



STAFF REPORT

TO: Mayor Keis and Members of the City Council

FROM: Heidi Heller, City Clerk/HR Manager

DATE: May 25, 2022

RE: Ordinance 864, Amending City Code Chapter 802, Tobacco Products

ACTION TO BE CONSIDERED

Hold the Public Hearing and consider adoption of Ordinance 864, amending City Code Chapter 802, Tobacco Products.

BACKGROUND

In June 2021, Council members stated that they would like to consider amendments to the tobacco code. After the issues from one of the tobacco store owners during the pandemic, and learning that more cities are further restricting the number of tobacco licenses issued and products that can be sold, Council questioned why the City was still issuing licenses for tobacco product sales when there is so much information about how harmful tobacco is to public health. Many cities in the metro area and statewide, are making changes to their tobacco codes to better protect their residents and community health overall. Common changes over the last two years are ending indoor sampling/smoking and limiting or prohibiting the sale of flavored tobacco products.

At the January 12, 2022 Workshop, the Council discussed changes that could be made to the tobacco products and licensing chapter of the City Code, and agreed that ending the allowance of indoor smoking at the tobacco stores and not increasing the number of tobacco licenses issued were their top priorities. Staff has drafted proposed Ordinance 864, amending the City Code relating to tobacco products and licensing, for Council consideration.

The proposed ordinance states the following facts related to smoking:

- National data show that about 95 percent of adult smokers begin smoking before they turn 21. The ages of 18 to 21 are a critical period when many smokers move from experimental smoking to regular, daily use. Electronic delivery device use among youth has recently tripled. Young minds are particularly susceptible to the addictive properties of nicotine. As a result, approximately 3 out of 4 teen smokers end up smoking into adulthood.
- Commercial tobacco use causes disease and death and constitutes an urgent public health threat as it remains the leading cause of preventable death and disability in the United States, with 480,000 people dying prematurely in the United States from smoking-related diseases every year.

- In the United States, smoking is responsible for about 1 in every 5 deaths, more death each year than human immunodeficiency virus (HIV), illegal drug use, alcohol use, motor vehicle injuries, microbial agents and toxic agents combined.
- Commercial tobacco use can affect nearly all organ systems and is responsible for 87 percent of lung cancer deaths, 79 percent of all chronic obstructive pulmonary disease deaths, and 32 percent of coronary heart disease deaths. According to the World Health Organizations, tobacco use accounts for the greatest cause of death worldwide, responsible for nearly 6 million deaths per year. Over 16 million Americans have at least one disease caused by smoking.
- Secondhand smoke, according to the Centers for Disease Control and Prevention, causes stroke, lung cancer, and coronary heart disease in adults. In addition, it increases risks for sudden infant death syndrome, respiratory symptoms, middle-ear disease, and slows lung growth in children.
- Cigarette butts are the most-littered object in the world and the item most often found in beach cleanups globally. Butts contribute nonbiodegradable plastic, nicotine, heavy metals, pesticides and other toxic substances to land and marine environments, down to the bottom of the oceans;

In May 2013, the City Council amended the tobacco code to no longer permit any indoor smoking and sampling, but included specific language that would allow the indoor smoking to continue at the two tobacco stores that were in existence at the time of the ordinance adoption. Both of these businesses are still operating and offering indoor smoking. At the January 12, 2022 Workshop, the City Council discussed phasing out the allowance of indoor smoking and how to determine an end date. The Council initially recommended June 2023, but decided to give these two businesses a two-year notice and decided on June 30, 2024. There has been previous discussion about whether ending the indoor smoking is a “taking” of the business, and the City Attorney has given an opinion that it would not be a taking of the business. A memo from City Attorney Patrick Kelly is included in this report.

Staff again worked with the Association for Nonsmokers-Minnesota and the Public Health Law Office at Mitchell Hamline School of Law to review our entire existing tobacco code language and draft an ordinance that makes the necessary updates. The Public Health Law Office also reviews the code for best practices, state law compliance and clarity. The proposed Ordinance 864 amends each section that addresses the indoor smoking allowance and issuing licenses, along with updating definitions and other language that governs the regulation of tobacco and tobacco products.

Little Canada has two types of tobacco licenses: Tobacco Store or General Sales & Display. The tobacco store license is for a business whose primary business is tobacco products, and the sales & display license limits the amount of square footage in the store that can be dedicated to tobacco products. This license type is for retailers like a gas station, liquor store or restaurant/bar. The City Code limits the number of tobacco stores licenses to two, but currently has no limit on the number of sales & display licenses that can be issued.

The City Council also recommended that new tobacco licenses would no longer be issued to any new applicants, but would allow current license holders to apply for a renewal license. This would put a cap on the number of General Sales & Display licenses at five, which is how many are currently issued. There is already a limit on Tobacco Store licenses. Businesses that are licensed as of the date of ordinance adoption would be eligible to renew their current license, as long as it is the same person holding the license, or if it is a business holding the license, that there has not been a change of 50% or more of the owners, shareholders or partners, or the license has not been revoked.

State Statute requires a written notice to tobacco retailers 30 days prior to Council action on this tobacco ordinance. Letters were mailed to the seven tobacco license holders on April 22, 2022 to notify them of Council action on May 25, 2022. Staff has also spoken directly to four of the licensees about the proposed changes.

Tobacco Licenses currently issued:

Tobacco Stores: The Hookah Hideout and Little Canada Smoke Shop

General Sales & Display: Little Canada bp gas station, Hoggsbreath, Tierney Liquors, CV Liquors and Kath Speedway

There are a lot of amendments shown in the draft ordinance, but much of the change is language simply being updated, and/or sections being moved within the chapter.

A Version 2 of the ordinance is included if Council prefers a shortened Purpose & Intent Section 802.005. The Public Health Law Office drafted this section and it is lengthy and includes a lot of statistics and information. Council may feel this additional information is unnecessary to include in the ordinance.

RECOMMENDATION

Adopt Ordinance 864 (either version 1 or version 2), amending City Code Chapter 802, Tobacco Products, and approve publication of a summary ordinance. Pursuant to Minnesota Statutes Section 412.191, in the case of a lengthy ordinance, a summary may be published.

ATTACHMENTS:

- City Attorney Memo - RE: Regulatory Taking
- Letter from the Association for Nonsmokers-Minnesota (ANSR) – received 4/29/2022
- Ordinance 864 that shows all of the proposed changes
- Clean copy of Ordinance 864
- Clean copy of Ordinance 864 Version 2 (shortened Purpose & Intent section 802.005)
- Summary Ordinance 864

MEMORANDUM

DATE: January 28, 2021
TO: Little Canada
ATT: Heidi Heller (Heidi.heller@littlecanadamn.org)
FROM: Patrick Kelly
RE: Regulatory Taking

ISSUE: Does a tobacco license not including in use hookahs constitute a regulatory taking?

ANSWER: No, a tobacco license not including in use hookahs does not constitute a regulatory taking.

ANALYSIS:

Under the Minnesota Constitution, article 1, section 13, private property must not be taken, destroyed, or damaged for public use without payment of just compensation.

Definition of Taking

The classic taking is a direct appropriation or physical invasion of private property. Since 1992, however, the courts have recognized that a state statute or local ordinance may impose restrictions or demands on the use of private property that are so onerous that it amounts to a taking and the government must compensate the owner. *Lingle v. Chevron, U.S.A., Inc.*, 125 S. Ct. 2074, 2081 (2005) (citing *Pennsylvania Coal Co. v. Mahon*, 260 U.S. 393 (1922)). In these instances, called regulatory takings, the property owner brings an inverse condemnation action to compel the government to begin eminent domain proceedings and compensate the owner. A compensable regulatory taking may be temporary or permanent. *First English Evangelical Lutheran Church v. County of Los Angeles*, 482 U.S. 304 (1987).

Categorical or per se regulatory takings

There are two situations in which a court could find that a regulation is clearly a taking; a categorical or “pre se” taking. First, if the regulation requires an owner to allow a physical invasion of the property, however minor, the owner must be compensated. *Lingle*, 125 S. Ct. at 2081 (citing *Loretto v. Teleprompter Manhattan CATV Corp.*, 458 U.S. 419 (1982)).

The second situation is when the regulation denies the owner of all economically viable use of the property and the regulation is not merely an explicit statement of common law limitations already present in the title. *Lingle*, 125 S. Ct. at 2081 (citing *Lucas v. South Carolina Coastal Council*, 505 U.S. 1003 (1992)).

Penn Central Test

Three part test to determine regulatory taking.

Apart from the two situations in which the Court would find a categorical taking or taking per se, there is little guidance on what constitutes a regulatory taking, and courts have relied on ad hoc factual inquiries. *Pen Central Transp. Co. v. New York City*, 438 U.S. 104, 124 (1978). In these cases, a court will analyze a regulatory takings claim under a three-part test in which the court, considering the parcel as a whole, looks at:

- 1) The economic impact of the regulation on the owner;
- 2) The extent to which the regulation interferes with distinct legitimate, investment-backed expectations; and
- 3) The character of the government action—does it result in the equivalent of a physical invasion of the property or is it more a “public program adjusting the benefits and burdens of economic life to promote the common good.”

Each of the tests for regulatory takings looks for the functional equivalent to an appropriation or physical invasion of private property. *Id.* at 2084

CONCLUSION:

A tobacco license not including in use hookahs does not meet the three part test to constitute a regulatory taking.

(Research from House Research “Eminent Doman: Regulatory takings”)



Mayor John Keis
City of Little Canada
515 Little Canada Road East
Little Canada, MN 55117-1600

Dear Mayor Keis and members of the Little Canada City Council,

The Association for Nonsmokers – Minnesota (ANSR) supports your efforts to end indoor tobacco sampling in your community. Prohibiting sampling levels the playing field for all tobacco retailers in Little Canada. It also protects workers and neighboring businesses. Many Minnesota cities prohibit sampling in an effort to uphold clean indoor air standards for all Nearby cities that have ended indoor tobacco sampling include Arden Hills, Brooklyn Center, Falcon Heights, Golden Valley, Mounds View, New Brighton, Roseville, Shoreview, and St. Paul to mention a few.

In addition to the well-established hazards of secondhand smoke exposure, cigar and hookah lounges provide a bar-like atmosphere, and have created significant issues with overcrowding, late-night noise, and increased law enforcement activities.

ANSR also strongly supports your efforts to reduce the number of licensed tobacco retailers in your city. By including a provision to not issue any new tobacco licenses in your ordinance, your city is poised to adopt one of the strongest tobacco licensing ordinances in the state. The location and density of tobacco retailers influences tobacco use among residents. Research shows that youth who live or attend school in neighborhoods with the highest density of tobacco retailers have higher smoking rates. Further, tobacco retailers are often concentrated in communities at higher risk for adverse health outcomes, compounding existing health disparities. Cities in Minnesota that have capped their tobacco licensing ordinance are Bloomington, Brooklyn Center, Excelsior, Golden Valley, New Hope, Roseville, and St. Paul.

ANSR is happy to provide any technical assistance you might require as this important ordinance moves forward. Thank you for your work to protect the health of Little Canada's citizens, workers, and visitors.

Sincerely,

Jeanne Weigum
President, Association for Nonsmokers – Minnesota

CITY OF LITTLE CANADA
RAMSEY COUNTY
STATE OF MINNESOTA
ORDINANCE NO. 864

OPTION 1 – Long
802.005 Purpose &
Intent section

AN ORDINANCE AMENDING LITTLE CANADA CITY CODE CHAPTER 802,
TOBACCO PRODUCTS

The City Council of the City of Little Canada, Ramsey County, Minnesota does hereby ordain:

SECTION 1. The City Council of the City of Little Canada hereby amends Chapter 802 of the Little Canada Municipal Code by adding the underlined material and deleting the ~~stricken~~ material as follows:

802. TOBACCO PRODUCTS

802.005 PURPOSE AND INTENT

Because the City of Little Canada recognizes that tobacco use has been shown to be the cause of several serious health problems which subsequently place a financial burden on all levels of government; this ordinance is intended to regulate the sale of tobacco, tobacco-related devices, and electronic delivery devices for the purpose of enforcing and furthering existing laws, and to protect youth and young adults against the serious effects associated with use and initiation. Youth and young people are particularly susceptible to the addictive properties of tobacco products, and are particularly likely to become lifelong users. National data show that about 95 percent of adult smokers begin smoking before they turn 21. The ages of 18 to 21 are a critical period when many smokers move from experimental smoking to regular, daily use. Electronic delivery device use among youth has recently tripled. Young minds are particularly susceptible to the addictive properties of nicotine. As a result, approximately 3 out of 4 teen smokers end up smoking into adulthood.

