Sec. 324.01. - License required.

(a) No person shall sell or offer for sale at retail within the city any tobacco, or in any manner represent or hold himself or herself out as one who sells or offers for sale at retail any tobacco, or maintain a tobacco vending machine for the sale of tobacco without a license.

(b) A tobacco vending machine may be located in a public accommodation, provided that:

(1) All tobacco vending machines shall be operable only by the activation of an electronic switch operated by an employee of the establishment before each sale, or by insertion of a token provided to the purchaser by an employee of the licensee; and

(2) The machine shall be located in the immediate vicinity, plain view and control of a responsible employee so that all tobacco purchases will be readily observable by that employee. The tobacco vending machine shall not be located in a coatroom, restroom, unmonitored hallway, outer waiting area or similar unmonitored areas. The tobacco vending machine shall be inaccessible to the public when the establishment is closed.

(c) Any license issued pursuant to this chapter shall be issued to the person, firm or corporation that operates the principal business at that address. Each vending machine shall be required to have a separate license.

(d) No license may be issued pursuant to this chapter for a location or place of sale if a tobacco license previously issued for that location or place of sale has been revoked for any reason other than nonpayment of license fees within the past five (5) years, subject to the following exceptions:

(1) Notwithstanding subdivision (d), a license may be issued if the new applicant:

a. Currently holds another tobacco license in the city;

b. Has held the license for at least five (5) years; and

c. The license:

1. Has not been subject to adverse action within the past two (2) years;

2. Has been subject to no more than one (1) adverse action within the past five (5) years; and

3. Is not the subject of any pending adverse actions.

(2) Notwithstanding subdivision (d), a license may be issued if the new applicant is otherwise able to demonstrate at least five (5) years of previous experience operating a tobacco retail establishment in a law-abiding manner in the State of Minnesota. In considering an application made pursuant to this subsection, the factors to be considered by the council include, but are not limited to:

a. Any adverse or disciplinary actions against any business licenses held by the applicant in the previous five (5) years; and

b. Any violations of the law related to operating a retail establishment, committed by the applicant in the previous five (5) years, regardless of whether any criminal charges have been brought in connection therewith.

(3) Any license granted pursuant to subpart (d)(1) or (d)(2) must be approved by the affirmative vote of no less than five (5) members of the council.

(Code 1956, § 366.02; Ord. No. 17714, § 1, 2-20-90; C.F. No. 94-341, § 1, 4-13-94; C.F. No. 97-314, § 1, 4-20-97; Ord 15-12, § 1, 4-22-15)