

STATE OF MINNESOTA)
) ss.

AFFIDAVIT OF SERVICE BY U.S. MAIL

COUNTY OF RAMSEY)

Alan Tellez Berkowitz, being first duly sworn, deposes and says that on the twenty second day of November he served the attached **NOTICE OF VIOLATION AND REQUEST FOR 10 DAY LICENSE SUSPENSION** and a correct copy thereof in an envelope addressed as follows:

Garso Mini Mart
d/b/a Garso Mini Mart
189 7th Street East
Saint Paul, MN 55101

Mohamed Maye,
7516 Welcome Avenue North
Brooklyn Park, MN 55443

G & S Walsh properties,
5741 heather Ridge Drive,
Shoreview, MN 55126-3702

Jon Fure, Executive Director
Capitol River Council
370 Wabasha Street North, Suite 720,
St. Paul, MN 55102

(which is the last known address of said person) depositing the same, with postage prepaid, in the United States mail at St. Paul, Minnesota.



Alan Tellez Berkowitz

Subscribed and sworn to before me
This twenty second day of October 2023



Notary Public





November 22, 2023

**NOTICE OF VIOLATION AND
REQUEST FOR 10 DAY LICENSE SUSPENSION**

Garso Mini Mart
d/b/a Garso Mini Mart
189 7th Street East
Saint Paul, MN 55101

RE: Tobacco Shop license held by Garso Mini Mart d/b/a Garso Mini Mart for the premises located at 189 7th Street East in Saint Paul.
License ID #: 20180002292

Dear Licensee:

The Department of Safety and Inspections ("Department") has recommended adverse action against the Tobacco Shop license held by Garso Mini Mart ("Licensee") herein for the premises known as Garso Mini Mart located at 189 7th Street East (Licensed Premises").

Legal Basis for Action:

Saint Paul Legislative Code §310.01, defines Adverse Action as:

"the revocation or suspension of a license, the imposition of conditions upon a license, the denial of an application for the grant, issuance or renewal of a license, the imposition of a fine, the assessment of the costs of a contested hearing, and any other disciplinary or unfavorable action taken with respect to a license, licensee or applicant for a license. 'Adverse action' includes any of the foregoing directed at one (1) or more licenses held by a licensee at any location in the city. 'Adverse action' also includes disapproval of licenses issued by the state under statutory provisions which permit the governing body to disapprove the issuance of the license."

Saint Paul Legislative Code §324.07(j) states, "[n]o person may sell, offer for sale, or otherwise distribute any flavored products, unless excepted under section 324.07(l) of this chapter."

Saint Paul Legislative Code §324.03(5) defines flavored products as:

"any tobacco product, tobacco-related device, electronic delivery device, or nicotine or lobelia delivery product that contains a taste or smell, other than the taste or smell of tobacco that is distinguishable by an



ordinary consumer either prior to or during the consumption of the tobacco product, electronic delivery device, or nicotine or lobelia delivery product, including, but not limited to, any taste or smell relating to menthol, mint, wintergreen, chocolate, cocoa, vanilla, honey, fruit or any candy, dessert, alcoholic beverage, herb, or spice. A public statement or claim, whether express or implied, made or disseminated by the manufacturer of a tobacco product, tobacco-related device, electronic delivery device, or nicotine or lobelia delivery product, or by any person authorized or permitted by the manufacturer to make or disseminate public statements concerning such product or device, that the product or device has or produces a taste or smell other than tobacco will constitute presumptive evidence that the product or device is a flavored product."

Finally, Saint Paul Legislative Code §324.010(b) provides a presumptive penalty of a 10-day suspension for "[d]isplay possession or multiple incidents of sales of; single cigarettes; menthol tobacco products; or *flavored tobacco products*" (emphasis added).

Adverse Action Recommendation:

The Department of Safety and Inspections will recommend a 10-day license suspension penalty for violating the Saint Paul Legislative Code §324.07(j) and selling flavored tobacco with a Tobacco Shop license.

Factual basis for imposition of 10-day license suspension penalty:

On November 20, 2023, Department of Safety and Inspections (DSI) Inspector Joseph Voyda went to the Licensed Premises to inspect the premises due to a flavored tobacco products complaint. Inspector Voyda spoke with the owner Mohamed and introduced himself as a licensing Inspector for the City of Saint Paul with the DSI. Inspector Voyda explained to Mohamed that he was there for an inspection from a complaint that was received by DSI from the Minnesota Department of Revenue (MDR), for flavor tobacco products being offered for sale. Mohamed then said, "I know, I just tried to call you and I left a message." With permission from Mohamed Inspector Voyda went behind the counter to conduct an inspection, in plain sight behind the counter flavored cigars were found on display on the shelf and two new box packages of flavored cigars were also found under the counter. On the ground in a black bag, ten packs of menthol cigarettes were shown to Inspector Voyda by Mohamed. Inspector Voyda asked if there were any other flavored tobacco hidden, Mohamed said, "no, the MDR seized all the other flavored vape product for no invoice."

