



CITY of CRYSTAL

APPLICATION FOR LICENSE TO SELL TOBACCO AND RELATED PRODUCTS

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

1. Complete the **Application for License** as required in Sections 1000 and 1105 of Crystal City Code. 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.

Include the following information with your City of Crystal application. Any missing information will delay the processing of your license.

- MN and Federal Business Tax Identification Numbers.
- MN *Certificate of Compliance* form for Workers' Compensation (attached).
- City of Crystal *Certification of Financial Responsibility* form (attached).
- MN Department of Revenue Form CT102 – *License Application to Make Retail Sales of Cigarette and Other Tobacco Products* (attached).
- Authorization and Release* form (make enough copies to be filled out and signed by all persons having an interest in the business, i.e. owners, managers, etc.) (attached).
- A copy of the *Certificate of Assumed Name* issued by the MN Secretary of State (if applicable).
- If applicant does not own the premises where the business is located, attach a true and complete copy of the signed lease agreement.

2. **License Fee and Background Investigation**

Submit license fee with completed application. The license period is Jan. 1 – Dec. 31. The annual license fee is \$325, plus the initial background investigation fee of \$100/per person (annual renewal background fee is \$50/per person).

3. **Crystal City Code Section 1105 – Tobacco and Related Products**

Read Crystal City Code Section 1105, regulating the licensing of tobacco and related products (attached).

4. **License Approval**

Upon receipt of the completed application and fee and a successful background investigation, the license application will be presented to the City Council for consideration of approval. City Council meetings are typically conducted on the first and third Tuesday of the month. License application materials must be submitted at least three weeks prior to a City Council meeting.

5. **Questions?** For more information, contact Customer Service at 763-531-1000 or customerservice@crystalmn.gov.



CITY of CRYSTAL

APPLICATION FOR LICENSE

4141 Douglas Drive North, Crystal, MN 55422
Telephone: 763-531-1000 / www.crystalmn.gov
Deaf and hard of hearing callers may call Minnesota Relay at 711.

PLEASE PRINT CLEARLY

Applicant's Name:	Fee:* (see below) (0100.4135) PLUS Background Investigation Fee (0100.4605)	\$
Home Address:	Home Phone: ()	
City/State/Zip:	Cell Phone: ()	
Business Name:	Business Phone: ()	
Doing Business As:	Email:	
Business Address, including zip code:		
MN Tax ID #: <small>(NOTE: you must provide a copy of the confirmation letter from the State.)</small>	Federal Tax ID #:	
If a Minnesota Tax ID number is not required, please explain here and provide your social security number:		

***Fee:** \$325 PLUS Background Investigation Fee = \$100/per person X _____ (number of backgrounds) = \$_____.

ADDITIONAL REQUIREMENTS

1. MN *Certificate of Compliance* form for Workers' Compensation (attached).
2. City of Crystal *Certification of Financial Responsibility* form (attached).
3. MN Department of Revenue Form CT102 – *License Application to Make Retail Sales of Cigarette and Other Tobacco Products* (attached).
4. *Authorization and Release* form (make enough copies to be filled out and signed by all persons having an interest in the business, i.e. owners, managers, etc.) (attached).
5. Attach a copy of the *Certificate of Assumed Name* issued by the MN Secretary of State (if applicable).
6. If applicant does not own the business premises, attach a true and complete copy of the signed lease agreement.

I hereby make application to **SELL TOBACCO AND RELATED PRODUCTS** at the above business address for the period _____, 20__ through December 31, 20__, subject to all conditions and provisions of Crystal City Code Section 1105 (attached). I have read and complied with all of the requirements of said City Code necessary for obtaining this license.

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):** _____

APPLICATION FOR LICENSE INVOLVING PRIVATE OR CONFIDENTIAL INFORMATION

(Includes Tennessean 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.

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

Certificate of Compliance

Minnesota Workers' Compensation Law

This form must be completed by the business license applicant.

Print in ink or type

Minnesota Statutes § 176.182 requires every state and local licensing agency to withhold the issuance or renewal of a license or permit to operate a business in Minnesota until the applicant presents acceptable evidence of compliance with the workers' compensation insurance coverage requirement of Minn. Stat. chapter 176. 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.

License or certificate number (if applicable)	Business telephone number	Alternate telephone number
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Business name (Provide the legal name of the business entity. If the business is a sole proprietor or partnership, provide the owner's name(s), for example John Doe, or John Doe and Jane Doe.)

DBA ("doing business as" or "also known as" an assumed name), if applicable

Business address (must be physical street address, no P.O. boxes)	City	State	ZIP code
County	Email address		

You must complete number 1 or 2 below.

Note: You must resubmit this form to the authority issuing your license if any of the information you have provided changes.