Commercial tobacco use causes disease and death and constitutes an urgent public health threat as it remains the leading cause of preventable death and disability in the United States, with 480,000 people dying prematurely in the United States from smoking-related diseases every year. In the United States, smoking is responsible for about 1 in every 5 deaths, more death each year than human immunodeficiency virus (HIV), illegal drug use, alcohol use, motor vehicle injuries, microbial agents and toxic agents combined;

Commercial tobacco use can affect nearly all organ systems and is responsible for 87 percent of lung cancer deaths, 79 percent of all chronic obstructive pulmonary disease deaths, and 32 percent of coronary heart disease deaths. According to the World Health Organizations, tobacco use accounts for the greatest cause of death worldwide, responsible for nearly 6 million deaths per year. Over 16 million Americans have at least one disease caused by smoking;

Secondhand smoke, according to the Centers for Disease Control and Prevention, causes stroke, lung cancer, and coronary heart disease in adults. In addition, it increases risks for sudden infant death syndrome, respiratory symptoms, middle-ear disease, and slows lung growth in children.

Cigarette butts are the most-littered object in the world and the item most often found in beach cleanups globally. Butts contribute nonbiodegradable plastic, nicotine, heavy metals, pesticides and other toxic substances to land and marine environments, down to the bottom of the oceans;

The tobacco industry has been adjudicated as racketeers in federal court as a result of its collective and coordinated denial, deceit, and targeting of deadly, addictive products to structurally marginalized communities.

In making these findings, the City Council accepts the conclusions and recommendations of: the Institute of Medicine’s report, “Public Health Implications of Raising the Minimum Age of Legal Access to Tobacco Products” (2015), the U.S. Surgeon General reports, "E-cigarette Use Among Youth and Young Adults" (2016), "The Health Consequences of Smoking—50 Years of Progress" (2014) and "Preventing Tobacco Use Among Youth and Young Adults" (2012); the Centers for Disease Control and Prevention in their studies, "Tobacco Use Among Middle and High School Students—United States, 2011-2015," “Best Practices for Comprehensive Tobacco Control Programs, 2014,” and "Selected Cigarette Smoking Initiation and Quitting Behaviors Among High School Students, United States, 1997"; and of the following scholars in these scientific journals: Xin Xu et al., Annual Healthcare Spending Attributable to Cigarette Smoking: An Update, *Am. J. Prev. Med.* 48(3): 326-33 (Mar. 2015); Giovino GA, "Epidemiology of Tobacco Use in the United States," *Oncogene* (2002) 21, 7326-40; Khuder SA, 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, WJ, "Age of Smoking Initiation: Implications for Quitting," *Health Reports* 9(4):39-46, Spring 1998; Everett SA, et al., "Initiation of Cigarette Smoking and Subsequent Smoking Behavior Among U.S. High School Students," *Preventive Medicine*, 29(5):327-33, November 1999; Wakefield, M & Giovino, G "Teen Penalties for Tobacco Possession, Use, and Purchase: Evidence and Issues," *Tobacco Control* (2003)12, i6-i13; the Minnesota Juvenile Justice Advisory Committee's report, "2016 Annual report to Governor Mark Dayton and the Minnesota State Legislature (2016); Luke, D. A., Hammond, R. A., Combs, T., Sorg, A., Kasman, M., Mack-Crane, A., Henriksen, L. (2017). Tobacco Town: Computational Modeling of Policy Options to Reduce Tobacco Retailer Density. *American Journal of Public Health*, 107(5), 740–746; copies of which are adopted by reference.

This ordinance is intended to regulate the sale of tobacco, tobacco-related devices, ~~and~~ electronic delivery devices and nicotine or lobelia delivery products to protect the public, especially youth and young adults, and to further the official public policy of the state in regard to preventing young people from starting to smoke as stated in Minn. Stat. § 144.391, as it may be amended from time to time.

802.010 DEFINITIONS. For the purposes of this regulation, the following terms shall mean:

- (a) “General Sales and Display” means a section of any business establishment not meeting the definition of Tobacco Store in paragraph (e) of this section, which ~~displays for sale~~ sells or offers for sale Licensed Products as an accessory use to the establishment’s primary business purpose. The sale of such Licensed Products shall be merely incidental to the establishment’s primary business purpose. The section displaying Licensed Products shall comprise an area no greater than fifty (50) cubic feet and must be located within the immediate vicinity of the establishment’s primary point of sale. There can be no entrance door from the outside opening directly to the

section of store displaying Licensed Products. A separate point of sale for Licensed Product sales shall be prohibited.

- (b) "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; cheroots; stogies; perique; granulated, plug-cut, crimp-cut, ready rubbed and other smoking tobacco; snuff; snuff ~~flowers~~ 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 a manner as to be suitable for chewing or smoking in a pipe, or other tobacco related devices. Tobacco Product does not include any product that has been approved by the U.S. 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 does not include any nicotine cessation product that has been authorized by the U.S. Food and Drug Administration to be marketed and for sale as "drugs," "devices," or "combination products," as defined in the Federal Food, Drug and Cosmetic Act.
- (c) "Self-Service ~~Merchandising~~" means the open display of licensed products in a retail establishment in any manner where any person has access to the licensed products without the assistance or intervention of the licensee or the licensee's employee, and where a physical exchange of the licensed product from the licensee or the licensee's employee to the customer is not required in order to access the licensed products. ~~a method of displaying Licensed Products, in a manner in which such Licensed Products are accessible to the public without the intervention of any employee.~~
- (d) "Vending Machine" means any mechanical, electric or electronic device, appliance or any other medium or object designed or used for vending purposes which, upon insertion of money, tokens or any other form of payment, dispenses Licensed Products.
- (e) "Tobacco Store" means a retail establishment with an entrance door opening directly to the outside that derives more than 90 percent of its gross revenue from the sale of Licensed Products in which the sale of other products is merely incidental. This definition does not include an accessory tobacco section of any business establishment meeting the definition of General Sales & Display in paragraph (a) of this section.
- (f) "Tobacco-Related Device" means any wraps, pipes, rolling papers, ashtray, or other device intentionally designed or intended to be used with Tobacco Products. Tobacco-Related Devices include components of tobacco-related devices or tobacco products, which may be marketed or sold separately. Tobacco-Related Devices may or may not contain tobacco.
- (g) "Compliance Checks" are the system the city uses to investigate and ensure that those authorized to sell Licensed Products are following and complying with the requirements of this ordinance. Compliance checks shall involve the use of persons under the age of 21 who purchase or attempt to purchase licensed products. ~~as authorized by this ordinance.~~ Compliance checks ~~shall~~ may also ~~mean the use of~~

~~persons under the age of 21 who attempt to purchase Licensed Products~~ be conducted by the city or other units of government for educational, research and training purposes as authorized by local, state and federal laws and regulations ~~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 Licensed Products.

- (h) ~~“Individually Packaged” Loosies”~~ means the common term used to refer to single cigarettes, cigars, and any other licensed products that have been removed from their original retail packaging and offered for sale. Loosies does not include premium cigars that are hand-constructed, have a wrapper made entirely from whole tobacco leaf, and have a filler and binder made entirely of tobacco, except for adhesives or other materials used to maintain size, texture, or flavor ~~the practice of selling any Licensed Products wrapped individually for sale. Individually wrapped Licensed Products shall include but not be limited to single cigarette packs, single bags or cans of loose tobacco in any form, single cans or other packaging of snuff or chewing tobacco, e-cigarettes, and vapor inhalers. Cartons or other packaging containing more than a single pack or other container as described in this definition shall not be considered individually packaged.~~
- (i) ~~“Electronic Delivery Devices”~~ mean any product containing or delivering nicotine, ~~or~~ lobelia or any other substance, whether natural or synthetic, intended for human consumption ~~that can be used to deliver nicotine, lobelia or any other substance through the inhalation of aerosol or vapor from the product vapor or any other product or byproduct by any means, or any component part of such a product, that is not a Tobacco Product as defined in this section.~~ ~~Electronic Delivery Devices includes, but are~~ is not limited to: devices manufactured, marketed or sold as e-cigarettes, e-cigars, personal vaporizers, e-pipes, vape pens, mods, tank systems, or any other product name or descriptor ~~where it delivers a substance into the human body through the inhalation of vapor or any other product or byproduct.~~ ~~Electronic Delivery Devices does~~ not include any nicotine cessation product that has been ~~approved or otherwise certified for legal sale~~ authorized by the U.S. Food and Drug Administration to be marketed and for sale as “drugs,” “devices,” or “combination products,” as defined by the Federal Food Drug and Cosmetic Act. ~~as a tobacco cessation product, a tobacco-dependence product, or for other medical purposes, and is being marketed and sold solely for that approved purpose.~~
- (j) ~~“Smoking”~~ means inhaling, ~~or~~ exhaling, burning or carrying smoke from any lighted or heated cigar, cigarette, pipe, or any other lighted or heated product containing, made or derived from nicotine, tobacco, ~~plant~~ marijuana, or other plant, whether natural or synthetic product that is intended for inhalation. ~~Smoking also includes carrying or using an activated Electronic Delivery Device. –Smoking also includes carrying a lighted or heated cigar, cigarette, pipe, or any other lighted or heated tobacco or plant product intended for inhalation.~~
- (k) ~~“Indoor Area”~~ means all space between a floor and a ceiling that is bounded by walls, doorways, or windows, whether open or closed, covering more than 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. A standard window screen (0.011 gauge with an 18 by 16

mesh count) is not considered a wall.

- (l) “Licensed Products” means the term that collectively refers to any tobacco product, tobacco-related device, or electronic delivery device, or nicotine, lobelia delivery product.
- (m) “Child-resistant packaging” means packaging that meets the definition set forth in Code of Federal Regulations, title 16, section 1700.15(b), as in effect on January 1, 2015, and was tested in accordance with the method described in Code of Federal Regulations, title 16, section 1700.20, as in effect on January 1, 2015.
- (n) “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 tobacco or an electronic delivery device as defined in this section. Nicotine or Lobelia Delivery Product does not include any nicotine cessation product that has been authorized by the U.S. Food and Drug Administration to be marketed and for sale as “drug,” “devices,” or “combination products,” as defined in the Federal Food, Drug and Cosmetic Act.
- (o) “Retail Establishment” means any place of business where Licensed Products are available for sale to the general public. Retail Establishment includes, but is not limited to, grocery stores, Tobacco Stores, liquor stores, convenience stores, gasoline service stations, bars, restaurants and establishments licensed for General Sales and Display as defined in this section.
- (p) “Sale” means any transfer of goods for money, trade, barter or other consideration.
- (q) “Youth-Oriented Facility” means any facility with residents, customers, visitors or inhabitants of which 25 percent or more are regularly under the age of 21 or that primarily sells, rents or offers services or products that are consumed or used primarily by persons under the age of 21. Youth-Oriented Facility includes, but is not limited to, schools, playgrounds, recreation centers and parks.
- (r) “Moveable Place of Business” means any form of business that is operated out of a kiosk, truck, van, automobile or other type of vehicle or transportable shelter and that is not a fixed address or other permanent type of structure licensed for over-the-counter sales transactions.

802.020. LICENSE **REQUIRED**.

- (a) License Required. No person shall, directly or indirectly, keep for retail sale, sell at retail, keep for wholesale, sell at wholesale or otherwise dispose of Licensed Products unless licensed by the City of Little Canada. A Tobacco Store license is available to a premise meeting the definition in Chapter 802.010 (e); a General Sales and Display license is available to a premise meeting the definition in Chapter 802.010 (a). ~~License applications shall be submitted to the City Administrator, as required under Chapter 802.030, together with the applicable license fee as determined from time to time by City Council resolution. A license may be issued only for the specific premises and individual identified in the application.~~

(b) Application for renewal. An application to renew a license to sell Licensed Products must be made on a form provided by the city. The application must contain:

- (1) 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;
- (2) The business tax identification number of the licensee;
- (3) The name(s) and address(es) of the owner(s), shareholder(s), or partner(s) of the business for which the license is sought, if any, for the preceding year; and,
- (4) Any additional information the city deems necessary, including proof of licensure eligibility pursuant to this chapter.