Mohamed then said, "I know I can't sell those menthol cigarettes, but what about these types of cigars, are these okay to sell?" Inspector Voyda explained to Mohamed that at the time his license was issued to him he was educated by Inspector Voyda himself, about the many types of flavored tobacco products that he could and could not sell. Inspector Voyda continued explaining, saying, "One of the products we spoke about, I was very specific of these types of flavored cigars. I educated you that the distributor will say that these are not



flavors, I also was very adamant that these Dutch 'Sweet Fusion' cigars are indeed flavors, and you may not sell these due to the fact that these cigars are berry, fruity with other flavors that are prohibited to sell with your type of license. If 'Fusion' is a part of the name it is a dead giveaway that they are fused with some other type of flavor, do not purchase them and do not offer for sale in or on the licensed premises."

Mohamed then stated, "I don't make too much money with tobacco its very slow, I just wanted to make money by selling these menthol cigarettes, *I know I'm not allowed to*" (emphasis added).

You have four (4) options to proceed:

1. If you do not contest the imposition of the proposed adverse action, you may do nothing. If I have not heard from you by **December 7, 2023**, I will presume that you have chosen not to contest the proposed adverse action and the matter will be placed on the City Council Consent agenda for approval of the proposed remedy.
2. You can accept the penalty. If this is your choice, you should indicate it directly to the Department of Safety and Inspections, at 375 Jackson Street, Ste. 220, St. Paul, Minnesota 55101-1806 no later than **December 7, 2023**. A self-addressed envelope is enclosed for your convenience. Acceptance of the penalty will be considered an admission to the violation and waiver of the hearing to which you are entitled. This matter will then be placed on the City Council Consent agenda for imposition of the recommended penalty of a 10 day suspension.
3. If you wish to admit the facts but you contest the 10-day license suspension penalty, you may have a hearing before the Saint Paul City Council. You will need to send me a letter with a statement admitting to the facts and requesting a Council hearing no later than **December 7, 2023**. The matter will then be scheduled before the City Council to determine whether to impose the penalty. You will have an opportunity to appear before the Council and make a statement on your own behalf.
4. If you dispute the facts outlined above, you may request a hearing before an Administrative Law Judge (ALJ). You will need to send me a letter disputing the facts and requesting an administrative hearing no later than **December 7, 2023**. At that hearing both you and the City will appear and present witnesses, evidence and cross-examine each other's witnesses. After receipt of the ALJ's report (usually within 30 days), a hearing will need to be scheduled. At that time, the City Council will decide whether to adopt, modify or reject the ALJ's report and recommendation.

Please note: If you choose an administrative hearing, the Department of Safety and Inspections reserves the right to request that City Council impose the costs of the administrative hearing per Saint Paul Legislative Code § 310.03 (k).



SAINT PAUL
CITY ATTORNEY

OFFICE OF THE CITY ATTORNEY
LYNDSEY M. OLSON, CITY ATTORNEY

Civil Division, 15 Kellogg Blvd. West, 400 City Hall
Saint Paul, MN 55102
Tel: 651-266-8710 | Fax: 651-298-5619

If you have not contacted me by December 7, 2023, I will assume that you do not contest the imposition of the 10-day license suspension penalty. In that case, the matter will be placed on the City Council Consent Agenda for approval of the recommended penalty.

If you have questions about these options, please contact my Alan Tellez Berkowitz
alan.tellez.berkowitz@ci.stpaul.mn.us

Sincerely,

Therese Skarda
Assistant City Attorney
License No. 0240989

Cc: Mohamed Maye, 7516 Welcome Avenue North, Brooklyn Park, MN 55443
G & S Walsh properties, 5741 Heather Ridge Drive, Shoreview, MN 55126-3702
Jon Fure, Executive Director, Capitol River Council
370 Wabasha Street North, Suite 720, St. Paul, MN 55102

Attachments: Inspector's Report 11/20/2023
License Group Comments Text Screenshot
DSI Complaint Screenshot
Photos taken during 11/20/2023 inspection
Saint Paul Legislative Code §310.01
Saint Paul Legislative Code §324.03
Saint Paul Legislative Code §324.07
Saint Paul Legislative Code §324.10

CITY OF SAINT PAUL
MELVIN CARTER, MAYOR

STPAUL.GOV

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based on race, color, national origin, religion, sex/gender, disability, sexual orientation, gender identity, age, or veteran status
in the delivery of services or employment practices.*



Inspector's Report

Inspectors Name: Joseph Voyda

Date & Time: 11/20/2023 - 11:48am Staff Member's Name: Mohamed (Owner)

