



APPLICATION FOR LICENSE TO SELL TOBACCO-RELATED PRODUCTS

You have requested information about a license to sell tobacco-related products in the City of Crystal. Please review and provide the following information:

1. Complete the license application as required in Section 1137 of the City Ordinance.

All applications for license must be signed and certified by the applicant. If applicant is an individual, it must be signed by such person; if applicant is a corporation, by an officer thereof; if applicant is a partnership, by one of the general partners; if applicant is an unincorporated association, by the manager or managing officer thereof.

Remember to include the following information with your application:

- MN Business Tax Identification Number
- Federal Business Tax Identification Number
- A copy of Certificate of Assumed Name issued by the MN Secretary of State
- True and complete copy of the signed lease agreement, if applicant does not own the premises.
- Certificate of Compliance for Workers' Compensation insurance coverage
- Certification of Financial Responsibility
- MN Department of Revenue Tobacco Sales Form CT102

**Any missing information will delay the processing of your license.*

License Fee and Term

2. Submit license fee with completed application. The license period is January 1 through December 31. The annual license fee is \$325 and pro-rated at \$27.08/per month.
3. **City Ordinance - Tobacco**
Read Crystal City Code Section 1137, regulating the licensing of tobacco-related products.
4. **License Approval**
Upon receipt of a completed application and fee, the license application will be presented to the City Council for consideration. City Council meetings are typically conducted on the first and third Tuesday of the month. License application materials must be submitted at least seven (7) days prior to a City Council meeting.
5. **Questions?** To obtain a tobacco-related products license application or for more information, please call Customer Service at 763-531-1000.



APPLICATION FOR LICENSE

City of Crystal
 4141 Douglas Drive N, Crystal, MN 55422
 Telephone: (763) 531-1000 / Facsimile: (763) 531-1188
 Deaf and hard of hearing callers may call Minnesota Relay at 711.

PLEASE PRINT CLEARLY

Applicant's Name:	Fee:* (0100-4135)	\$
Home Address:	Home Phone: ()	
City/State/Zip:	Cell Phone: ()	
Business Name:	Business Phone: ()	
Doing Business As:	Fax Phone: ()	
Business Address, including zip code:		
MN Tax ID #: (NOTE: you must provide a copy of the confirmation letter from the State.)	Federal Tax ID #:	
If a Minnesota Tax ID number is not required, please explain here and provide your social security number:		

I enclose the sum of _____ and ____/100 dollars to the City of Crystal as required by the Ordinances of said City and have complied with all the requirements of said Ordinances necessary for obtaining this License.

I hereby make application to **SELL TOBACCO PRODUCTS** at the above business address for the period _____, 20__ through December 31, 20__, subject to all conditions and provisions of said Ordinance.

ADDITIONAL REQUIREMENTS

1. If applicant doesn't own the business premises, attach a true & complete copy of the signed lease agreement
2. MN Dept of Revenue Tobacco Sales Form CT102 (attached)
3. Attach a copy of Certificate of Assumed Name issued by the MN Secretary of State (if applicable)

I certify that the information in this Application For License is true and complete to the best of my knowledge. *NOTE: If applicant is not a person, the following MUST sign: corporation: an officer; partnership: a general manager; unincorporated association: manager or managing officer.*

Applicant Signature: _____ **Dated:** _____, 20__

Printed Name of Applicant: _____ **Title (if applicable):** _____

*Fee: \$325; pro-rated at \$27.08/month (If exempt, fill out Licensing Fee Exemption Form)

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

Under Minnesota law (M.S. 270.72), the agency issuing you this license is required to provide to the Minnesota Commissioner of Revenue your Minnesota business tax identification number or the Social Security number of each license applicant.

Under the Minnesota Government Data Practices Act and the Federal Privacy Act of 1974, we must advise you that:

- This information may be used to deny the issuance, renewal or transfer of your license if you owe the Minnesota Department of Revenue delinquent taxes, penalties, or interest;
- The licensing agency will supply this information only to the Minnesota Department of Revenue. However, under the Federal Exchange of Information Act, the Department of Revenue is allowed to supply this information to the Internal Revenue Service;
- Failure to supply this information may jeopardize or delay the issuance of your license or the processing of your renewal application.

