - o. The actual or constructive possession by the owner or a person in control of the object or the presence in a vehicle or structure where the object is located of written instructions, directions, or recipes to be used, or intended or designed to be used, in manufacturing, producing, processing, preparing, testing, or analyzing a controlled substance.

(Prior Code, § 46-160(a), (b))

#### **Sec. 46-227. Possession of drug paraphernalia prohibited.**

It is unlawful for any person to use, or to possess with intent to use, drug paraphernalia or to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance in violation of M.S.A. ch. 152, as it may be amended from time to time. Any violation of this section is a petty misdemeanor.

(Prior Code, § 46-160(c))

#### **Sec. 46-228. Manufacture or delivery of drug paraphernalia prohibited.**

It is unlawful for any person knowingly or intentionally to deliver drug paraphernalia or knowingly or intentionally to possess or manufacture drug paraphernalia for delivery. Any violation of this section is a misdemeanor.

(Prior Code, § 46-160(d))