Business/DBA Name: Garso Mini Mart

Property Address: 189 7th Street East

Reason for Visit: Flavored Tobacco Products Complaint Inspection

Observations: Menthol cigarette and flavored cigars

Photos Taken: ☒ Yes ☐ No – Area(s) of where the Photo(s) where taken: Behind the Counter and

Action Taken: ☐ Education / warning

☒ Request for Adverse Action

Other: _____

Details of Conversations (Statements to and by Person Responsible for Property):

Upon arrival, I spoke with the owner Mohamed, I introduced myself as a licensing Inspector for the City of Saint Paul with Department of Safety and Inspections. I explained I was there for an inspection from a complaint that was received by DSI from the Minnesota Department of Revenue (MDR), for flavor tobacco product being offered for sale. Mohamed responded, "I know, I just tried to call you and I left a message." With permission from Mohamed i went behind the counter to conduct an inspection, in plain sight behind the counter flavor cigars were found on display on the shelf and new two box package of flavored cigars under the counter. On the ground in a black bag, ten (10) packs of menthol cigarettes were unveiled to me by Mohamed. I asked if there were any other flavored tobacco hidden, he responded no, the MDR seized all the other flavored vape product for no invoice (see Photos).

Mohamed stated, "I know I can't sell those menthol cigarettes, but what about these types of cigars, are these okay to sell?" I responded, "at the time of your license issuance you were given education by me, of the many types of flavored tobacco products that you may not sell. One of the products we spoke about, I was very specific of these types of flavored cigars. I educated you that the distributor will say that these are not flavors, I also was very adamant that these Dutch "Sweet Fusion" cigars are indeed flavors and you may not sell these due to the fact that these cigars are berry, fruity with other flavors that are prohibited to sell with your type of license. If "Fusion" is apart of the name it is a dead give away that they are fused with some other type of flavor, do not purchase them and do not offer for sale in or on the licensed premises."

Mohamed also stated, "I don't make too much money with tobacco its very slow, I just wanted to make money by selling these menthol cigarettes, I know I'm not allowed to." I advised Mohamed to place all the flavor products in a plastic bag and place them in the back room for the distributor to pick up.



License Group Comments Text

11/20/2023

Licensee: MOHAMED J MAYE

DBA: GARSO MINI MART

License #: 20200002430

11/20/2023 Complaint Inspection - flavor violations found JNV

8/15/2023 Not out of business, just closed at the time of inspection JNV

8/14/2023 Tobacco Compliance Check- Out of Business, AYV

11/23/2022 Not out of business, just closed at the time of inspection JNV

11/22/2022 Underage Tobacco Compliance Check/Out of business under review by JNV AYV

Folder #:	2023 101366 LIC	PIN:	312922440010	Status:	Open
In Date:	11/20/2	Ward:	2	Zoning:	B5
		Dist Council:	17	Owner:	
		Worktype:	Complaint		
Complaint Location:		Census Tract:	34203	G & S Walsh Properties	
		Census Block:	3016	5741 Heather Ridge Dr Shoreview MN 55126- 3702	
		Homesteader:			
		Tax Owner:			

Legal Desc:	V D WALSHS RE OF L1- 2B16 ROBER EX SWLY PART MEASURING 107 21/100 FT ...104 08/100 FT ON NWLY L LOT 8
Complainant:	
Details:	Tobacco: MN Department of Revenue during inspection found Menthol and flavored vape products

This complaint has been referred to the following departments:

DSI Licensing Response - Scheduled Date: 11/20/23

Comment:

Inspector Assigned: Joseph Voyda, Phone: 651- 266- 9014

Results	Entered By	Comment







SAVE MORE 2

SLOW BURN



NATURAL LEAF WRAPPED

Dutch

BY DUTCH MASTERS

SWEET FUSION
... RED ...

2 PREMIUM
CIGARILLOS

SURGEON GENERAL
WARNING: Cigar Smoking
Can Cause Lung Cancer
And Heart Disease.