Upon receipt of a completed application, the City Clerk will forward the application to the City Council for action at a regularly scheduled meeting. If the City Clerk determines that an application is incomplete, it will be returned to the applicant with notice of the information necessary to make the application complete.

(c) Action. The City Council may approve or deny the application for renewal of a license, or it may delay action for a reasonable period of time to complete any investigation of the application or the applicant deemed necessary. If the City Council approves the application, the City Clerk will issue the license to the applicant. If the City Council denies the application, notice of the denial will be given to the applicant along with notice of the applicant's right to appeal the decision.

(d) Term. All licenses shall be for a term of one year. The annual license shall commence July 1 of each year.

(e) Revocation or suspension. Any license issued may be suspended or revoked following the procedures set forth in Section 802.120.

(f) Transfers. All licenses issued are valid only on the premises for which the license was issued and only for the person to whom the license was issued. The transfer of any license to another location or person is prohibited.

(g) Display. All licenses must be posted and displayed at all times in plain view of the general public in the retail establishment.

(h) Renewals. The renewal of a license issued under this ordinance will be handled as required in this Chapter. The request for a renewal must be made at least 30 days, but no more than 60 days, before the expiration of the current license.

(i) Issuance as privilege and not a right. The issuance of a license is a privilege and does not entitle the license holder to an automatic renewal of the license.

802.025. RESTRICTIONS ON NUMBER OF LICENSES AND SUNSETTING OF LICENSES.

- (a) License number restriction. The number of Tobacco Store Licenses within the City shall not exceed two (2). ~~There is no limit on t~~The number of General Sales and Display Licenses shall not exceed five (5).

- (b) Sunset on Tobacco Retail Licenses. The city will not issue any new licenses for the sale of licensed products after May 25, 2022. The city will only renew existing licenses that were issued by May 25, 2022. Licenses may be renewed subject to the provisions of this chapter, provided that:
 - 1. A license is only eligible for renewal by the same natural person who holds the license on May 25, 2022 for the premises set forth in the approved application. Eligible parties will lose the existing license if they fail to renew it by June 30 each year, or if the license is revoked for any reason.

 - 2. A license held by a person as defined by this ordinance that is not a natural person, including LLC, Partnership, or Corporation, or other business organization, is only eligible for renewal provided there has not been a change of 50% or more of the owners, shareholders or partners in place as of May 25, 2022.

802.030. ~~APPLICATION.~~ BASIS FOR DENIAL.

- ~~(a) — Any person desiring a license to engage in the business of dealing and/or selling Licensed Products shall first make application therefor to the Council of the City by filing with the City Administrator for presentation to the Council an application in writing, which application shall set forth the name and place of residence of the applicant and the exact location of the place at which the applicant proposes to carry on said business. An application to renew a Tobacco Store license shall include a certified statement by the business owner that the store is in compliance with: (1) the requirement that more than 90% of gross revenue is derived from the sale of Licensed Products and (2) the building criteria set forth in 802.010 (a). Such certification shall include the following: total gross revenues, total gross revenues derived from the sale of approved products, and total gross revenues derived from the sale of Licensed Products, and floor plans. The City reserves the right to request additional financial information, as deemed necessary. Said application shall be signed by the applicant in person, and when received by the City Administrator shall be placed on file; provided, however, that no such application shall be received unless it is accompanied by the payment of a fee as provided for herein.~~

- ~~(b) — The City Council may either approve or deny the license, or it may delay action for a reasonable period of time as necessary to complete any investigation of the application or the applicant it deems necessary. If the City Council shall approve the license, the City Clerk shall issue the license to the applicant. If the City 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 City Council's decision. Grounds for denying the issuance or renewal of a license under this chapter include, but are not limited to the following:~~

- (a) ~~(1)~~ The applicant is under the age of 21 years;
- (b) ~~(2)~~ The applicant has been convicted within the past five years of any violation of a federal, state, or local law, ordinance provision, or other regulation relating to Licensed Products;
- (c) ~~(3)~~ The applicant has had a license to sell Licensed Products revoked within the preceding 12 months of the date of application;
- (d) ~~(4)~~ The applicant fails to provide any information required on the application, or provides false or misleading information;
- (e) ~~(5)~~ The applicant is prohibited by federal, state, or other local law, ordinance, or other regulation from holding a license;
- (f) ~~(6)~~ The application fails to meet the requirements of City Code;
- (g) The business for which the license is requested is a Moveable Place of Business;
- (h) ~~(7)~~ To protect the health, safety, and welfare of the City and its residents.

~~(c) — Revocation or suspension. The imposition of an administrative fine upon a licensee pursuant to Chapter 802.090 and/or suspension of license or revocations of a license will be processed pursuant to Little Canada City Code Chapter 800. The City Council may revoke or suspend a license granted under this chapter for any of the grounds identified in paragraph (b) of this section. If a license is mistakenly issued or renewed to a person, it shall be revoked upon the discovery that the person was ineligible for the license under this chapter. Licensees whose licenses have been revoked shall not be eligible for another license under this chapter for a minimum period of one year from date of said revocation.~~

~~(d) — Transfers. All licenses issued under this section shall be valid only on the premises for which the license was issued and only for the person to whom the license was issued. No transfer of any license to another location or person shall be valid without the prior approval of the City Council.~~

802.040. LICENSE GRANTED BY RESOLUTION. The Council shall, after whatever investigation it deems necessary, by resolution grant the license renewal applied for by such applicant, if in the opinion of the Council the applicant is entitled thereto. The issuance of a license issued under this section shall be considered a privilege and not an absolute right of the applicant and shall not entitle the holder to an automatic renewal of the license.

802.045. PROXIMITY RESTRICTION. No Tobacco Store or General Sales and Display license shall be granted pursuant to this section to any person for any retail sales of Licensed Products within 500 feet of any ~~school, playground~~, house of worship, or youth-oriented facility, as measured by the shortest line between the space to be occupied by the proposed licensee and the occupied space of the ~~school, playground~~, house of worship, or youth-oriented facility, unless that person has been in the business of selling Licensed Products in that location before the date this section was enacted

into law for at least one year. ~~For the purpose of this section, a “youth-oriented facility” is defined to include any facility with residents, customers, visitors, or inhabitants of which 25 percent or more are regularly under the age of 21 or which primarily sells, rents, or offers services or products that are consumed or used primarily by persons under the age of 21.~~

802.050. LICENSE FEE. The annual license fee shall be determined by resolution of the City Council. ~~If the application is made after July 1, the annual fee shall be pro-rated on a monthly basis.~~

802.060. TERM. Licenses shall be for a term of one year. The annual license shall commence July 1 of each year.

802.070. LICENSE RESTRICTIONS. A license shall be issued subject to the following restrictions:

(a) The following restrictions apply to ~~premises~~ retail establishments licensed as ~~a~~ Tobacco Stores:

(1) The Tobacco Store prohibits persons under the age of 21 from being present or entering all times.

(2) The Tobacco Store must have an entrance door opening directly to the outside.

(3) The Tobacco Store must derive at least 90 percent of its gross revenues from the sale of Licensed Products.

(4) ~~(1)~~No person shall permit a person under the age of 21 to smoke Licensed Products for the purposes of sampling those products or provide samples of Licensed Products free of charge or at a nominal cost to a person under the age of 21.

~~(2)No more than 50% of the gross revenue of the store may be derived from the sale of tobacco-related devices.~~

(5) ~~(3)~~Smoking shall not be permitted and no person shall smoke within the indoor area of any establishment with a retail tobacco license. Smoking, lighting, heating and burning of Licensed Products, for the purposes of sampling Licensed Products is prohibited. Notwithstanding the preceding, smoking may occur in a Tobacco Store if all of the following circumstances are met:

i. The smoking is by a customer or potential customer for the specific purpose of sampling tobacco;

ii. The Tobacco Store has held a license from the City to sell Licensed Products at that location for at least six months prior to the May 2013 enactment of this provision; and

iii. The owner of the establishment has maintained a valid retail tobacco license and has abided by all applicable laws.

- iv. Any smoking allowed under this exemption shall be prohibited if the license holder ~~loses~~ has the license revoked or transfers title to, relinquishes management or control of, or sells the business to any other individual or business entity.
 - v. Sunset on sampling and indoor smoking. Sampling and smoking inside a Tobacco Store is prohibited after June 30, 2024.
- (6) ~~(4)~~ Smoking from an electronic delivery device for any reason is strictly prohibited in any Tobacco Store.
- (b) The following restrictions apply to ~~premises~~ Retail Establishments licensed for General Tobacco Sales and Display:
- (1) Smoking prohibited. Smoking, including smoking for the purpose of the sampling of licensed products is prohibited within the indoor area of any retail establishment licensed under this ordinance. The establishment shall fully comply with the Minnesota Clean Indoor Air Act, Minn. Stat. § 144.411 to 144.417.
 - (2) ~~There shall be no display of Licensed Products except for cigarette lighters for sale on the licensed premises, whether the sale is for the benefit of the licensee or for a third party (e.g. consignment).~~ All licensed products must be stored behind the sales counter, in a locked case, in a storage unit, or in another area not freely accessible to the general public. Any retailer selling licensed products at the time this ordinance is adopted must comply within 90 days of the effective date of this ordinance.
 - (3) Samples prohibited. No person may distribute samples of any Licensed Product free of charge or at a nominal cost. The distribution of Licensed Products as a free donation is prohibited.
- ~~(e) The following restrictions apply to all licenses:~~
- ~~(1) Vending machines used to dispense Licensed Products shall be prohibited.~~
 - ~~(1) No sales shall be made by means of self-service methods whereby the customer does not need to make a verbal or written request to an employee of the licensed premise in order to receive the Licensed Products and whereby there is not a physical exchange of the Licensed Products between the licensee, or the licensee's employee, and the customer.~~
 - ~~(2) A licensee shall comply with all applicable regulations of the State of Minnesota relating to the sale or dispensing of Licensed Products. If there is a conflict between the regulations of the State and the regulations of the City, the more restrictive regulations shall control.~~

- ~~(4) Every licensee is responsible for the conduct of its employees while on the licensed premises. Any sale or other disposition of Licensed Products by an employee of a licensee shall be considered an act of the licensee.~~

~~802.080. SALES TO PERSONS UNDER THE AGE OF 21. No person shall give, sell or dispense any Licensed Products to a person under twenty-one (21) years of age. Any person aged 21 years or older convicted of violating this section shall pay a fine of \$100.00 for the first such conviction. Any person aged 21 years or older convicted of violating this section twice shall pay a fine of \$125.00. Any person aged 21 years or older convicted of violating this section three times shall pay a fine of \$150.00. Any person aged 21 years or older convicted of violating this section more than three times during any 24-month period may be guilty of a misdemeanor. Persons under the age of 21 who are convicted of violating this section may only be subject to non-criminal, non-monetary civil penalties, such as tobacco-related education classes, diversion programs, community services, or another penalty that the city determines to be appropriate.~~

~~(a) Signage. Notice of the legal sales age and age verification requirement must be posted prominently and in plain view at all times at each location where Licensed Products are offered for sale. The required signage, which will be provided to the licensee by the City, must be posted in a manner that is clearly visible to anyone who is or is considering making a purchase.~~

802.080. PROHIBITED SALES.

- (a) In general, no person shall sell or offer to sell any Licensed Product:
- (1) By means of any type of Vending Machine.
 - (2) By means of Loosies.
 - (3) Containing opium, morphine, jimson weed, bella donna, strychnos, cocaine, marijuana, or other hallucinogenic, toxic or controlled substances except nicotine and other substances found naturally in tobacco or added as part of an otherwise lawful manufacturing process. It is not the intention of this provision to ban the sale of lawfully manufactured cigarettes or other products subject to this ordinance.
 - (4) By any other means, to any other person, or in any other manner or form prohibited by federal, state or other local law, ordinance provision or other regulation.
 - (5) If there is a conflict between regulation of the State and regulation of the City, the more restrictive regulations shall control.
- (b) Legal Age. No person shall sell any Licensed Product to any person under the age of 21.
- (1) Age verification. Licensees must verify by means of government-issued photographic identification containing the bearer's date of birth that the purchaser is at least 21 years of age. Verification is not required for a person

over the age of 30. That the person appeared to be 30 years of age or older does not constitute a defense to a violation of this subsection.