1. I have a workers' compensation insurance policy.

Insurance company name (not the insurance agent)		
Policy number	Effective date	Expiration date

I am self-insured for workers' compensation. (Attach a copy of the authorization to self-insure from the Minnesota Department of Commerce; see www.mn.gov/commerce/industries/insurance/licensing/self-insurance.)

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

- I only use independent contractors and do not have employees. (See [Minn. Stat. § 176.043](#) for trucking and messenger courier industries; [Minn. Stat. § 181.723, subd. 4](#), for building construction; and [Minnesota Rules chapter 5224](#) for other industries.)
- I do not use independent contractors and have no employees. (See [Minn. Stat. § 176.011, subd. 9](#), for the definition of an employee.)
- I use independent contractors and I have employees who are not required to be covered by the workers' compensation law. (Explain below.)
- I only have employees who are not required to be covered by the workers' compensation law. (Explain below.) (See [Minn. Stat. § 176.041](#) for a list of excluded employees.)

Explain why your employees are not required to be covered

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

Print name

Applicant signature (required)	Title	Date
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If you have questions about completing this form or to request this form in Braille, large print or audio, call (651) 284-5032 or 1-800-342-5354.



CITY of CRYSTAL

4141 Douglas Drive North • Crystal, Minnesota 55422-1696

Tel: (763) 531-1000 • Fax: (763) 531-1188 • www.crystalmn.gov

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 Section 1000.39, which is printed in full on the reverse side of this form.

I hereby certify that I/we are current on the following financial obligations:	YES	NO
Property taxes are paid		
Utility bills are paid		
State taxes are paid		
Federal taxes are paid		
Other governmental obligations or claims concerning me or the business entity named in this license application are paid		

If you or the business entity named in this license application have received a notice of delinquency or default, provide details: _____

If "NO" is circled for any of the items in the table above, describe the payment plan or other agreement approved by the applicable governmental entity: _____

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

Dated: _____, 20____

Signature

Printed Name

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

Staff use only:

__UB __Prev UB __UB Cert __Tax __Prev Tax

Verified compliance on: _____ <date>

Staff initials: _____

Crystal City Code Section 1000.39 – 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. The certification shall be signed by an individual applicant or all individual owners and/or shareholders of the business entity. Operation of a business licensed by the city without having updated evidence on file with the city of the financial responsibility required by this subsection is grounds for revocation or suspension of the license. This subsection shall apply to all licenses issued by the city except for intoxicating liquor licenses regulated by Crystal city code, chapter XII, which are regulated by that chapter.

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

Prior to the issuance of a City-issued business license or renewal license, license holders are required to certify that the property taxes, utility bills, 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 reapply for the license.

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

Print or Type	Applicant's Minnesota Tax ID Number		The Minnesota Tax ID must be issued in the same legal name of the licensee below.		License Authority	City of Crystal	
					License Number		
					Period Covered		
					Date of Issuance		
	Cigarettes/tobacco products will be sold (a separate license is required for each location or vending machine): <input type="checkbox"/> Over Counter <input type="checkbox"/> Through Vending Machine <input type="checkbox"/> Both					Federal Employer ID Number (FEIN)	
	Licensee's Legal Name					Daytime Phone	
Business Trade Name (doing business as)							
Complete Address of Business Location (permit location)					Other Phone Number		
City		County		State		ZIP Code	
Crystal		Hennepin		MN			
Mailing Address (if different than business address)					Email Address		

Business Information	Type of legal organization (check one):					
	<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			
	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 (Crystal)	Title	Print Name	Date	Daytime Phone

License applicant: Submit this form to the City of Crystal 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



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Authorization and Release

The following information is required per Crystal City Code section 311.01, subd. 3, which authorizes a Minnesota computerized criminal history background investigation for approval or denial of a city license or permit.

The undersigned, having filed an application with the City of Crystal ("City") for a city license, does hereby authorize and request anyone having control of any documents or information pertaining to me to furnish copies of any such documents or information to representatives of the City, and to permit said representatives of the City to inspect and make copies of any such documents or information. I further authorize any such persons to answer any inquiries concerning the undersigned, which may be submitted to them by representatives of the City. I fully understand that the City may use this information in its evaluation of my city license application. I hereby release and exonerate any person who complies with this Authorization and Release from any and all liability pertaining to the furnishing or inspection of such documents or information.

Applicant's signature: _____ Dated: ____/____/20__

Applicant's name: _____
(Print legibly) First Middle Last Suffix

Have you ever been known by a name(s) other than the name provided above? Yes No

If yes, list name(s) and information concerning dates and places used. _____

Home address: _____
House Number Street Name City State Zip

Day telephone: (____) _____ Email: _____

Date of birth: ____/____/____ Driver's license: _____
Number State

Organization associated with: _____

Type of city license applied for: _____

Have you lived in Minnesota for all of the past 10 years? Yes No

If no, list previous addresses over the past 10 years (include dates at each address). _____

CRYSTAL CITY CODE
SECTION 1105 - TOBACCO AND RELATED PRODUCTS

1105.01. Definitions. For the purposes of this section, the terms defined in this subsection shall have the meanings given them.