SAVE MORE 2

SA
mo

SA
mo

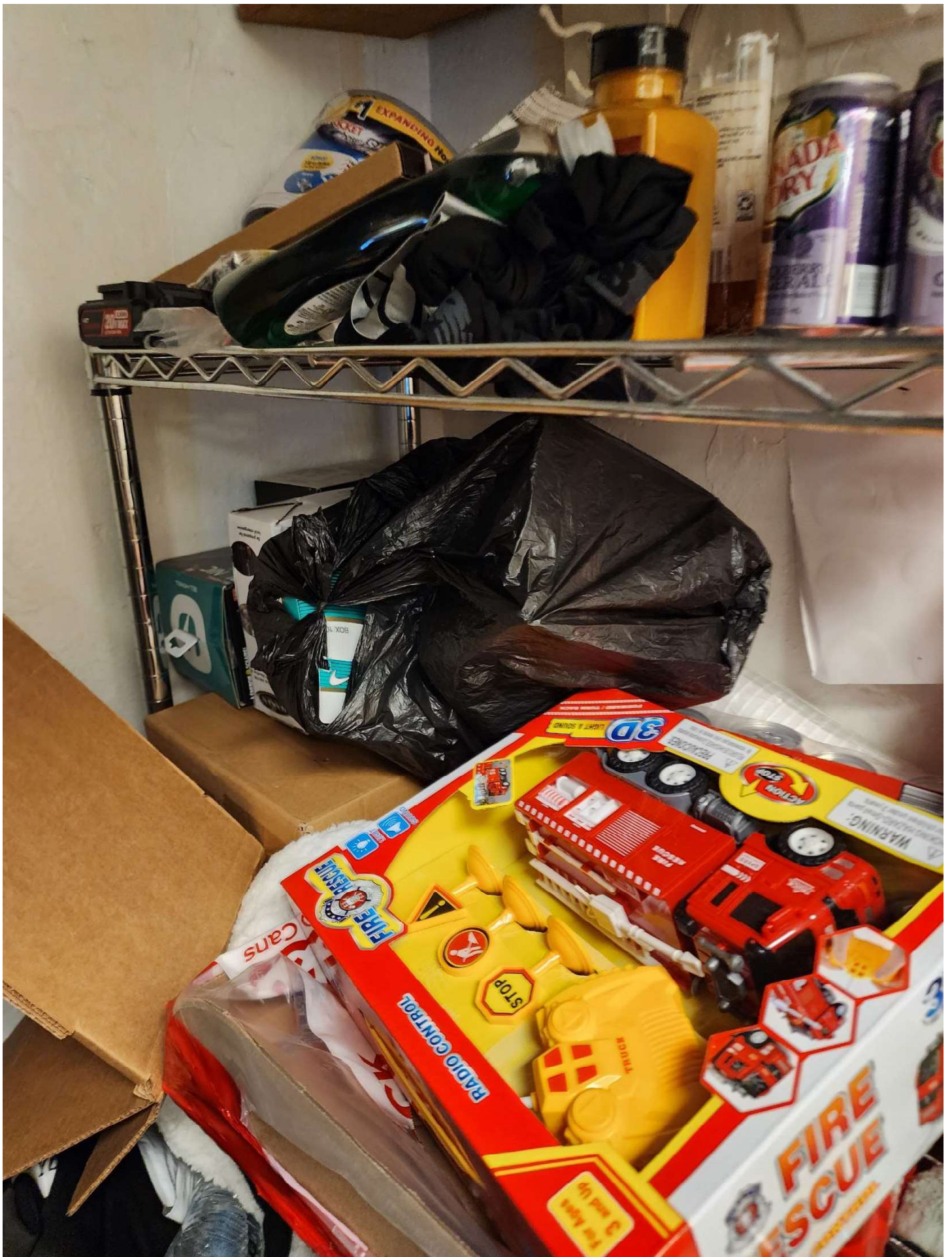
New

New

SP
BU

BIC

30-COUNT





Sec. 324.10. - Presumptive penalties.

- (a) *Purpose.* The purpose of this section is to establish a standard by which the city council determines the amount of fines, length of license suspensions and the propriety of revocations for licensees. These penalties are presumed to be appropriate for every case; however, the council may deviate therefrom in an individual case where the council finds and determines that there exist substantial and compelling reasons which make it appropriate to do so, except, the council may not deviate below statewide minimum penalties for licensees. When deviating from these standards, the council shall provide written reasons that specify why the penalty selected was more appropriate. Where no penalty is listed below, the presumptive penalty under Saint Paul Legislative Code Section 310.
- (b) *Presumptive penalties for licensees for violations.* Adverse penalties for licensees for violations or convictions shall be presumed as follows:

Type of Violation	Appearance			
	1st	2nd	3rd	4th
(1) Sale to a person under twenty-one (21) years of age	\$500.00 fine	\$1,000.00 fine	\$2,000.00 fine and 7-day suspension	Revocation
(2) Display, possession or multiple incidents of sales of; • single cigarettes; • menthol tobacco products; or • flavored tobacco products	10-day suspension	Revocation		

- (c) *Fines payable without hearing.* Notwithstanding the provisions of section 310.05(l), a licensee who would be making a first or second appearance before the council may elect to pay the fine to the department of safety and inspections without a council hearing, unless the notice of violation has

indicated that a hearing is required because of circumstances which may warrant deviation from the presumptive fine amount. Payment of the recommended fine will be considered to be a waiver of the hearing to which the licensee is entitled, and will be considered an "appearance" for the purpose of determining presumptive penalties for subsequent violations.

(d) *Computation of time.* Except as otherwise provided by Minn. Stats. § 461.12, subd. 2, subsequent violations are subject to the following:

- (1) *Second, third and fourth appearances.* A second violation within twenty four (24) months shall be treated as a second appearance, a third within twenty four (24) months treated as a third appearance, and a fourth within twenty four (24) months treated as a fourth appearance for the purpose of determining the presumptive penalty.
- (2) *Any appearance not covered by subsections (1) above shall be treated as a first appearance.* Measurement of the twenty four (24) month period shall be as follows: The beginning date shall be the earliest violation's date of appearance before the council, and the ending date shall be the date of the new violation. In case of multiple new violations, the ending date to be used shall be the date of the violation last in time.