- (2) Signage. Notice of the legal sales age, age verification requirement and possible penalties for underage sales must be posted prominently and in plain view at all times at each location where Licensed Products are offered for sale. The required signage may be provided to the licensee by the City and must be posted in a manner that is clearly visible to anyone who is or is considering making a purchase.
- (c) Liquid packaging. No person shall sell, offer to sell any liquid, whether or not such liquid contains nicotine, which is intended for human consumption and use in an electronic delivery device, in packaging that is not Child-Resistant. Upon request by the city, a licensee must provide a copy of the certificate of compliance or full laboratory testing report for the packaging used.

~~802.090. ADMINISTRATIVE FINE, SUSPENSION, OR REVOCATION. Any violation of the City's regulations relative to the issuance of any license or of any conditions/restrictions attached to the issuance of such license shall be cause for the imposition of an administrative fine, the suspension of the license, or the revocation of the license.~~

- ~~(a) — If the violation relates to a restriction of Section 802.070 allowing a person under the age of 21 to sample a Licensed Product or providing to a person under the age of 21 a sample of a Licensed Product, the Council may suspend the license for up to 60 days or revoke the license. In addition to such action, or in lieu of such action, the Council may impose a civil fine not to exceed \$1,000.00 for each violation.~~
- ~~(b) — If the violation relates to the sale of Licensed Products to or provision of Licensed Products to a person under the age of 21, by the licensee or the licensee's employee, the following administrative fines, suspensions, or revocations shall be imposed.
 - ~~(1) — The first such violation shall subject the licensee to the payment of ——— an administrative fine of \$200.00;~~
 - ~~(2) — The second violation at the same location within 24 months of a previous violation shall subject licensee to the payment of an administrative fine of \$500.00.~~
 - ~~(3) — The third violation at the same location within 24 months of two previous violations shall subject the licensee to the payment of an administrative fine of \$1,000.00 plus a seven (7) business day suspension of the license.~~
 - ~~(4) — The individual responsible for the sale to a minor shall be charged an administrative penalty of \$50.00, following notice of the violation and an opportunity for a hearing before the City Council.~~
 - ~~(5) — The City Council retains the discretion to consider suspension or revocation of a license at any time, if in the view of the Council the circumstances of the violation call for such a sanction.~~~~

- ~~(e) — The imposition of an administrative fine upon a licensee, and/or suspension of license or revocation of a license will be processed pursuant to Little Canada City Code Chapter 800. Licensees, whose licenses have been revoked, shall not be eligible for another General Sales and Display license or a Tobacco Store license for a minimum period of one year from the date of said revocation.~~

802.090. RESPONSIBILITY. All licensees are responsible for the actions of their employees regarding the sale, offer to sell and furnishing of Licensed Products on the licensed premises. The sale, offer to sell or furnishing of any Licensed Products by an employee shall be considered an act of the licensee.

802.100. INSPECTION/COMPLIANCE CHECKS. All licensed premises must be open to inspection by law enforcement or other authorized city officials during regular business hours. Any applicant or licensee shall permit the City, or its representatives, to inspect and examine the place of business described in the application or license. Any refusal ~~on the part of the applicant, or licensee by the licensed premises~~ to permit such inspection will be sufficient grounds for the Council to ~~refuse the application applied for or~~ suspend or revoke a license previously granted. The City of Little Canada, or its authorized representative, will conduct at least ~~one compliance check that involves the participation of a person between the ages of 15 and 17 and at least one~~ two compliance checks that involves the participation of a person between the ages of ~~18~~ 17 and 20 to enter licensed premises to attempt to purchase Licensed Products. Prior written consent is required for any person under the age of 18 to participate in a compliance check. Persons used for the purpose of compliance checks will be supervised by law enforcement or other designated personnel. Any finding of noncompliance with the requirements of this Chapter or other applicable regulations shall constitute a violation of this section.

802.105. OTHER PROHIBITED ACTS. Unless otherwise provided, the following acts are an administrative violation of this ordinance:

- (a) Prohibited furnishing or procurement. It is a violation of this ordinance for any person 21 years of age or older to purchase or otherwise obtain any Licensed Product on behalf of a person under the age of 21. It is also a violation for any person 21 years of age and older to coerce or attempt to coerce a person under the age of 21 to purchase or attempt to purchase any Licensed Product.
- (b) Use of false identification. It is a violation of this ordinance for any person to use any form of false identification, whether the identification is that of another person or has been modified or tampered with to represent an age older than the actual age of the person using that identification.

802.110. EXCEPTIONS AND DEFENSES.

- (a) Religious, Spiritual or Cultural Ceremonies or Practices. Nothing in this ordinance prevents the provision of tobacco or tobacco-related devices to any person as part of an indigenous practice or a lawfully recognized religious, spiritual, or cultural ceremony or practice.

- (b) Reasonable Reliance. It is an affirmative defense to a violation of this ordinance for a person to have reasonably relied on proof of age as described by state law.

802.~~105~~ 120. VIOLATIONS AND PENALTIES.

(A) Violations.

- (1) Notice. A person violating this ordinance may be issued, either personally or by mail, a citation from the city that sets forth the alleged violation and that informs the alleged violator of his or her right to a hearing on the matter and how and where a hearing may be requested, including a contact address and phone number.
- (2) Hearings.
 - (a) Upon issuance of a citation, a person accused of violating this ordinance may request in writing a hearing on the matter. Hearing requests must be made within 10 business days of the issuance of the citation and delivered to the City Clerk or other designated city officer. Failure to properly request a hearing within 10 business days of the issuance of the citation will terminate the person's right to a hearing.
 - (b) The City Clerk or other designated city officer will set the time and place for the hearing. Written notice of the hearing time and place will be mailed or delivered to the accused violator at least 10 business days prior to the hearing.
- (3) Hearing Officer. The City Council will designate a hearing officer. The hearing officer will be an impartial employee of the city or an impartial person retained by the city to conduct the hearing.
- (4) Decision. A decision will be issued by the hearing officer within 10 business days of the hearing. If the hearing officer determines that a violation of this ordinance did occur, that decision, along with the hearing officer's reasons for finding a violation and the penalty to be imposed, will be recorded in writing, a copy of which will be provided to the city and the accused violator by in-person delivery or mail as soon as practicable. If the hearing officer finds that no violation occurred or finds grounds for not imposing any penalty, those findings will be recorded and a copy will be provided to the city and the acquitted accused violator by in-person delivery or mail as soon as practicable. The decision of the hearing officer is final, subject to an appeal as described in section ~~11, division (A)~~ 802.120(6) of this section.
- (5) Costs. If the citation is upheld by the hearing officer, the city's actual expenses in holding the hearing up to a maximum of \$1,000 must be paid by the person requesting the hearing.
- (6) Appeals. Appeals of any decision made by the hearing officer must be filed in ~~Wilkin~~ Ramsey County district court within 10 business days of the date of the decision.
- (7) Continued violation. Each violation, and every day in which a violation occurs or continues, shall constitute a separate offense.

(b) Administrative Penalties. Any violation of the City's regulations relative to the issuance of any license or any conditions or restrictions attached to the issuance of such license shall be cause for the imposition of an administrative fine, the suspension of the license, or revocation of the license.

- (1) Licensees. Any licensee cited for violating this ordinance, or whose employee has violated this ordinance, will be charged an administrative fine of \$300 for the first violation; \$600 for the second offense at the same licensed premises within a 36-month period; and \$1,000 for a third or subsequent offense at the same location within a 36-month period. Upon the third violation, the license will be suspended for a period of not less than 30 consecutive days, and may be revoked. Upon a fourth violation within a 36-month period, the license will be revoked.
- (2) Employees of licensees and other individuals. Individuals, other than persons under the age of 21 regulated by paragraph (b)(3) of this section, who are found to be in violation of this ordinance may be charged an administrative fine of \$50.
- (3) Persons under the age of 21. Persons under the age of 21 who use a false identification to purchase or attempt to purchase Licensed Products may only be subject to non-criminal, non-monetary civil penalties or remedies such as tobacco-related education classes, diversion programs, community services, or another non-monetary, civil penalty that the city determines to be appropriate. The City Council may consult with educators, parents, guardians, persons under the age of 21, public health officials, court personnel and other interested parties to determine an appropriate remedy in the best interest of the underage person. The remedies for persons under age 21 who use false identification to purchase or attempt to purchase Licensed Products may be established by ordinance and amended from time to time.

If the violation relates to a restriction of Section 802.070 allowing a person under the age of 21 to sample a Licensed Product or providing to a person under the age of 21 a sample of a Licensed Product, the City Council may suspend the license for up to 60 days or revoke the license. In addition to such action, or in lieu of such action, the Council may impose a civil fine not to exceed \$1,000 for each violation.

- (4) Misdemeanor prosecution. Nothing in this section prohibits the city from seeking prosecution as a misdemeanor for an alleged second violation of this ordinance by a person 21 years of age or older within five years of a previous conviction under the ordinance.

802.~~440~~ 130. SEVERABILITY. If any section or provision of this ordinance is held invalid, such invalidity will not affect other sections or provisions that can be given force and effect without the invalidated section or provision.

SECTION 2. REPEAL OF CONFLICTING ORDINANCES. That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 3. SEVERABILITY CLAUSE. In any section, sentence, clause or phrase of this ordinance or any part thereof is for any reason found to invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remainder of this ordinance or any part thereof.

SECTION 4. This ordinance shall take effect and be in full force from and after its adoption and publication.

Adopted this 25th day of May, 2022

By: _____
John T. Keis, Mayor

Attest: _____
Christopher Heineman, City Administrator

AYES:
NAYS:

Published May 29, 2022

**CITY OF LITTLE CANADA
RAMSEY COUNTY
STATE OF MINNESOTA
ORDINANCE NO. 864**

**OPTION 1 – Long
802.005 Purpose &
Intent section**

**AN ORDINANCE AMENDING LITTLE CANADA CITY CODE CHAPTER 802,
TOBACCO PRODUCTS**

The City Council of the City of Little Canada, Ramsey County, Minnesota does hereby ordain:

SECTION 1. The City Council of the City of Little Canada hereby amends Chapter 802 of the Little Canada Municipal Code as follows:

802. TOBACCO PRODUCTS

802.005 PURPOSE AND INTENT

Because the City of Little Canada recognizes that tobacco use has been shown to be the cause of several serious health problems which subsequently place a financial burden on all levels of government; this ordinance is intended to regulate the sale of tobacco, tobacco-related devices, and electronic delivery devices for the purpose of enforcing and furthering existing laws, and to protect youth and young adults against the serious effects associated with use and initiation. Youth and young people are particularly susceptible to the addictive properties of tobacco products, and are particularly likely to become lifelong users. National data show that about 95 percent of adult smokers begin smoking before they turn 21. The ages of 18 to 21 are a critical period when many smokers move from experimental smoking to regular, daily use. Electronic delivery device use among youth has recently tripled. Young minds are particularly susceptible to the addictive properties of nicotine. As a result, approximately 3 out of 4 teen smokers end up smoking into adulthood.

Commercial tobacco use causes disease and death and constitutes an urgent public health threat as it remains the leading cause of preventable death and disability in the United States, with 480,000 people dying prematurely in the United States from smoking-related diseases every year. In the United States, smoking is responsible for about 1 in every 5 deaths, more death each year than human immunodeficiency virus (HIV), illegal drug use, alcohol use, motor vehicle injuries, microbial agents and toxic agents combined;

Commercial tobacco use can affect nearly all organ systems and is responsible for 87 percent of lung cancer deaths, 79 percent of all chronic obstructive pulmonary disease deaths, and 32 percent of coronary heart disease deaths. According to the World Health Organizations, tobacco use accounts for the greatest cause of death worldwide, responsible for nearly 6 million deaths per year. Over 16 million Americans have at least one disease caused by smoking;

Secondhand smoke, according to the Centers for Disease Control and Prevention, causes stroke, lung cancer, and coronary heart disease in adults. In addition, it increases risks for sudden infant death syndrome, respiratory symptoms, middle-ear disease, and slows lung growth in children.