(ALSO FILL OUT REVERSE SIDE OF THIS FORM.)

City Use Only:	JDE# _____	Date Entered: _____
	PIMS ID# _____	Council Date: _____

Certificate of Compliance

Minnesota Workers' Compensation Law

PRINT IN INK or TYPE.

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

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

BUSINESS NAME (Individual name only if no company name used)		LICENSE OR PERMIT NO (if applicable)	
DBA (doing business as name) (if applicable)			
BUSINESS ADDRESS (PO Box must include street address)	CITY CODE	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 insurance 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 insurance coverage because:

I have no employees.

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

Other: _____

ALL APPLICANTS COMPLETE THIS PORTION:

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

APPLICANT SIGNATURE (mandatory)	TITLE	DATE
---------------------------------	-------	------

NOTE: If your Workers' Compensation policy is canceled within the license or permit period, you must notify the City of Crystal by resubmitting this form. This material can be made available in different forms, such as large print, Braille or on a tape. To request, call 1-800-342-5354 (DIAL-DLI) Voice or TDD (651) 297-4198.

MN LIC 04 (11/08)

I:\ADMIN\LICENSING\Application Forms\Tobacco\Tobacco.revised.doc

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.

Applicant's Minnesota tax ID number

The Minnesota tax ID must be issued in the same legal name of the licensee below.

FOR MUNICIPAL USE ONLY

License number
Period covered
Date of issuance

Cigarettes/tobacco products will be sold (a separate license is required for each location ~~or vending machine~~): *(not allowed in Crystal)*

Over counter
 ~~Through vending machine~~
 Both

Print or type

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	

Business information

Type of legal organization (check one):

Sole proprietor
 Minnesota corporation: Enter date of incorporation _____
 Partnership
 Out-of-state corporation: State of incorporation _____
 Other (describe) _____
 Are you registered to do business in Minnesota? Yes No

Corporate officers or partners (attach a list if necessary)

Name	Title		
Address	City	State	Zip code
Name	Title		
Address	City	State	Zip code

Statement of understanding

As a licensed tobacco products or cigarette retailer, I understand that:

1. I can purchase cigarettes only from a Minnesota distributor or subjobber who holds a license with the Minnesota Department of Revenue.
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.

Sign here

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 or fax a copy of approved form to:
 Minnesota Revenue, Mail Station 3331, St. Paul, MN 55146-3331.



Certification of Financial Responsibility

This form must be completed and returned with a City license application.

To the best of my knowledge, based upon a review of the status of the property/business located in the City of Crystal at _____, I attest that the foregoing property/business is financially responsible as outlined in Crystal City Code 1005.29 (a), printed in full on the reverse of this form.

I hereby certify that I/we are current on the following financial obligations:

(Circle answers)

- Yes No Property Taxes paid
- Yes No Utility Bills paid
- Yes No State Taxes paid
- Yes No Federal Taxes paid
- Yes No Other governmental obligations or claims concerning me or the business entity named on this license application

If "NO" is circled for any of the above, describe the payment plan or other agreement approved by the applicable governmental entity.

See entire Crystal City Code 1005.29 (a) on the reverse side of this form.

I certify under penalty of perjury that the foregoing is true and correct.

Executed on: _____ (date)

Print Name

Signature

Note: Filing a false statement with a government agency is a criminal offense.

Staff use only:
 __UB __PrevUB __UB Cert __Tax __PrevTax
 Verified compliance _____ <date>
 Staff initials: _____

The City of Crystal has adopted the following ordinance:

Crystal City Code 1005.29 Financial responsibility; applicability. (a) Prior to the issuance of a license the applicant must file with the city clerk satisfactory evidence of financial responsibility. "Satisfactory evidence of financial responsibility" shall be shown by a certification under oath that the property taxes, public utility bills, and all state and federal taxes or other governmental obligations or claims concerning the business entity applying for the license are current, and that no notice of delinquency or default has been issued, or if any of the financial obligations stated in this subsection are delinquent or in default, that any such delinquency or default is subject to a payment plan or other agreement approved by the applicable governmental entity. "Satisfactory evidence of financial responsibility" as required by this subsection shall in addition be shown by any individual applicant and all individual owners and/or shareholders of the business entity. Operation of a business licensed under this section without having on-going evidence on file with the City of the financial responsibility required by this subsection is grounds for revocation or suspension of the license.