(Ord. No. 17733, § 3, 5-8-90; C.F. No. 94-341, § 11, 4-13-94; C.F. No. 97-314, § 1, 4-20-97; C.F. No. 02-898, § 1, 11-6-02; C.F. No. 07-149, § 82, 3-28-07; Ord. No. 11-114, § 1, 12-28-11; Ord 15-57, § 1, 1-6-16; Ord 19-57, § 5, 10-16-19; Ord 21-29, § 10, 11-3-21)

Editor's note— Ord 19-57, §§ 4, 5, repealed § 324.10 and renumbered § 324.11 as § 324.10. Former § 324.10 pertained to the use of tobacco prohibited and derived from Ord. No. 17733, § 2, adopted May 8, 1990; C.F. No. 94-341, § 10, adopted April 13, 1994; C.F. No. 97-314, § 1, adopted April 20, 1997; Ord 13-8, § 4, adopted April 24, 2013; and Ord 15-57, § 1, adopted January 6, 2016.

Sec. 324.03. - Definitions.

The following words and phrases, as used in this chapter, will, for the purposes of this chapter, have the meanings respectively ascribed to them in this section, except in those cases where the context clearly indicates a different meaning:

- (1) *Cigar* means any roll of tobacco that is wrapped in tobacco leaf, or in any other substance containing tobacco, with or without a tip or mouthpiece, that is not a cigarette as defined in Minn. Stats. § 297F.01, subd. 3, as may be amended from time to time.
- (2) *Cigarette* means and includes any roll for smoking, made wholly or in part of tobacco, irrespective of size and shape and whether or not such tobacco is flavored, adulterated or mixed with any other ingredient, the wrapper or cover of which is made of paper or any other substance or material except whole tobacco leaf, and includes any cigarette as defined in Minn. Stats. § 297F.01, subd. 3.
- (3) *Drug paraphernalia* means drug paraphernalia as defined in Saint Paul Legislative Code Section 255.01.
- (4) *Electronic delivery device* means any product containing or delivering nicotine, lobelia, or any other substance, whether natural or synthetic, 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. 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 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.
- (5) *Flavored product* means any tobacco product, tobacco-related device, electronic delivery device, or nicotine or lobelia delivery product that contains a taste or smell, other than the taste or smell of tobacco that is distinguishable by an ordinary consumer either prior to or during the consumption of the tobacco product, electronic delivery device, or nicotine or lobelia delivery product, including, but not limited to, any taste or smell relating to menthol, mint, wintergreen, chocolate, cocoa, vanilla, honey, fruit or any candy, dessert, alcoholic beverage, herb, or spice. A public statement or claim, whether express or implied, made or disseminated by the manufacturer of a tobacco product, tobacco-related device, electronic delivery device, or nicotine or lobelia delivery product, or by any person authorized or permitted by the manufacturer to make or disseminate public statements concerning such product or device, that the product or device has or produces a taste or smell other than tobacco will constitute presumptive evidence that the product or device is a flavored product.

(6)

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

- (7) *Nicotine or lobelia delivery product* means any product containing or delivering nicotine or lobelia, whether natural or synthetic, intended for human consumption, or any part of such a product, that is not a tobacco product or an electronic delivery device, as defined in this section. Nicotine or lobelia delivery product does not include any product that has been approved or otherwise certified for legal sale 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.
- (8) *Non-discounted price* means the higher of the price listed for licensed products on a package or the price listed on any related shelving, posting, advertising or display at the place where the tobacco product is sold or offered for sale plus all applicable taxes if such taxes are not included in the sale price.
- (9) *Price reduction instrument* means any coupon, voucher, rebate, card, paper, note, form, statement, ticket, image, or other issue, whether in paper, digital, or any other form, not included in the non-discounted price, used for commercial purposes to receive an article, product, service, or accommodation without charge or at a discounted price.
- (10) *Sale* means and includes any transfer, conditional or otherwise, of title or possession.
- (11) *Sale at retail* means and includes all sales except those where the merchandise is sold for the purpose of resale by a person principally engaged in selling merchandise for resale.
- (12) *Snuff* means any tobacco product that consists of cut, ground, powdered, or leaf tobacco and that is intended to be placed in the oral or nasal cavity.
- (13) *Snus* means any smokeless tobacco product marketed and sold as snus, and sold in ready-to-use pouches or loose as a moist powder.
- (14) *Tobacco or tobacco product* means 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, cigarettes, cigars, little cigars; cheroots; stogies; periques; granulated, plug cut, crimp cut, ready rubbed, and other smoking tobacco; snus, snuff; snuff flour; cavendish; plug and twist tobacco; fine cut and other chewing tobacco; shorts; refuse scraps, clippings, cuttings and sweepings of tobacco, and other kinds and forms of tobacco. Tobacco products 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.
- (15) *Tobacco license* means either a tobacco shop or a tobacco products shop license.