Cigarette butts are the most-littered object in the world and the item most often found in beach cleanups globally. Butts contribute nonbiodegradable plastic, nicotine, heavy metals, pesticides and other toxic substances to land and marine environments, down to the bottom of the oceans;

The tobacco industry has been adjudicated as racketeers in federal court as a result of its collective and coordinated denial, deceit, and targeting of deadly, addictive products to structurally marginalized communities.

In making these findings, the City Council accepts the conclusions and recommendations of: the Institute of Medicine’s report, “Public Health Implications of Raising the Minimum Age of Legal Access to Tobacco Products” (2015), the U.S. Surgeon General reports, "E-cigarette Use Among Youth and Young Adults" (2016), "The Health Consequences of Smoking—50 Years of Progress" (2014) and "Preventing Tobacco Use Among Youth and Young Adults" (2012); the Centers for Disease Control and Prevention in their studies, "Tobacco Use Among Middle and High School Students—United States, 2011-2015," “Best Practices for Comprehensive Tobacco Control Programs, 2014,” and "Selected Cigarette Smoking Initiation and Quitting Behaviors Among High School Students, United States, 1997"; and of the following scholars in these scientific journals: Xin Xu et al., Annual Healthcare Spending Attributable to Cigarette Smoking: An Update, *Am. J. Prev. Med.* 48(3): 326-33 (Mar. 2015); Giovino GA, "Epidemiology of Tobacco Use in the United States," *Oncogene* (2002) 21, 7326-40; Khuder SA, 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, WJ, "Age of Smoking Initiation: Implications for Quitting," *Health Reports* 9(4):39-46, Spring 1998; Everett SA, et al., "Initiation of Cigarette Smoking and Subsequent Smoking Behavior Among U.S. High School Students," *Preventive Medicine*, 29(5):327-33, November 1999; Wakefield, M & Giovino, G "Teen Penalties for Tobacco Possession, Use, and Purchase: Evidence and Issues," *Tobacco Control* (2003)12, i6-i13; the Minnesota Juvenile Justice Advisory Committee's report, "2016 Annual report to Governor Mark Dayton and the Minnesota State Legislature (2016); Luke, D. A., Hammond, R. A., Combs, T., Sorg, A., Kasman, M., Mack-Crane, A., Henriksen, L. (2017). Tobacco Town: Computational Modeling of Policy Options to Reduce Tobacco Retailer Density. *American Journal of Public Health*, 107(5), 740–746; copies of which are adopted by reference.

This ordinance is intended to regulate the sale of tobacco, tobacco-related devices, electronic delivery devices and nicotine or lobelia delivery products to protect the public, especially youth and young adults, and to further the official public policy of the state in regard to preventing young people from starting to smoke as stated in Minn. Stat. § 144.391, as it may be amended from time to time.

802.010 DEFINITIONS. For the purposes of this regulation, the following terms shall mean:

- (a) “General Sales and Display” means a section of any business establishment not meeting the definition of Tobacco Store in paragraph (e) of this section, which sells or offers for sale Licensed Products as an accessory use to the establishment’s primary business purpose. The sale of such Licensed Products shall be merely incidental to the establishment’s primary business purpose. The section displaying Licensed Products shall comprise an area no greater than fifty (50) cubic feet and must be located within the immediate vicinity of the establishment’s primary point of sale. There can be no entrance door from the outside opening directly to the section of store

displaying Licensed Products. A separate point of sale for Licensed Product sales shall be prohibited.

- (b) "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; 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 does not include any nicotine cessation product that has been authorized by the U.S. Food and Drug Administration to be marketed and for sale as "drugs," "devices," or "combination products," as defined in the Federal Food, Drug and Cosmetic Act.
- (c) "Self-Service" means the open display of licensed products in a retail establishment in any manner where any person has access to the licensed products without the assistance or intervention of the licensee or the licensee's employee, and where a physical exchange of the licensed product from the licensee or the licensee's employee to the customer is not required in order to access the licensed products.
- (d) "Vending Machine" means any mechanical, electric or electronic device, appliance or any other medium or object designed or used for vending purposes which, upon insertion of money, tokens or any other form of payment, dispenses Licensed Products.
- (e) "Tobacco Store" means a retail establishment with an entrance door opening directly to the outside that derives more than 90 percent of its gross revenue from the sale of Licensed Products in which the sale of other products is merely incidental. This definition does not include an accessory tobacco section of any business establishment meeting the definition of General Sales & Display in paragraph (a) of this section.
- (f) "Tobacco-Related Device" means any wraps, pipes, rolling papers, ashtray, or other device intentionally designed or intended to be used with Tobacco Products. Tobacco-Related Devices include components of tobacco-related devices or tobacco products, which may be marketed or sold separately. Tobacco-Related Devices may or may not contain tobacco.
- (g) "Compliance Checks" are the system the city uses to investigate and ensure that those authorized to sell Licensed Products are following and complying with the requirements of this ordinance. Compliance checks shall involve the use of persons under the age of 21 who purchase or attempt to purchase licensed products. Compliance checks may also be conducted by the city or other units of government for educational, research and training purposes as authorized by local, state and federal laws and regulations relating to Licensed Products.
- (h) "Loosies" means the common term used to refer to single cigarettes, cigars, and any other licensed products that have been removed from their original retail packaging and offered for sale. Loosies does not include premium cigars that are hand-constructed, have a wrapper made entirely from whole tobacco leaf, and have a filler

and binder made entirely of tobacco, except for adhesives or other materials used to maintain size, texture, or flavor.

- (i) “Electronic Delivery Device” mean any product containing or delivering nicotine, lobelia or any other substance, whether natural or synthetic, intended for human consumption through the inhalation of aerosol or vapor from the product. Electronic Delivery Device includes, but is not limited to: devices manufactured, marketed or sold as e-cigarettes, e-cigars, personal vaporizers, e-pipes, vape pens, mods, tank systems, or any other product name or descriptor. Electronic Delivery Device does not include any nicotine cessation product that has been authorized by the U.S. Food and Drug Administration to be marketed and for sale as “drugs,” “devices,” or “combination products,” as defined by the Federal Food Drug and Cosmetic Act.
- (j) “Smoking” means inhaling, exhaling, burning or carrying any lighted or heated cigar, cigarette, pipe, or any other lighted or heated product containing, made or derived from nicotine, tobacco, marijuana, or other plant, whether natural or synthetic that is intended for inhalation. Smoking also includes carrying or using an activated Electronic Delivery Device.
- (k) “Indoor Area” means all space between a floor and a ceiling that is bounded by walls, doorways, or windows, whether open or closed, covering more than 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. A standard window screen (0.011 gauge with an 18 by 16 mesh count) is not considered a wall.
- (l) “Licensed Products” means the term that collectively refers to any tobacco product, tobacco-related device, or electronic delivery device, or nicotine, lobelia delivery product.
- (m) “Child-resistant packaging” means packaging that meets the definition set forth in Code of Federal Regulations, title 16, section 1700.15(b), as in effect on January 1, 2015, and was tested in accordance with the method described in Code of Federal Regulations, title 16, section 1700.20, as in effect on January 1, 2015.
- (n) “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 tobacco or an electronic delivery device as defined in this section. Nicotine or Lobelia Delivery Product does not include any nicotine cessation product that has been authorized by the U.S. Food and Drug Administration to be marketed and for sale as “drug,” “devices,” or “combination products,” as defined in the Federal Food, Drug and Cosmetic Act.
- (o) “Retail Establishment” means any place of business where Licensed Products are available for sale to the general public. Retail Establishment includes, but is not limited to, grocery stores, Tobacco Stores, liquor stores, convenience stores, gasoline service stations, bars, restaurants and establishments licensed for General Sales and Display as defined in this section.

- (p) “Sale” means any transfer of goods for money, trade, barter or other consideration.
- (q) “Youth-Oriented Facility” means any facility with residents, customers, visitors or inhabitants of which 25 percent or more are regularly under the age of 21 or that primarily sells, rents or offers services or products that are consumed or used primarily by persons under the age of 21. Youth-Oriented Facility includes, but is not limited to, schools, playgrounds, recreation centers and parks.
- (r) “Moveable Place of Business” means any form of business that is operated out of a kiosk, truck, van, automobile or other type of vehicle or transportable shelter and that is not a fixed address or other permanent type of structure licensed for over-the-counter sales transactions.

802.020. LICENSE.

- (a) License Required. No person shall, directly or indirectly, keep for retail sale, sell at retail, keep for wholesale, sell at wholesale or otherwise dispose of Licensed Products unless licensed by the City of Little Canada. A Tobacco Store license is available to a premise meeting the definition in Chapter 802.010 (e); a General Sales and Display license is available to a premise meeting the definition in Chapter 802.010 (a).
- (b) Application for renewal. An application to renew a license to sell Licensed Products must be made on a form provided by the city. The application must contain:
 - (1) 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;
 - (2) The business tax identification number of the licensee;
 - (3) The name(s) and address(es) of the owner(s), shareholder(s), or partner(s) of the business for which the license is sought, if any, for the preceding year; and,
 - (4) Any additional information the city deems necessary, including proof of licensure eligibility pursuant to this chapter.

Upon receipt of a completed application, the City Clerk will forward the application to the City Council for action at a regularly scheduled meeting. If the City Clerk determines that an application is incomplete, it will be returned to the applicant with notice of the information necessary to make the application complete.

- (c) Action. The City Council may approve or deny the application for renewal of a license, or it may delay action for a reasonable period of time to complete any investigation of the application or the applicant deemed necessary. If the City Council approves the application, the City Clerk will issue the license to the applicant. If the City Council denies the application, notice of the denial will be given to the applicant along with notice of the applicant’s right to appeal the decision.
- (d) Term. All licenses shall be for a term of one year. The annual license shall commence July 1 of each year.

- (e) Revocation or suspension. Any license issued may be suspended or revoked following the procedures set forth in Section 802.120.
- (f) Transfers. All licenses issued are valid only on the premises for which the license was issued and only for the person to whom the license was issued. The transfer of any license to another location or person is prohibited.
- (g) Display. All licenses must be posted and displayed at all times in plain view of the general public in the retail establishment.
- (h) Renewals. The renewal of a license issued under this ordinance will be handled as required in this Chapter. The request for a renewal must be made at least 30 days, but no more than 60 days, before the expiration of the current license.
- (i) Issuance as privilege and not a right. The issuance of a license is a privilege and does not entitle the license holder to an automatic renewal of the license.

802.025. RESTRICTIONS ON NUMBER OF LICENSES AND SUNSETTING OF LICENSES.

- (a) License number restriction. The number of Tobacco Store Licenses within the City shall not exceed two (2). The number of General Sales and Display Licenses shall not exceed five (5).
- (b) Sunset on Tobacco Retail Licenses. The city will not issue any new licenses for the sale of licensed products after May 25, 2022. The city will only renew existing licenses that were issued by May 25, 2022. Licenses may be renewed subject to the provisions of this chapter, provided that:
 1. A license is only eligible for renewal by the same natural person who holds the license on May 25, 2022 for the premises set forth in the approved application. Eligible parties will lose the existing license if they fail to renew it by June 30 each year, or if the license is revoked for any reason.
 2. A license held by a person as defined by this ordinance that is not a natural person, including LLC, Partnership, or Corporation, or other business organization, is only eligible for renewal provided there has not been a change of 50% or more of the owners, shareholders or partners in place as of May 25, 2022.