Subd. 1. Covered products. "Covered products" means tobacco, tobacco-related device, electronic delivery device, or nicotine or lobelia delivery product as those terms are defined in this subsection.

Subd. 2. Electronic delivery device. "Electronic delivery device" means any product containing or delivering 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 aerosol or vapor from the product. Electronic delivery device includes any component part of a product, whether or not marketed or sold separately. Electronic delivery device does not include any product that has been approved or certified by the United States Food and Drug Administration for legal 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.

Subd. 3. Moveable place of business. "Moveable place of business" means any form of business operated out of a truck, van, automobile or other type of vehicle or transportable shelter and not a fixed-address storefront or other permanent type of structure authorized for sales transactions.

Subd. 4. Nicotine or lobelia delivery device. "Nicotine or lobelia delivery device" means any product containing or delivering nicotine or lobelia intended for human consumption, or any part of such a product, that is not tobacco as defined in this section, not including 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.

Subd. 5. Sale. "Sale" means any transfer of goods for money, trade, barter or other consideration.

Subd. 6. Tobacco. "Tobacco" means cigarettes and any product containing, made, or derived from tobacco that is intended for human consumption, whether chewed, smoked, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, or any component, part, or accessory of a tobacco product including, but not limited to, 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. Tobacco excludes any tobacco product that has been approved 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 being marketed and sold solely for such an approved purpose.

Subd. 7. Tobacco-related devices. "Tobacco-related devices" means cigarette papers or pipes for smoking or other devices intentionally designed or intended to be used in a manner which enables the chewing, sniffing, smoking, or inhalation of vapors of tobacco or tobacco products. Tobacco-related devices include components of tobacco-related devices which may be marketed or sold separately.

Subd. 8. Vending machine. "Vending machine" means any mechanical, electric or electronic, or other type of device that 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 covered product.

1105.03. General rule. It is unlawful to buy for retail sale, sell at retail, or otherwise dispose for consideration covered products without a tobacco license issued by the city.

1105.05. Investigations. A background investigation of all interested individuals is required and shall be conducted pursuant to Crystal city code, section 1000.19 prior to the issuance of a license or license renewal.

1105.07. Ineligibility. In addition to the provisions contained in section 1000.17, the city council may deny a license to a person who within the past five years has been convicted of any violation of a federal, state, or local law, ordinance provision, or other regulation relating to tobacco, tobacco products, tobacco-related devices, electronic delivery device or nicotine or lobelia delivery devices.

105.09. Specified location. A license under this section will not be issued for a movable place of business. The license is issued only for the covered products at a specific place of business.

1105 .11. Prohibited sales and use.

Subd. 1. Sales to minors. It is unlawful to sell, offer for sale or deliver tobacco, tobacco-related devices, electronic delivery devices, or nicotine or lobelia delivery devices 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, tobacco-related devices, electronic delivery devices, or nicotine or lobelia delivery devices.

Subd. 3. Vending machines. The sale of tobacco, tobacco-related devices, electronic delivery devices, or nicotine or lobelia delivery devices by 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.

1105.13. Administrative civil penalties.

Subd. 1. Individuals. A person who sells a covered product to a person under the age of 18 years is subject to an administrative penalty identified in Crystal city code, appendix IV, after the individual has received notice, served personally or by mail, of the alleged violation and been provided an opportunity for a hearing.

Subd. 2. Licensee. If a licensee or an employee of a licensee is found to have sold a covered product to a person under the age of 18 years, or committed a violation of Minnesota Statutes, chapter 297F, the city council shall impose administrative penalties on the licensee as provided in Crystal city code, appendix IV. Prior to imposing an administrative penalty the city shall provide the licensee written notice of the alleged violation and provide an opportunity for the licensee to be heard by the city council.

Subd. 3. Defense. It is an affirmative defense to a charge of selling a covered product 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. 4. 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 a covered product shall attend an educational seminar approved by the chief of police regarding the legal and medical implications of using a covered product.

Subd. 5. Presumptions regarding administrative penalties. Though the administrative penalties described in this subsection are presumed, in no event shall the amount of any fine or period of suspension be less than the amounts and periods required in Minnesota Statutes, section 461.12, subdivisions 2 and 3. Other mandatory requirements may be made of the business including, but not limited to, meetings with law enforcement to present a plan of action to ensure the problem will not continue, mandatory education sessions with crime prevention staff, or other actions the city council may deem appropriate.

1105.15. Compliance monitoring.

Subd. 1. As required by Minnesota Statutes, section 461.12, subdivision 5, the police department shall at least once a year perform compliance checks at each location licensed under this section to sell a covered product. License applicants may 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 may annually report to the city council the results of said compliance checks.

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 any penalties related to said purchase or attempt to purchase.

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.