- (16) *Tobacco shop license* means a license issued to a person, firm, or corporation for an establishment that:
- a. May offer for sale licensed products which are accessible to the public only with the intervention of a store employee; and,
 - b. May allow persons who are under the age of twenty-one (21) to enter the establishment; and
- (17) *Tobacco products shop license* means a license issued to a person, firm, or corporation for an establishment that:
- a. Must derive at least ninety (90) percent of its revenue from the sale of licensed products;
 - b. Must prohibit persons who are under the age of twenty-one (21) from entering the establishment;
 - c. Must be accessible only through a door opening directly to the outside; and
 - d. Must be staffed by at least one individual solely dedicated to the tobacco products shop during all operating hours.
- (18) *Tobacco-related devices* means cigarette papers, 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.
- (19) *Tobacco vending machine* means a machine for vending licensed products by the insertion of money, tokens, or other form of payment.

(Code 1956, § 336.01; C.F. No. 94-341, § 3, 4-13-94; C.F. No. 97-314, § 1, 4-20-97; C.F. No. 10-1014, § 1, 10-13-10; Ord 13-8, § 1, 4-24-13; Ord 14-34, § 1, 8-27-14; Ord 15-57, § 1, 1-6-16; Ord 17-28, § 1, 11-1-17; Ord 21-29, § 4, 11-3-21)

Sec. 310.01. - Definitions.

For the purposes of this chapter, any chapter of the Legislative Code pertaining to licenses as hereinafter mentioned, and subsequently enacted ordinances establishing or relating to the requirements for Class R, for routinely issued licenses, Class T for temporary licenses and Class N for licenses in which neighbors are required to be notified, under authority of the City of Saint Paul, the terms defined in this section shall have the meanings ascribed to them:

Adverse action means the revocation or suspension of a license, the imposition of conditions upon a license, the denial of an application for the grant, issuance or renewal of a license, the imposition of a fine, the assessment of the costs of a contested hearing, and any other disciplinary or unfavorable action taken with respect to a license, licensee or applicant for a license. "Adverse action" includes any of the foregoing directed at one (1) or more licenses held by a licensee at any location in the city. "Adverse action" also includes disapproval of licenses issued by the state under statutory provisions which permit the governing body to disapprove the issuance of the license.

Bond means a bond meeting the requirements of section 310.07 and indemnifying the city against all claims, judgments or suits caused by, resulting from or in connection with any licensed business, activity, premises, thing, facility, occurrence or otherwise under these chapters.

Building official means the official in the department of safety and inspections charged with the responsibility of enforcement of the building code.

Chapters and these chapters shall mean this uniform license ordinance, any chapter of the Legislative Code pertaining to licenses as hereinafter mentioned, and subsequently enacted ordinances establishing or relating to the requirements for class R, class T and class N licenses under authority of the city.

Class R licenses means those licenses which can be approved and issued or denied by the director of the department of safety and inspections, subject to the procedures required by these chapters. The following licenses are so classified, and the numbers shown opposite them correspond to the chapters in the Legislative Code pertaining to each license:

Class R Licenses	Legislative Code Chapter
Animal Foods Manufacturing and Distributing	<u>316</u>
Amusement Rides	<u>317</u>
Mechanical Amusement Devices	<u>318</u>
Bed and Breakfast	<u>378</u>
Bituminous Contractors	<u>320</u>
Rooming and Boardinghouses; Dormitories	<u>321</u>
Christmas Tree Sales	<u>323</u>
Cigarettes/Tobacco	<u>324</u>

Commercial Vehicles	<u>167</u>
Building Contractors	<u>326</u>
Courtesy Bench	<u>127</u>
Dry Cleaning Establishments and Pickup Stations; Laundries	<u>327</u>
Alarm Devices	<u>329</u>
Food Protection Standards	<u>331A</u>
Fuel Dealers—Liquid Fuel	<u>332</u>
Fuel Dealers—Solid Fuel	<u>333</u>
Pest Control	<u>334</u>
House Sewer Contractors	<u>338</u>
Keeping of Animals	<u>198</u>
Lawn Fertilizer and Pesticide Application	<u>377</u>
Mercantile Broker	<u>340</u>
Oil—Bulk Storage	<u>342</u>
Peddlers	<u>345</u>
Solicitors	<u>345</u>
Pet Grooming Facility	<u>382</u>
Pet Shops	<u>347</u>
Solid Waste Hauler	<u>357</u>
Rental of Hospital Equipment	<u>350</u>
Rental of Kitchenware	<u>351</u>
Rental of Trailers	<u>352</u>
Roller Rinks	<u>353</u>
Sanitary Disposal Vehicle	<u>354</u>
Secondhand Dealers (Single Location, Multiple Dealers)	<u>355</u>
Sidewalk Cafe	106
Sidewalk Contractors	<u>356</u>
Solid Waste Transfer Station	<u>357</u>
Sign and Billboard Construction	66 and 33
Sound Trucks and Broadcasting Vehicles	<u>359</u>
Public Swimming Pools	<u>360</u>
Tanning Facility	<u>380</u>
Wreckers and Tow Trucks	<u>361</u>
Taxicab Driver	<u>376</u>
Taxicab Vehicle	<u>376</u>
Tree Trimming	<u>362</u>
Food Vending Machines	<u>363</u>
Veterinary Hospital	<u>364</u>
Window Cleaning	<u>365</u>
Block Parties	<u>366</u>
Wrecking of Buildings	<u>368</u>
Building Trades Business Licenses	<u>369</u>