What does this mean for a City-issued business license?

Prior to issuance of a City-issued business license or renewal license, license holders are required to certify that the property taxes, utility bill, and all state and federal taxes for the property or the business entity applying are current. Also, the applicant must certify that no notice of delinquency or default has been issued or is subject to a payment plan.

What will happen if a license holder is not financially responsible?

A hearing is granted before the City Council. The Council may deny, suspend or revoke the City-issued business license. Upon providing satisfactory evidence of financial responsibility, the business owner may re-apply for the license.

Section 1137 - Tobacco
(Added, Ord No. 98-2)

1137.01. Definition. "Tobacco" means cigarettes; cigars; cheroots; stogies, perique; granulated, plug cut, crimp cut, ready rubbed, and other smoking tobacco; snuff, snuff flour; cavendish; plug and twist tobacco; fine cut and other chewing tobaccos; shorts; refuse scraps, clippings, cuttings and sweepings of tobacco and other kinds and forms of tobacco, prepared in such manner as to be suitable for chewing or smoking in a pipe or other tobacco-related devices. means any substance or product containing tobacco leaf, including, but not limited to, cigars, cigarettes, snuff, chewing tobacco, dipping tobacco or cigarette paper or wrappers.

1137.03. General rule; application required. Subdivision 1. It is unlawful to buy for retail sale, sell at retail, or otherwise dispose for consideration tobacco without a license. (Amended, Ord. No. 2012-01, Sec. 1)

Subd. 2. Application required; contents. An application form provided by the city clerk must be completed by every applicant for a new license or for renewal of an existing license. Every new applicant must provide all the following information:

- a) Applicant name and address, including the name of the business if it is to be conducted under a designation, name, or style other than the name of the applicant as a natural person, and a copy of the certificate issued by the Minnesota Secretary of State, as required by Minnesota Statutes, Section 333.01 as it may be amended.
- b) If the applicant does not own the business premises, a true and complete copy of the executed lease.

Subd. 3. Application execution. All applications for a license under this chapter must be signed and certified by the applicant. If the application is that of a natural person, it must be signed and certified by such person; if that of a corporation, by an officer thereof; if that of a partnership, by one of the general partners; and if that of an unincorporated association, by the manager or managing officer thereof.

Subd. 4 Combination applications. The information required of the licensee may be combined with the application requirements of an additional license, such as licenses regulated by Section 1200 to minimize duplication in the application process.

Subd. 5. Financial responsibility. Prior to the issuance of a license the applicant must file with the city clerk satisfactory evidence of financial responsibility. "Satisfactory evidence of financial responsibility" shall be shown by a certification under oath that the property taxes, public utility bills, and all state and federal taxes or other governmental obligations or claims concerning the business entity applying for the license are current, and that no notice of delinquency or default has been issued, or if any of the financial obligations stated in this subsection are delinquent or in default, that any such delinquency or default is subject to a payment plan or other agreement approved by the applicable governmental entity. "Satisfactory evidence of financial responsibility" as required by this subsection shall in addition be shown by any individual applicant and all individual owners and/or shareholders of the business entity. Operation of a business licensed under this section without having on-going evidence on file with the city of the financial responsibility required by this subdivision is grounds for revocation or suspension of the license.

1137.05. Fees. The license fee is set by appendix IV. The license expires on December 31 annually. The license fee may be prorated for a portion of a year.

1137.07. Restriction. A tobacco product license will not be issued for a movable place of business. The license is issued only for the sale of tobacco products at a specific place of business.

1137.09. Prohibited sales and use. Subdivision 1. Sales to minors. It is unlawful to sell, offer for sale or deliver tobacco to a person under the age of 18 years.

Subd. 2. Use by minors. It is unlawful for any person under the age of 18 years to purchase, possess, or consume tobacco.

Subd. 3. Vending machines. The sale of tobacco by coin operated vending machines is prohibited.

Subd. 4. Individual packages. It is unlawful to offer for sale or to sell (i) cigarettes packaged in units smaller than a carton containing ten packages or (ii) single packages of smokeless tobacco in open displays that are accessible to the public without the intervention of a store employee.