802.030. BASIS FOR DENIAL. Grounds for denying the renewal of a license under this chapter include, but are not limited to the following:

- (a) The applicant is under the age of 21 years;
- (b) The applicant has been convicted within the past five years of any violation of a federal, state, or local law, ordinance provision, or other regulation relating to Licensed Products;

- (c) The applicant has had a license to sell Licensed Products revoked within the preceding 12 months of the date of application;
- (d) The applicant fails to provide any information required on the application, or provides false or misleading information;
- (e) The applicant is prohibited by federal, state, or other local law, ordinance, or other regulation from holding a license;
- (f) The application fails to meet the requirements of City Code;
- (g) The business for which the license is requested is a Moveable Place of Business;
- (h) To protect the health, safety, and welfare of the City and its residents.

802.040. LICENSE GRANTED BY RESOLUTION. The Council shall, after whatever investigation it deems necessary, by resolution grant the license renewal applied for by such applicant, if in the opinion of the Council the applicant is entitled thereto. The issuance of a license issued under this section shall be considered a privilege and not an absolute right of the applicant and shall not entitle the holder to an automatic renewal of the license.

802.045. PROXIMITY RESTRICTION. No Tobacco Store or General Sales and Display license shall be granted pursuant to this section to any person for any retail sales of Licensed Products within 500 feet of any house of worship, or youth-oriented facility, as measured by the shortest line between the space to be occupied by the proposed licensee and the occupied space of the house of worship, or youth-oriented facility, unless that person has been in the business of selling Licensed Products in that location before the date this section was enacted into law for at least one year.

802.050. LICENSE FEE. The annual license fee shall be determined by resolution of the City Council.

802.060. TERM. Licenses shall be for a term of one year. The annual license shall commence July 1 of each year.

802.070. LICENSE RESTRICTIONS. A license shall be issued subject to the following restrictions:

- (a) The following restrictions apply to retail establishments licensed as Tobacco Stores:
 - (1) The Tobacco Store prohibits persons under the age of 21 from being present or entering all times.
 - (2) The Tobacco Store must have an entrance door opening directly to the outside.
 - (3) The Tobacco Store must derive at least 90 percent of its gross revenues from the sale of Licensed Products.
 - (4) No person shall permit a person under the age of 21 to smoke Licensed Products for the purposes of sampling those products or provide samples of

Licensed Products free of charge or at a nominal cost to a person under the age of 21.

- (5) Smoking shall not be permitted and no person shall smoke within the indoor area of any establishment with a retail tobacco license. Smoking, lighting, heating and burning of Licensed Products, for the purposes of sampling Licensed Products is prohibited. Notwithstanding the preceding, smoking may occur in a Tobacco Store if all of the following circumstances are met:
 - i. The smoking is by a customer or potential customer for the specific purpose of sampling tobacco;
 - ii. The Tobacco Store has held a license from the City to sell Licensed Products at that location for at least six months prior to the May 2013 enactment of this provision; and
 - iii. The owner of the establishment has maintained a valid retail tobacco license and has abided by all applicable laws.
 - iv. Any smoking allowed under this exemption shall be prohibited if the license holder has the license revoked or transfers title to, relinquishes management or control of, or sells the business to any other individual or business entity.
 - v. Sunset on sampling and indoor smoking. Sampling and smoking inside a Tobacco Store is prohibited after June 30, 2024.
 - (6) Smoking from an electronic delivery device for any reason is strictly prohibited in any Tobacco Store.
- (b) The following restrictions apply to Retail Establishments licensed for General Tobacco Sales and Display:
- (1) Smoking prohibited. Smoking, including smoking for the purpose of the sampling of licensed products is prohibited within the indoor area of any retail establishment licensed under this ordinance. The establishment shall fully comply with the Minnesota Clean Indoor Air Act, Minn. Stat. § 144.411 to 144.417.
 - (2) All licensed products must be stored behind the sales counter, in a locked case, in a storage unit, or in another area not freely accessible to the general public. Any retailer selling licensed products at the time this ordinance is adopted must comply within 90 days of the effective date of this ordinance.
 - (3) Samples prohibited. No person may distribute samples of any Licensed Product free of charge or at a nominal cost. The distribution of Licensed Products as a free donation is prohibited.

802.080. PROHIBITED SALES.

- (a) In general, no person shall sell or offer to sell any Licensed Product:
 - (1) By means of any type of Vending Machine.
 - (2) By means of Loosies.
 - (3) Containing opium, morphine, jimson weed, bella donna, strychnos, cocaine, marijuana, or other hallucinogenic, toxic or controlled substances except nicotine and other substances found naturally in tobacco or added as part of an otherwise lawful manufacturing process. It is not the intention of this provision to ban the sale of lawfully manufactured cigarettes or other products subject to this ordinance.
 - (4) By any other means, to any other person, or in any other manner or form prohibited by federal, state or other local law, ordinance provision or other regulation.
 - (5) If there is a conflict between regulation of the State and regulation of the City, the more restrictive regulations shall control.

- (b) Legal Age. No person shall sell any Licensed Product to any person under the age of 21.
 - (1) Age verification. Licensees must verify by means of government-issued photographic identification containing the bearer's date of birth that the purchaser is at least 21 years of age. Verification is not required for a person over the age of 30. That the person appeared to be 30 years of age or older does not constitute a defense to a violation of this subsection.
 - (2) Signage. Notice of the legal sales age, age verification requirement and possible penalties for underage sales must be posted prominently and in plain view at all times at each location where Licensed Products are offered for sale. The required signage may be provided to the licensee by the City and must be posted in a manner that is clearly visible to anyone who is or is considering making a purchase.

- (c) Liquid packaging. No person shall sell, offer to sell any liquid, whether or not such liquid contains nicotine, which is intended for human consumption and use in an electronic delivery device, in packaging that is not Child-Resistant. Upon request by the city, a licensee must provide a copy of the certificate of compliance or full laboratory testing report for the packaging used.

802.090. RESPONSIBILITY. All licensees are responsible for the actions of their employees regarding the sale, offer to sell and furnishing of Licensed Products on the licensed premises. The sale, offer to sell or furnishing of any Licensed Products by an employee shall be considered an act of the licensee.

802.100. INSPECTION/COMPLIANCE CHECKS. All licensed premises must be open to inspection by law enforcement or other authorized city officials during regular business hours. Any applicant or licensee shall permit the City, or its representatives, to inspect and examine the place of business described in the application or license. Any refusal by the licensed premises to permit such inspection will be sufficient grounds for the Council to suspend or revoke a license previously granted. The City of Little Canada, or its authorized representative, will conduct at least two compliance checks that involves the participation of a person between the ages of 17 and 20 to enter licensed premises to attempt to purchase Licensed Products. Prior written consent is required for any person under the age of 18 to participate in a compliance check. Persons used for the purpose of compliance checks will be supervised by law enforcement or other designated personnel. Any finding of noncompliance with the requirements of this Chapter or other applicable regulations shall constitute a violation of this section.

802.105. OTHER PROHIBITED ACTS. Unless otherwise provided, the following acts are an administrative violation of this ordinance:

- (a) Prohibited furnishing or procurement. It is a violation of this ordinance for any person 21 years of age or older to purchase or otherwise obtain any Licensed Product on behalf of a person under the age of 21. It is also a violation for any person 21 years of age and older to coerce or attempt to coerce a person under the age of 21 to purchase or attempt to purchase any Licensed Product.
- (b) Use of false identification. It is a violation of this ordinance for any person to use any form of false identification, whether the identification is that of another person or has been modified or tampered with to represent an age older than the actual age of the person using that identification.

802.110. EXCEPTIONS AND DEFENSES.

- (a) Religious, Spiritual or Cultural Ceremonies or Practices. Nothing in this ordinance prevents the provision of tobacco or tobacco-related devices to any person as part of an indigenous practice or a lawfully recognized religious, spiritual, or cultural ceremony or practice.
- (b) Reasonable Reliance. It is an affirmative defense to a violation of this ordinance for a person to have reasonably relied on proof of age as described by state law.

802.120. VIOLATIONS AND PENALTIES.

- (a) Violations.
 - (1) Notice. A person violating this ordinance may be issued, either personally or by mail, a citation from the city that sets forth the alleged violation and that informs the alleged violator of his or her right to a hearing on the matter and how and where a hearing may be requested, including a contact address and phone number.

- (2) Hearings.
 - (a) Upon issuance of a citation, a person accused of violating this ordinance may request in writing a hearing on the matter. Hearing requests must be made within 10 business days of the issuance of the citation and delivered to the City Clerk or other designated city officer. Failure to properly request a hearing within 10 business days of the issuance of the citation will terminate the person's right to a hearing.
 - (b) The City Clerk or other designated city officer will set the time and place for the hearing. Written notice of the hearing time and place will be mailed or delivered to the accused violator at least 10 business days prior to the hearing.
 - (3) Hearing Officer. The City Council will designate a hearing officer. The hearing officer will be an impartial employee of the city or an impartial person retained by the city to conduct the hearing.
 - (4) Decision. A decision will be issued by the hearing officer within 10 business days of the hearing. If the hearing officer determines that a violation of this ordinance did occur, that decision, along with the hearing officer's reasons for finding a violation and the penalty to be imposed, will be recorded in writing, a copy of which will be provided to the city and the accused violator by in-person delivery or mail as soon as practicable. If the hearing officer finds that no violation occurred or finds grounds for not imposing any penalty, those findings will be recorded and a copy will be provided to the city and the acquitted accused violator by in-person delivery or mail as soon as practicable. The decision of the hearing officer is final, subject to an appeal as described in section 802.120 (6) of this section.
 - (5) Costs. If the citation is upheld by the hearing officer, the city's actual expenses in holding the hearing up to a maximum of \$1,000 must be paid by the person requesting the hearing.
 - (6) Appeals. Appeals of any decision made by the hearing officer must be filed in Ramsey County district court within 10 business days of the date of the decision.
 - (7) Continued violation. Each violation, and every day in which a violation occurs or continues, shall constitute a separate offense.
- (b) Administrative Penalties. Any violation of the City's regulations relative to the issuance of any license or any conditions or restrictions attached to the issuance of such license shall be cause for the imposition of an administrative fine, the suspension of the license, or revocation of the license.
- (1) Licensees. Any licensee cited for violating this ordinance, or whose employee has violated this ordinance, will be charged an administrative fine of \$300 for the first violation; \$600 for the second offense at the same licensed premises

within a 36-month period; and \$1,000 for a third or subsequent offense at the same location within a 36-month period. Upon the third violation, the license will be suspended for a period of not less than 30 consecutive days, and may be revoked. Upon a fourth violation within a 36-month period, the license will be revoked.

- (2) Employees of licensees and other individuals. Individuals, other than persons under the age of 21 regulated by paragraph (b)(3) of this section, who are found to be in violation of this ordinance may be charged an administrative fine of \$50.
- (3) Persons under the age of 21. Persons under the age of 21 who use a false identification to purchase or attempt to purchase Licensed Products may only be subject to non-criminal, non-monetary civil penalties or remedies such as tobacco-related education classes, diversion programs, community services, or another non-monetary, civil penalty that the city determines to be appropriate. The City Council may consult with educators, parents, guardians, persons under the age of 21, public health officials, court personnel and other interested parties to determine an appropriate remedy in the best interest of the underage person. The remedies for persons under age 21 who use false identification to purchase or attempt to purchase Licensed Products may be established by ordinance and amended from time to time.

If the violation relates to a restriction of Section 802.070 allowing a person under the age of 21 to sample a Licensed Product or providing to a person under the age of 21 a sample of a Licensed Product, the City Council may suspend the license for up to 60 days or revoke the license. In addition to such action, or in lieu of such action, the Council may impose a civil fine not to exceed \$1,000 for each violation.

- (4) Misdemeanor prosecution. Nothing in this section prohibits the city from seeking prosecution as a misdemeanor for an alleged second violation of this ordinance by a person 21 years of age or older within five years of a previous conviction under the ordinance.

802.130. SEVERABILITY. If any section or provision of this ordinance is held invalid, such invalidity will not affect other sections or provisions that can be given force and effect without the invalidated section or provision.

SECTION 2. REPEAL OF CONFLICTING ORDINANCES. That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 3. SEVERABILITY CLAUSE. In any section, sentence, clause or phrase of this ordinance or any part thereof is for any reason found to invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remainder of this ordinance or any part thereof.