Building Trades Certificates of Competency	<u>370</u>
Finishing Shop	<u>371</u>
Tire Recapping Plants	<u>372</u>
Massage Center	<u>412</u>
Therapeutic Massage Practitioner	<u>414</u>
Vehicle Immobilization	<u>383</u>
Short-term Rental Platform	<u>379</u>
Short-term Rental Host	<u>379</u>

Class T licenses means those licenses which must be approved or denied by the director, subject to the procedures required by these chapters. The following licenses are so classified, and the numbers shown opposite them correspond to the chapters in the Legislative Code pertaining to each license:

Class T Licenses	Legislative Code Chapter
Amusement Rides—Temporary	<u>317</u>
Close-Out Sales	<u>325</u>
Transient Merchants	<u>345</u>
Gambling—Temporary	<u>402.06</u>
Entertainment—Temporary	<u>411</u>
Extension of Service Area-Liquor	<u>409</u>
Soliciting Funds—Tag Days	<u>391</u>
Temporary On-Sale Malt (3.2)	410
Temporary Wine, Wine Licenses for Festivals and Liquor	<u>409</u>
Secondhand Dealer—Exhibition	<u>355</u>
Temporary World Cup Soccer License	<u>409</u> , 410

Class N licenses means those licenses which can be approved or denied only by the council, subject to the procedures required by these chapters. The following licenses are so classified, and the numbers shown opposite them correspond to the chapters in the Legislative Code pertaining to each license:

Class N Licenses	Legislative Code Chapter
Automobile Repair Garage and Body Shop	<u>423</u>
Pool Hall, Bowling Center	<u>322</u>
New Motor Vehicle Dealer	401
Bingo	402
Bingo Halls	403
Cabaret	<u>426</u>
Private Clubs - Liquor	<u>409</u>

Dance or Rental Halls	<u>405</u>
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Department means the department of safety and inspections.

Director means the director of the department of safety and inspections, unless otherwise defined in the specific chapter, section or subdivision referred to.

Fee means and includes both the license fee and application fee unless otherwise provided.

Inspector as used in these chapters means the director of the department of safety and inspections or his or her designee.

License means and includes all licenses and permits provided for or covered by these chapters. License also includes licenses issued by the state under statutory provisions which permit the governing body to disapprove the issuance of such licenses, for the purposes of making procedures in chapter 310 of the Legislative Code applicable to the approval or disapproval of such licenses.

Person means and includes any person, firm, corporation, partnership, company, organization, agency, club or any group or association thereof. It shall also include any executor, administrator, trustee, receiver or other representative appointed by law.

Zoning administrator means the official in the department of safety and inspections charged with responsibility for enforcement of the zoning code.

(Code 1956, § 510.01; Ord. No. 17085, § 1, 12-6-83; Ord. No. 17303, § 3, 10-29-85; Ord. No. 17569, § 1, 6-7-88; Ord. No. 17919, § 1, 3-31-92; C.F. No. 93-1645, § 8, 12-30-93; C.F. No. 94-46, § 6, 2-2-94; C.F. No. 94-500, § 2, 7-6-94; C.F. No. 94-898, § 1, 7-13-94; C.F. No. 95-473, § 1, 5-31-95; C.F. No. 99-500, § 1, 7-7-99; C.F. No. 01-400, § 1, 11-7-01; C.F. No. 02-1031, § 1, 11-27-02; C.F. No. 03-102, § 1, 3-12-03; C.F. No. 03-694, § 1, 9-3-03; C.F. No. 06-574, § 1, 7-26-06; C.F. No. 06-821, § 1, 9-27-06; C.F. No. 07-149, § 71, 3-28-07; Ord 12-50, § 1, 9-12-12; Ord 17-48, § 1, 10-25-17; Ord 16-68, § 1, 1-9-19; Ord 22-35, § 2, 8-3-22)

Sec. 324.07. - Sales prohibited.

