



**Retail Sales of Cigarette and Other Tobacco Products**  
**License Requirements**

**LICENSE TERM: January 1 - December 31**

- \_\_\_ 1. License fee of: \$ 200.00
- \_\_\_ 2. Completed and signed State application form CT 102
- \_\_\_ 3. Completed and signed City of Faribault Application
- \_\_\_ 4. Completed and signed "Proof of Worker's Compensation Insurance Coverage"
- \_\_\_ 5. Completed and signed "Tax Information Form"
- \_\_\_ 7. Review Faribault City Code, Chapter 14, Sections, 17-27 and Chapter 14, Section 130-139.

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Return all forms to the City of Faribault Administration Office:

City of Faribault  
Attn: Tobacco Licensing  
208 First Avenue NW  
Faribault, MN 55021  
For questions, please call: 507-333-0353

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**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	
	<b>Cigarettes/tobacco products will be sold</b> (a separate license is required for each location or vending machine):				Period Covered	
	<input type="checkbox"/> Over Counter		<input type="checkbox"/> Through Vending Machine		<input type="checkbox"/> Both	
	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	

<b>Business Information</b>	<b>Type of legal organization</b> (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		
	<b>Corporate officers or partners</b> (attach a list if necessary)				
	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 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.				

<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



208 NW 1st Avenue, Faribault MN 55021

## APPLICATION FOR RETAIL SALE OF CIGARETTE AND OTHER TOBACCO PRODUCTS LICENSE

<b>APPLICANT INFORMATION</b>			
Applicant Name		Today's Date	
Application Address	City	State	Zip
<b>BUSINESS/CORPORATION INFORMATION</b>			
Local Business Name		Local Business Phone	
Local Business Address	City	State	Zip
Corporation Name (if applicable)		Corporation Phone	
Corporation Address	City	State	Zip
On-Site Manager Name			
<b>LICENSING DEPARTMENT (OFFICE USE ONLY)</b>			
Date Received: _____		Date Paid: _____	
Council Action Date: _____		License Number: _____	
<input type="checkbox"/> Approved <input type="checkbox"/> Denied If Denied, Reason: _____			

# 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.

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
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**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](http://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.
  
- 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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: cfa 'GD.7%

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% 'h'g] ]bZcfa Uh]cb'a UmVY'i gYX'rc'XYbmi'h'Y' ]ggj UbWZ'fYbYk U'cf'fUbgZYf'cZmci f' ]WbgY' ]b'h'Y'Yj Ybh'mci 'ck Y' h'Y'A ]bbYgchU'8YdUf]ra Ybh'cZFYj Ybi Y'XY' ]bei Ybh'hU' YgZ'dYbU]h'Yg'cf' ]bh'fYg'h'

& 'I dcb'fYW]j ]b[ 'h'g] ]bZcfa Uh]cb'z'h'Y' ]Wbg]b[ 'Ui h'cf]m]k ]'g] dd'm]h]cb'm]rc'h'Y'A ]bbYgchU'8YdUf]ra Ybh'cZ FYj Ybi Y''<ck Yj YfZ'i bXYf'h'Y': YXYfU'9I V]Ub[ Y'cZ-bZcfa Uh]cb'5[ fYYa Ybh'h'Y'8YdUf]ra Ybh'a Umigi dd'm]h'g] ]bZcfa Uh]cb'rc'h'Y'-bh'f]bU'FYj Ybi Y'GYfj ]W/

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**DO NOT** F 9HI FB'HC'H<9'89D5FHA 9BH'C: 'F 9J 9BI 9''

@WbgY'5dd']YX': cf'cf'FYbYk YX'	'7[ UFYhY'UbX'Ch'Yf'HcVUWZ' DfcXi V]g'
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**APPLICANT'S PERSONAL INFORMATION (if applicable):**

BUa Y'	
GfYh5XXfYgg'	
7]m]z'GHU]Z' / 'N]d'7cXY'	
GcV]U'GYVf]m]Bi a VYf'	

**BUSINESS INFORMATION (if applicable):**

6i g]bYgg'BUa Y'	
GfYh5XXfYgg'	
7]m]z'GHU]Z' / 'N]d'7cXY'	
A ]bbYgchU'HUI '-8'Bi a VYf'f'	
: YXYfU'HUI '-8'Bi a VYf'	
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8UH'

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(Code 1971, § 14-1)

**Cross reference**— General penalty section for Code, § 1-20.

**Secs. 14-2—14-16. Reserved.**

**ARTICLE II. TOBACCO AND TOBACCO-RELATED DEVICES AND PRODUCTS** [\[2\]](#)

[Sec. 14-17. Purpose and intent.](#)