SECTION 4. This ordinance shall take effect and be in full force from and after its adoption and publication.

Adopted this 25th day of May, 2022

By: _____
John T. Keis, Mayor

Attest: _____
Christopher Heineman, City Administrator

AYES:
NAYS:

Published May 29, 2022

**CITY OF LITTLE CANADA
RAMSEY COUNTY
STATE OF MINNESOTA
ORDINANCE NO. 864**

OPTION 2 – short
802.005 Purpose &
Intent section

**AN ORDINANCE AMENDING LITTLE CANADA CITY CODE CHAPTER 802,
TOBACCO PRODUCTS**

The City Council of the City of Little Canada, Ramsey County, Minnesota does hereby ordain:

SECTION 1. The City Council of the City of Little Canada hereby amends Chapter 802 of the Little Canada Municipal Code as follows:

802. TOBACCO PRODUCTS

802.005 PURPOSE AND INTENT

Because the City of Little Canada recognizes that tobacco use has been shown to be the cause of several serious health problems which subsequently place a financial burden on all levels of government; this ordinance is intended to regulate the sale of tobacco, tobacco-related devices, electronic delivery devices and nicotine or lobelia delivery products for the purpose of protecting the public and to further the official public policy of the state by enforcing and furthering existing laws, as it may be amended from time to time.

Commercial tobacco use causes disease and death and constitutes an urgent public health threat as it remains the leading cause of preventable death and disability in the United States, with 480,000 people dying prematurely in the United States from smoking-related diseases every year. In the United States, smoking is responsible for about 1 in every 5 deaths, more death each year than human immunodeficiency virus (HIV), illegal drug use, alcohol use, motor vehicle injuries, microbial agents and toxic agents combined.

802.010 DEFINITIONS. For the purposes of this regulation, the following terms shall mean:

- (a) “General Sales and Display” means a section of any business establishment not meeting the definition of Tobacco Store in paragraph (e) of this section, which sells or offers for sale Licensed Products as an accessory use to the establishment’s primary business purpose. The sale of such Licensed Products shall be merely incidental to the establishment’s primary business purpose. The section displaying Licensed Products shall comprise an area no greater than fifty (50) cubic feet and must be located within the immediate vicinity of the establishment’s primary point of sale. There can be no entrance door from the outside opening directly to the section of store displaying Licensed Products. A separate point of sale for Licensed Product sales shall be prohibited.
- (b) "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; 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 does not include any nicotine cessation product that has been authorized by the U.S. Food and Drug Administration to be marketed and for sale as “drugs,” “devices,” or “combination products,” as defined in the Federal Food, Drug and Cosmetic Act.

- (c) "Self-Service" means the open display of licensed products in a retail establishment in any manner where any person has access to the licensed products without the assistance or intervention of the licensee or the licensee's employee, and where a physical exchange of the licensed product from the licensee or the licensee's employee to the customer is not required in order to access the licensed products.
- (d) "Vending Machine" means any mechanical, electric or electronic device, appliance or any other medium or object designed or used for vending purposes which, upon insertion of money, tokens or any other form of payment, dispenses Licensed Products.
- (e) "Tobacco Store" means a retail establishment with an entrance door opening directly to the outside that derives more than 90 percent of its gross revenue from the sale of Licensed Products in which the sale of other products is merely incidental. This definition does not include an accessory tobacco section of any business establishment meeting the definition of General Sales & Display in paragraph (a) of this section.
- (f) "Tobacco-Related Device" means any wraps, pipes, rolling papers, ashtray, or other device intentionally designed or intended to be used with Tobacco Products. Tobacco-Related Devices include components of tobacco-related devices or tobacco products, which may be marketed or sold separately. Tobacco-Related Devices may or may not contain tobacco.
- (g) "Compliance Checks" are the system the city uses to investigate and ensure that those authorized to sell Licensed Products are following and complying with the requirements of this ordinance. Compliance checks shall involve the use of persons under the age of 21 who purchase or attempt to purchase licensed products. Compliance checks may also be conducted by the city or other units of government for educational, research and training purposes as authorized by local, state and federal laws and regulations relating to Licensed Products.
- (h) "Loosies" means the common term used to refer to single cigarettes, cigars, and any other licensed products that have been removed from their original retail packaging and offered for sale. Loosies does not include premium cigars that are hand-constructed, have a wrapper made entirely from whole tobacco leaf, and have a filler and binder made entirely of tobacco, except for adhesives or other materials used to maintain size, texture, or flavor.
- (i) "Electronic Delivery Device" mean any product containing or delivering nicotine, lobelia or any other substance, whether natural or synthetic, intended for human consumption through the inhalation of aerosol or vapor from the product. Electronic

Delivery Device includes, but is not limited to: devices manufactured, marketed or sold as e-cigarettes, e-cigars, personal vaporizers, e-pipes, vape pens, mods, tank systems, or any other product name or descriptor. Electronic Delivery Device does not include any nicotine cessation product that has been authorized by the U.S. Food and Drug Administration to be marketed and for sale as “drugs,” “devices,” or “combination products,” as defined by the Federal Food Drug and Cosmetic Act.

- (j) “Smoking” means inhaling, exhaling, burning or carrying any lighted or heated cigar, cigarette, pipe, or any other lighted or heated product containing, made or derived from nicotine, tobacco, marijuana, or other plant, whether natural or synthetic that is intended for inhalation. Smoking also includes carrying or using an activated Electronic Delivery Device.
- (k) “Indoor Area” means all space between a floor and a ceiling that is bounded by walls, doorways, or windows, whether open or closed, covering more than 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. A standard window screen (0.011 gauge with an 18 by 16 mesh count) is not considered a wall.
- (l) “Licensed Products” means the term that collectively refers to any tobacco product, tobacco-related device, or electronic delivery device, or nicotine, lobelia delivery product.
- (m) “Child-resistant packaging” means packaging that meets the definition set forth in Code of Federal Regulations, title 16, section 1700.15(b), as in effect on January 1, 2015, and was tested in accordance with the method described in Code of Federal Regulations, title 16, section 1700.20, as in effect on January 1, 2015.
- (n) “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 tobacco or an electronic delivery device as defined in this section. Nicotine or Lobelia Delivery Product does not include any nicotine cessation product that has been authorized by the U.S. Food and Drug Administration to be marketed and for sale as “drug,” “devices,” or “combination products,” as defined in the Federal Food, Drug and Cosmetic Act.
- (o) “Retail Establishment” means any place of business where Licensed Products are available for sale to the general public. Retail Establishment includes, but is not limited to, grocery stores, Tobacco Stores, liquor stores, convenience stores, gasoline service stations, bars, restaurants and establishments licensed for General Sales and Display as defined in this section.
- (p) “Sale” means any transfer of goods for money, trade, barter or other consideration.
- (q) “Youth-Oriented Facility” means any facility with residents, customers, visitors or inhabitants of which 25 percent or more are regularly under the age of 21 or that primarily sells, rents or offers services or products that are consumed or used primarily by persons under the age of 21. Youth-Oriented Facility includes, but is not limited

to, schools, playgrounds, recreation centers and parks.

- (r) “Moveable Place of Business” means any form of business that is operated out of a kiosk, truck, van, automobile or other type of vehicle or transportable shelter and that is not a fixed address or other permanent type of structure licensed for over-the-counter sales transactions.

802.020. LICENSE.

- (a) License Required. No person shall, directly or indirectly, keep for retail sale, sell at retail, keep for wholesale, sell at wholesale or otherwise dispose of Licensed Products unless licensed by the City of Little Canada. A Tobacco Store license is available to a premise meeting the definition in Chapter 802.010 (e); a General Sales and Display license is available to a premise meeting the definition in Chapter 802.010 (a).
- (b) Application for renewal. An application to renew a license to sell Licensed Products must be made on a form provided by the city. The application must contain:
 - (1) 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;
 - (2) The business tax identification number of the licensee;
 - (3) The name(s) and address(es) of the owner(s), shareholder(s), or partner(s) of the business for which the license is sought, if any, for the preceding year; and,
 - (4) Any additional information the city deems necessary, including proof of licensure eligibility pursuant to this chapter.

Upon receipt of a completed application, the City Clerk will forward the application to the City Council for action at a regularly scheduled meeting. If the City Clerk determines that an application is incomplete, it will be returned to the applicant with notice of the information necessary to make the application complete.

- (c) Action. The City Council may approve or deny the application for renewal of a license, or it may delay action for a reasonable period of time to complete any investigation of the application or the applicant deemed necessary. If the City Council approves the application, the City Clerk will issue the license to the applicant. If the City Council denies the application, notice of the denial will be given to the applicant along with notice of the applicant’s right to appeal the decision.
- (d) Term. All licenses shall be for a term of one year. The annual license shall commence July 1 of each year.

- (e) Revocation or suspension. Any license issued may be suspended or revoked following the procedures set forth in Section 802.120.
- (f) Transfers. All licenses issued are valid only on the premises for which the license was issued and only for the person to whom the license was issued. The transfer of any license to another location or person is prohibited.
- (g) Display. All licenses must be posted and displayed at all times in plain view of the general public in the retail establishment.
- (h) Renewals. The renewal of a license issued under this ordinance will be handled as required in this Chapter. The request for a renewal must be made at least 30 days, but no more than 60 days, before the expiration of the current license.
- (i) Issuance as privilege and not a right. The issuance of a license is a privilege and does not entitle the license holder to an automatic renewal of the license.

802.025. RESTRICTIONS ON NUMBER OF LICENSES AND SUNSETTING OF LICENSES.

- (a) License number restriction. The number of Tobacco Store Licenses within the City shall not exceed two (2). The number of General Sales and Display Licenses shall not exceed five (5).
- (b) Sunset on Tobacco Retail Licenses. The city will not issue any new licenses for the sale of licensed products after May 25, 2022. The city will only renew existing licenses that were issued by May 25, 2022. Licenses may be renewed subject to the provisions of this chapter, provided that:
 1. A license is only eligible for renewal by the same natural person who holds the license on May 25, 2022 for the premises set forth in the approved application. Eligible parties will lose the existing license if they fail to renew it by June 30 each year, or if the license is revoked for any reason.
 2. A license held by a person as defined by this ordinance that is not a natural person, including LLC, Partnership, or Corporation, or other business organization, is only eligible for renewal provided there has not been a change of 50% or more of the owners, shareholders or partners in place as of May 25, 2022.

802.030. BASIS FOR DENIAL. Grounds for denying the renewal of a license under this chapter include, but are not limited to the following:

- (a) The applicant is under the age of 21 years;
- (b) The applicant has been convicted within the past five years of any violation of a federal, state, or local law, ordinance provision, or other regulation relating to Licensed Products;

- (c) The applicant has had a license to sell Licensed Products revoked within the preceding 12 months of the date of application;
- (d) The applicant fails to provide any information required on the application, or provides false or misleading information;
- (e) The applicant is prohibited by federal, state, or other local law, ordinance, or other regulation from holding a license;
- (f) The application fails to meet the requirements of City Code;
- (g) The business for which the license is requested is a Moveable Place of Business;
- (h) To protect the health, safety, and welfare of the City and its residents.

802.040. LICENSE GRANTED BY RESOLUTION. The Council shall, after whatever investigation it deems necessary, by resolution grant the license renewal applied for by such applicant, if in the opinion of the Council the applicant is entitled thereto. The issuance of a license issued under this section shall be considered a privilege and not an absolute right of the applicant and shall not entitle the holder to an automatic renewal of the license.

802.045. PROXIMITY RESTRICTION. No Tobacco Store or General Sales and Display license shall be granted pursuant to this section to any person for any retail sales of Licensed Products within 500 feet of any house of worship, or youth-oriented facility, as measured by the shortest line between the space to be occupied by the proposed licensee and the occupied space of the house of worship, or youth-oriented facility, unless that person has been in the business of selling Licensed Products in that location before the date this section was enacted into law for at least one year.