- (a) No person may sell a cigarette outside its original packaging containing health warnings satisfying the requirements of federal law. No cigarettes may be sold individually or in packages of fewer than twenty (20) cigarettes.
- (b) No person may sell or dispense licensed products from a motor vehicle or other movable place of business.
- (c) No person may sell licensed products from vending machines unless the vending machines are in a facility that cannot be entered at any time by persons younger than twenty-one (21) years of age.
- (d) No person may offer for sale licensed products in any open displays which are accessible to the public without the intervention of a store employee. This restriction does not apply to establishments holding a tobacco products shop license.
- (e) No person may sell, offer for sale, or otherwise distribute cigars in original packages containing three (3) or fewer cigars for a sale price, after any coupons, multipack or buy-one/get-one promotions, or any other discounts are applied and prior to applicable sales taxes being imposed, of less than two dollars and sixty cents (\$2.60) per cigar contained within. In addition, no person may sell, offer for sale, or otherwise distribute cigars in original packages of four (4) or more cigars for a sale price, after any coupons, multipack or buy-one/get-one promotions, or any other discounts are applied and prior to applicable sales taxes being imposed, of less than ten dollars and forty cents (\$10.40) per package.
- (f) No person may sell or offer for retail sale cigarette packages or cartons for a sales price, prior to applicable sales taxes being imposed, of less than ten dollars (\$10.00) per pack.
- (g) No person may sell or offer for retail sale moist snuff retail packages or multipacks for a sales price, prior to applicable sales taxes being imposed, of less than ten dollars (\$10.00) per 1.2 ounce package. No person may sell or offer for retail sale any smokeless tobacco/moist snuff unless it is sold in a package of at least 1.2 ounces minimum package size. The price floor for packages larger than 1.2 ounces shall be computed by adding two dollars and fifty cents (\$2.50) for each 0.3 ounces or any fraction thereof in excess of 1.2 ounces, excluding all applicable taxes.
- (h) No person may sell or offer for sale or otherwise distribute snus for a sales price, prior to applicable sales taxes being imposed, of less than ten dollars (\$10.00) per 0.32 ounce package. No person may sell or offer for retail sale any snus unless it is sold in a package of at least 0.32 ounces minimum pack size. The price floor for packages larger than 0.32 ounces shall be computed by adding two dollars and fifty cents (\$2.50) for each 0.08 ounces or any fraction thereof in excess of 0.32 ounces, excluding all applicable taxes.
- (i)

No holder of a license issued under this chapter, nor any employee or agent of same may sell tobacco products to a person under the age of twenty-one (21) years. Sale to persons under the age of twenty-one (21) years prohibited.

- (1) It is an affirmative defense to a charge under this subdivision if the defendant proves by a preponderance of the evidence that the defendant reasonably and in good faith relied on proof of age as described in Minn. Stats. § 340A.503, subd. 6.
- (j) No person may sell, offer for sale, or otherwise distribute any flavored products, unless excepted under section 324.07(l) of this chapter.
- (k) *Coupons and price promotions.* No holder of a license issued under this chapter, nor any employee or agent of same, may:
 - (1) Accept or redeem, offer to accept or redeem, or cause or hire any person to accept or redeem or offer to accept or redeem any price reduction instrument or other offer that provides any licensed product without charge or for less than the listed or non-discounted price; or
 - (2) Sell or offer to sell licensed products, to consumers through any multi-pack discounts (e.g., "buy-two-get-one-free") or otherwise provide or distribute to consumers any licensed products, without charge or for less than the listed or non-discounted price in exchange for the purchase of any other licensed products.

Nothing in this chapter is intended to prohibit communication of pricing information or other truthful, non-misleading information to consumers.

(l) *Exceptions.*

- (1) Notwithstanding section (i), individuals exempted under Minn. Stats. § 609.685 are also exempt from this section.
- (2) The penalties in this section do not apply to a person under the age of twenty-one (21) years who purchases or attempts to purchase licensed products while under the direct supervision of a responsible adult for training, education, research, or enforcement purposes.
- (3) Retail stores holding a tobacco products shop license are permitted to sell and offer for sale flavored tobacco products.
- (m) Any violation of this chapter will subject the licensee to provisions of chapter 310 and section 324.10 of the Saint Paul Legislative Code.

(Code 1956, § 336.07; Ord. No. 17714, § 1, 2-20-90; C.F. No. 94-341, § 7, 4-13-94; C.F. No. 97-314, § 1, 4-20-97; C.F. No. 06-872, § 1, 10-11-06; C.F. No. 10-1014, § 2, 10-13-10; Ord 13-8, § 2, 4-24-13; Ord 14-34, § 2, 8-27-14; Ord 15-57, § 1, 1-6-16; Ord 17-28, § 2, 11-1-17; Ord 19-57, § 2, 10-16-19; Ord 21-29, § 7, 11-3-21)