1137.11. Penalties. Subdivision 1. Misdemeanors. A person who violates this section or Minnesota Statutes Chapter 297F, each as amended, is guilty of a misdemeanor. (Amended, Ord. No. 2012-01, Sec. 2)

Subd. 2. Administrative civil penalties; individuals. A person who sells tobacco to a person under the age of 18 years is subject to an administrative penalty. A person under the age of 18 who attempts to purchase tobacco is subject to an administrative penalty. The city council may impose administrative penalties under this subdivision as follows:

First violation: a civil fine in the amount of \$500.

Second violation within 24 months after the first violation: a civil fine in the amount of \$750.

Third violation within 36 months after the second violation: a civil fine in the amount of \$1,000. (Amended, Ord. No. 2001-07, Sec. 1)

Subd. 3. Administrative civil penalties; licensee. If a licensee or an employee of a licensee is found to have sold tobacco to a person under the age of 18 years, or committed a violation of Minnesota Statutes Chapter 297F, as amended, the city council may impose an administrative penalty as follows: (Amended, Ord. No. 2012-01, Sec. 2)

First violation: a civil fine in the amount of \$500 and license suspension for a period of ten days.

Second violation within 24 months after the first violation: a civil fine in the amount of \$750 and suspension of license for a period of 20 days.

Third violation within 36 months after the second violation: a civil fine in the amount of \$1,000 and suspension of license for a period of 30 days.

Fourth violation within 36 months after the third violation: revocation of license. (Amended, Ord. No. 2001-07, Sec. 2; Ord. No. 2002-09, Sec. 1)

Subd. 4. Defense. It is an affirmative defense to a charge of selling tobacco to a person under the age of 18 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 Minnesota Statutes, section 340A.503, subdivision 6.

Subd. 5. Education and training. In addition to or in lieu of any other penalty imposed under this section, any person under the age of 18 years who purchases, possesses, or consumes tobacco may be required to attend an educational seminar approved by the chief of police regarding the legal and medical implications of tobacco use.

Subd. 6. Presumptions regarding administrative penalties. The administrative penalties described in subdivisions 2 and 3 of this section are the presumed sanctions for the violations indicated. In the event of any license suspension imposed under subdivision 3, the city council may select which days a suspension will be served. Notwithstanding the provisions of subdivision 3, a license may be revoked for any violation of this section when in the judgment of the council it is appropriate to do so. The city council may impose lesser penalties under subdivisions 2 and 3 when in the judgment of the council it is appropriate to do so, provided that in no event will the amount of any fine or period of suspension be less than the amounts and periods specified in Minnesota Statutes, section 461.12, subdivisions 2 and 3, as amended. The city council may by resolution revise the amount of the above civil penalties stated in subdivisions 2 and 3 above, in Appendix IV. Other mandatory requirements may be made of the establishment, including but not limited to, meetings with the Police Department staff to present a plan of action to assure that the problem will not continue, mandatory education sessions with Crime Prevention staff, or other actions that the City Council deems appropriate. (Added, Ord. No. 2001-07, Sec. 3, Amended, Ord. No. 2012-01, Sec. 2)

1137.13. Compliance monitoring. Subdivision 1. The police department must periodically, but at least once a year, perform compliance checks on all cigarette licensees in the city. License applicants must be informed of this policy at the time of license application and renewal. Violators of this section may be subject to more frequent compliance monitoring than non-violating licensees. The police department must make an annual report to the city council on the compliance checks conducted pursuant to this section.

Subd. 2. Exemption. A person no younger than 15 nor older than 17 may be enlisted by the police department to assist in the compliance checks provided that (i) written consent from the person's parent or guardian has been obtained, and (ii) that the person must at all times act only under the direct supervision of a law enforcement officer or an employee of the licensing department or in conjunction with an in-house program that has been pre-approved by the police department. A person who purchases or attempts to purchase tobacco while acting in this capacity is exempt from the penalties imposed by this section.

Subd. 3. Additional checks. If a licensee or employee of a licensee is guilty of a second violation within the 24-month period since the initial violation, the police department must conduct at least one compliance check at that licensed premises within the time remaining in that 24-month period.