[Sec. 14-18. Definitions.](#)

[Sec. 14-19. License—Required.](#)

[Sec. 14-20. Same—Fees.](#)

[Sec. 14-21. Basis for denial.](#)

[Sec. 14-22. Prohibited sales.](#)

[Sec. 14-23. Compliance checks and inspections.](#)

[Sec. 14-24. Other illegal acts.](#)

[Sec. 14-25. Violations and penalties.](#)

[Sec. 14-26. Notice of violation; hearing; appeals.](#)

[Sec. 14-27. Exceptions and defenses.](#)

[Secs. 14-28—14-41. Reserved.](#)

**Sec. 14-17. Purpose and intent.**

Because the city recognizes that many persons under the age of eighteen (18) years purchase or otherwise obtain, possess, and use tobacco, tobacco products, tobacco-related, and nicotine or lobelia delivery devices, and the sales, possession, and use are violations of both state and federal laws; and because studies, which the city hereby accepts and adopts, have shown that most smokers begin smoking before they have reached the age of eighteen (18) years and that those persons who reach the age of eighteen (18) years without having started smoking are significantly less likely to begin smoking; and because smoking has been shown to be the cause of several serious health problems which subsequently place a financial burden on all levels of government, this article shall be intended to regulate the sale, possession, and use of tobacco, tobacco products, tobacco-related devices, and nicotine or lobelia delivery devices for the purpose of enforcing and furthering existing laws, to protect minors against the serious effects associated with the illegal use of tobacco, tobacco products, tobacco-related devices, and nicotine or lobelia delivery devices, and to further the official public policy of the state in regard to preventing young people from starting to smoke as stated in Minnesota Statutes, Section 144.391, as it may be amended from time to time. In making these findings, the city council accepts the conclusions and recommendations of the Center for Disease Control in its study entitled "Selected Cigarette Smoking Initiation and Quitting Behaviors Among High School Students, United States, 1997," and of the following medical professionals in these medical journals: Khuder S.A., et al., "Age at Smoking Onset and its Effect on Smoking Cessation," Addictive Behavior 24 (5): 673-7, September-October 1999; D'Avanzo B., et al., "Age at Starting Smoking and Number of Cigarettes Smoked," Annals of Epidemiology 4 (6): 455-59, November 1994; Chen, J. & Millar, W.J., "Age of Smoking Initiation: Implications for Quitting," Health Reports 9 (4): 39-46, Spring 1998; Everett S.A., et al., "Initiation of Cigarette Smoking and Subsequent Smoking Behavior Among U.S. High

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School Students," Preventative Medicine, 29 (5): 327-33, November 1999, copies of which are adopted by reference.

(Ord. No. 2012-06, § 1, 7-10-12)

**Sec. 14-18. Definitions.**

Except as may otherwise be provided or clearly implied by context, all terms shall be given their commonly accepted definitions. For the purpose of this article, the following terms shall have the definitions given to them:

*Compliance checks* shall mean the system the city uses to investigate and ensure that those authorized to sell tobacco, tobacco products, tobacco-related, and nicotine or lobelia delivery devices are following and complying with the requirements of this article. Compliance checks shall involve the use of minors as authorized by this article. Compliance checks shall also mean the use of minors who attempt to purchase tobacco, tobacco products, tobacco-related devices, or nicotine or lobelia delivery devices for educational, research and training purposes, as authorized by state and federal laws. Compliance checks may also be conducted by other units of government for the purpose of enforcing appropriate federal, state, or local laws and regulations relating to tobacco, tobacco products, tobacco-related devices, and nicotine or lobelia delivery devices.

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

*Indoor area* shall mean all space between a floor and a ceiling that is bounded by walls, doorways, or windows, whether opened or closed, covering more than fifty (50) percent of the combined surface area of the vertical planes constituting the perimeter of the area. A wall includes any retractable divider, garage door, or other physical barrier, whether temporary or permanent.

*Loosies* shall mean the common term used to refer to a single- or individually-packaged cigarette or any other tobacco product that has been removed from its packaging and sold individually. The term "loosies" does not include individual cigars with a retail price, before any sales taxes, of more than two (\$2.00) dollars per cigar.

*Minor* shall mean any natural person who has not yet reached the age of eighteen (18) years.

*Movable place of business* shall mean and refer to 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.

*Nicotine or lobelia delivery device* shall mean 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 otherwise certified for legal sale by the United States Food and Drug Administration for tobacco use cessation, harm reduction, or for other medical purposes, and is being marketed and sold solely for that approved purchase.

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

*Sale* shall mean any transfer of goods for money, trade, barter or other consideration.

*Self-service merchandising* shall mean open displays of tobacco, tobacco products, tobacco-related devices, or nicotine or lobelia delivery devices in any manner where any person shall have access to the

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tobacco, tobacco products, tobacco-related devices, or nicotine or lobelia delivery devices, without the assistance or intervention of the licensee or the licensee's employee. The assistance or intervention shall entail the actual physical exchange of the tobacco, tobacco product, tobacco-related device, or nicotine or lobelia delivery device between the customer and the licensee or employee. Self-service sales are interpreted as being any sale where there is not an actual physical exchange of the product between the clerk and the customer.

*Smoking* shall mean inhaling or exhaling smoke from any lighted or heated cigar, cigarette, pipe, or any other lighted or heated tobacco or plant product. Smoking also includes carrying a lighted or heated cigar, cigarette, pipe, or any other lighted or heated tobacco or plant product intended for inhalation.

*Tobacco or tobacco products* shall include 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; cigars; pipe tobacco; hookah tobacco, snuff; fine cut, dipping tobacco, moist snuff, snus and other chewing tobacco; cheroots; stogies; perique; granulated, plug cut, crimp cut, ready-rubbed, and other smoking tobacco; snuff flour; cavendish; bidis, kreteks, shorts, plug and twist tobaccos; dipping tobaccos; refuse scraps, clippings, cuttings, and sweepings of tobacco; and all other kinds and forms of tobacco. This term 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.

*Tobacco-related devices* shall mean any tobacco product as well as pipes, water pipes, hookahs, rolling papers, ashtrays, or other devices intentionally designed or intended to be used in a manner which enables the chewing, sniffing, or smoking of tobacco or tobacco products.

*Vending machine* shall mean 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.

(Ord. No. 2012-06, § 1, 7-10-12)

**Sec. 14-19. License—Required.**

No person shall sell or offer to sell any tobacco, tobacco products, tobacco-related device, or nicotine or lobelia delivery device without first having obtained a license to do so from the city.

- (1) *Application.* An application for a license to sell tobacco, tobacco products, tobacco-related devices, or nicotine or lobelia delivery 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, and any additional information the city deems necessary. Upon receipt of a completed application, the city administrator shall forward the application to the council for action at its next regularly scheduled council meeting. If the administrator shall determine that an application is incomplete, he or she shall return the application to the applicant with notice of the information necessary to make the application complete.
- (2) *Action.* The council may either approve or deny the license, or it may delay action for such reasonable period of time as necessary to complete any investigation of the application or the applicant it deems necessary. If the council approves the license, the administrator shall issue the license to the applicant. If the council denies the license, notice of the denial shall be given to the applicant, along with notice of the applicant's right to appeal the council's decision.
- (3) *Term.* All licenses issued under this article shall expire on December 31 of the year of issuance.























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**Sec. 14-137. Appeals.**

Any person aggrieved by a licensing decision of the city council under this article may appeal such decision by filing a written notice of appeal with the city clerk within fifteen (15) calendar days after such decision is rendered. Upon the filing of such an appeal, the city council shall appoint an impartial hearing officer. A decision, along with the hearing officer's reasons, shall be issued by the hearing officer within ten (10) business days of the date of the hearing, a copy of which shall be provided to the appellant by personal delivery or mail. The hearing officer may modify the penalty previously imposed. If the violation is upheld or modified by the hearing officer, the city's actual expenses incurred in holding the hearing up to a maximum of one thousand dollars (\$1,000.00) shall be paid by the person that requested the hearing. The decision of the hearing officer is the final administrative decision of the city. Appeals of any decision of the hearing officer shall be made to the district court within ten (10) business days.

(Ord. No. 2014-005, § 1, 4-8-14)

**Sec. 14-138. Other applicable laws.**

This article is intended to complement state and federal laws regulating synthetic drugs.

(Ord. No. 2014-005, § 1, 4-8-14)

**Sec. 14-139. Severability.**

If any portion of this article, or its application to any circumstances, is held invalid, the remaining provisions shall be considered severable, and shall be given effect to the maximum extent possible.

(Ord. No. 2014-005, § 1, 4-8-14)

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FOOTNOTE(S):

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**Cross reference**— Products Labeled not for Human Consumption, ch. 12, art. III. ([Back](#))