802.050. LICENSE FEE. The annual license fee shall be determined by resolution of the City Council.

802.060. TERM. Licenses shall be for a term of one year. The annual license shall commence July 1 of each year.

802.070. LICENSE RESTRICTIONS. A license shall be issued subject to the following restrictions:

- (a) The following restrictions apply to retail establishments licensed as Tobacco Stores:
 - (1) The Tobacco Store prohibits persons under the age of 21 from being present or entering all times.
 - (2) The Tobacco Store must have an entrance door opening directly to the outside.
 - (3) The Tobacco Store must derive at least 90 percent of its gross revenues from the sale of Licensed Products.
 - (4) No person shall permit a person under the age of 21 to smoke Licensed Products for the purposes of sampling those products or provide samples of

Licensed Products free of charge or at a nominal cost to a person under the age of 21.

- (5) Smoking shall not be permitted and no person shall smoke within the indoor area of any establishment with a retail tobacco license. Smoking, lighting, heating and burning of Licensed Products, for the purposes of sampling Licensed Products is prohibited. Notwithstanding the preceding, smoking may occur in a Tobacco Store if all of the following circumstances are met:
 - i. The smoking is by a customer or potential customer for the specific purpose of sampling tobacco;
 - ii. The Tobacco Store has held a license from the City to sell Licensed Products at that location for at least six months prior to the May 2013 enactment of this provision; and
 - iii. The owner of the establishment has maintained a valid retail tobacco license and has abided by all applicable laws.
 - iv. Any smoking allowed under this exemption shall be prohibited if the license holder has the license revoked or transfers title to, relinquishes management or control of, or sells the business to any other individual or business entity.
 - v. Sunset on sampling and indoor smoking. Sampling and smoking inside a Tobacco Store is prohibited after June 30, 2024.
 - (6) Smoking from an electronic delivery device for any reason is strictly prohibited in any Tobacco Store.
- (b) The following restrictions apply to Retail Establishments licensed for General Tobacco Sales and Display:
- (1) Smoking prohibited. Smoking, including smoking for the purpose of the sampling of licensed products is prohibited within the indoor area of any retail establishment licensed under this ordinance. The establishment shall fully comply with the Minnesota Clean Indoor Air Act, Minn. Stat. § 144.411 to 144.417.
 - (2) All licensed products must be stored behind the sales counter, in a locked case, in a storage unit, or in another area not freely accessible to the general public. Any retailer selling licensed products at the time this ordinance is adopted must comply within 90 days of the effective date of this ordinance.
 - (3) Samples prohibited. No person may distribute samples of any Licensed Product free of charge or at a nominal cost. The distribution of Licensed Products as a free donation is prohibited.

802.080. PROHIBITED SALES.

- (a) In general, no person shall sell or offer to sell any Licensed Product:
 - (1) By means of any type of Vending Machine.
 - (2) By means of Loosies.
 - (3) Containing opium, morphine, jimson weed, bella donna, strychnos, cocaine, marijuana, or other hallucinogenic, toxic or controlled substances except nicotine and other substances found naturally in tobacco or added as part of an otherwise lawful manufacturing process. It is not the intention of this provision to ban the sale of lawfully manufactured cigarettes or other products subject to this ordinance.
 - (4) By any other means, to any other person, or in any other manner or form prohibited by federal, state or other local law, ordinance provision or other regulation.
 - (5) If there is a conflict between regulation of the State and regulation of the City, the more restrictive regulations shall control.

- (b) Legal Age. No person shall sell any Licensed Product to any person under the age of 21.
 - (1) Age verification. Licensees must verify by means of government-issued photographic identification containing the bearer's date of birth that the purchaser is at least 21 years of age. Verification is not required for a person over the age of 30. That the person appeared to be 30 years of age or older does not constitute a defense to a violation of this subsection.
 - (2) Signage. Notice of the legal sales age, age verification requirement and possible penalties for underage sales must be posted prominently and in plain view at all times at each location where Licensed Products are offered for sale. The required signage may be provided to the licensee by the City and must be posted in a manner that is clearly visible to anyone who is or is considering making a purchase.

- (c) Liquid packaging. No person shall sell, offer to sell any liquid, whether or not such liquid contains nicotine, which is intended for human consumption and use in an electronic delivery device, in packaging that is not Child-Resistant. Upon request by the city, a licensee must provide a copy of the certificate of compliance or full laboratory testing report for the packaging used.

802.090. RESPONSIBILITY. All licensees are responsible for the actions of their employees regarding the sale, offer to sell and furnishing of Licensed Products on the licensed premises. The sale, offer to sell or furnishing of any Licensed Products by an employee shall be considered an act of the licensee.

802.100. INSPECTION/COMPLIANCE CHECKS. All licensed premises must be open to inspection by law enforcement or other authorized city officials during regular business hours. Any applicant or licensee shall permit the City, or its representatives, to inspect and examine the place of business described in the application or license. Any refusal by the licensed premises to permit such inspection will be sufficient grounds for the Council to suspend or revoke a license previously granted. The City of Little Canada, or its authorized representative, will conduct at least two compliance checks that involves the participation of a person between the ages of 17 and 20 to enter licensed premises to attempt to purchase Licensed Products. Prior written consent is required for any person under the age of 18 to participate in a compliance check. Persons used for the purpose of compliance checks will be supervised by law enforcement or other designated personnel. Any finding of noncompliance with the requirements of this Chapter or other applicable regulations shall constitute a violation of this section.

802.105. OTHER PROHIBITED ACTS. Unless otherwise provided, the following acts are an administrative violation of this ordinance:

- (a) Prohibited furnishing or procurement. It is a violation of this ordinance for any person 21 years of age or older to purchase or otherwise obtain any Licensed Product on behalf of a person under the age of 21. It is also a violation for any person 21 years of age and older to coerce or attempt to coerce a person under the age of 21 to purchase or attempt to purchase any Licensed Product.
- (b) Use of false identification. It is a violation of this ordinance for any person to use any form of false identification, whether the identification is that of another person or has been modified or tampered with to represent an age older than the actual age of the person using that identification.

802.110. EXCEPTIONS AND DEFENSES.

- (a) Religious, Spiritual or Cultural Ceremonies or Practices. Nothing in this ordinance prevents the provision of tobacco or tobacco-related devices to any person as part of an indigenous practice or a lawfully recognized religious, spiritual, or cultural ceremony or practice.
- (b) Reasonable Reliance. It is an affirmative defense to a violation of this ordinance for a person to have reasonably relied on proof of age as described by state law.

802.120. VIOLATIONS AND PENALTIES.

- (a) Violations.
 - (1) Notice. A person violating this ordinance may be issued, either personally or by mail, a citation from the city that sets forth the alleged violation and that informs the alleged violator of his or her right to a hearing on the matter and how and where a hearing may be requested, including a contact address and phone number.

- (2) Hearings.
 - (a) Upon issuance of a citation, a person accused of violating this ordinance may request in writing a hearing on the matter. Hearing requests must be made within 10 business days of the issuance of the citation and delivered to the City Clerk or other designated city officer. Failure to properly request a hearing within 10 business days of the issuance of the citation will terminate the person's right to a hearing.
 - (b) The City Clerk or other designated city officer will set the time and place for the hearing. Written notice of the hearing time and place will be mailed or delivered to the accused violator at least 10 business days prior to the hearing.
 - (3) Hearing Officer. The City Council will designate a hearing officer. The hearing officer will be an impartial employee of the city or an impartial person retained by the city to conduct the hearing.
 - (4) Decision. A decision will be issued by the hearing officer within 10 business days of the hearing. If the hearing officer determines that a violation of this ordinance did occur, that decision, along with the hearing officer's reasons for finding a violation and the penalty to be imposed, will be recorded in writing, a copy of which will be provided to the city and the accused violator by in-person delivery or mail as soon as practicable. If the hearing officer finds that no violation occurred or finds grounds for not imposing any penalty, those findings will be recorded and a copy will be provided to the city and the acquitted accused violator by in-person delivery or mail as soon as practicable. The decision of the hearing officer is final, subject to an appeal as described in section 802.120 (6) of this section.
 - (5) Costs. If the citation is upheld by the hearing officer, the city's actual expenses in holding the hearing up to a maximum of \$1,000 must be paid by the person requesting the hearing.
 - (6) Appeals. Appeals of any decision made by the hearing officer must be filed in Ramsey County district court within 10 business days of the date of the decision.
 - (7) Continued violation. Each violation, and every day in which a violation occurs or continues, shall constitute a separate offense.
- (b) Administrative Penalties. Any violation of the City's regulations relative to the issuance of any license or any conditions or restrictions attached to the issuance of such license shall be cause for the imposition of an administrative fine, the suspension of the license, or revocation of the license.
- (1) Licensees. Any licensee cited for violating this ordinance, or whose employee has violated this ordinance, will be charged an administrative fine of \$300 for the first violation; \$600 for the second offense at the same licensed premises

within a 36-month period; and \$1,000 for a third or subsequent offense at the same location within a 36-month period. Upon the third violation, the license will be suspended for a period of not less than 30 consecutive days, and may be revoked. Upon a fourth violation within a 36-month period, the license will be revoked.

- (2) Employees of licensees and other individuals. Individuals, other than persons under the age of 21 regulated by paragraph (b)(3) of this section, who are found to be in violation of this ordinance may be charged an administrative fine of \$50.
- (3) Persons under the age of 21. Persons under the age of 21 who use a false identification to purchase or attempt to purchase Licensed Products may only be subject to non-criminal, non-monetary civil penalties or remedies such as tobacco-related education classes, diversion programs, community services, or another non-monetary, civil penalty that the city determines to be appropriate. The City Council may consult with educators, parents, guardians, persons under the age of 21, public health officials, court personnel and other interested parties to determine an appropriate remedy in the best interest of the underage person. The remedies for persons under age 21 who use false identification to purchase or attempt to purchase Licensed Products may be established by ordinance and amended from time to time.

If the violation relates to a restriction of Section 802.070 allowing a person under the age of 21 to sample a Licensed Product or providing to a person under the age of 21 a sample of a Licensed Product, the City Council may suspend the license for up to 60 days or revoke the license. In addition to such action, or in lieu of such action, the Council may impose a civil fine not to exceed \$1,000 for each violation.

- (4) Misdemeanor prosecution. Nothing in this section prohibits the city from seeking prosecution as a misdemeanor for an alleged second violation of this ordinance by a person 21 years of age or older within five years of a previous conviction under the ordinance.

802.130. SEVERABILITY. If any section or provision of this ordinance is held invalid, such invalidity will not affect other sections or provisions that can be given force and effect without the invalidated section or provision.

SECTION 2. REPEAL OF CONFLICTING ORDINANCES. That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 3. SEVERABILITY CLAUSE. In any section, sentence, clause or phrase of this ordinance or any part thereof is for any reason found to invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remainder of this ordinance or any part thereof.

SECTION 4. This ordinance shall take effect and be in full force from and after its adoption and publication.

Adopted this 25th day of May, 2022

By: _____
John T. Keis, Mayor

Attest: _____
Christopher Heineman, City Administrator

AYES:
NAYS:

Published May 29, 2022

**CITY OF LITTLE CANADA
ORDINANCE NO. 864**

AN ORDINANCE AMENDING LITTLE CANADA CITY CODE CHAPTER 802,
TOBACCO PRODUCTS

THE CITY COUNCIL OF THE CITY OF LITTLE CANADA, MINNESOTA
ORDAINS: City Code Chapter 802, Tobacco Products, is amended as follows:

SECTION 1. SUMMARY PUBLICATION. Pursuant to Minnesota Statutes Section 412.191, in the case of a lengthy ordinance, a summary may be published. While a copy of the entire ordinance is available without cost at the office of the City Clerk, the following summary is approved by the City Council and shall be published in lieu of publishing the entire ordinance:

The purpose of this ordinance is to amend City Code Chapter 802 relating to tobacco products and licensing. There are many changes that clarify and update language throughout the chapter, but the two primary changes affecting tobacco licensees are:

1. The City of Little Canada would not issue tobacco store or general sales & display licenses to any NEW business, owner or person. The license holders that have a valid city tobacco license as of the date of the ordinance publication, would be able to renew the same tobacco license as long as no changes are made to the business, owner or person that currently holds the license. No transfers of tobacco licenses are allowed.

2. On June 30, 2024, the exception that allows indoor smoking and sampling at the two current tobacco stores would end. After June 30, 2024, no indoor smoking or sampling of any type would be allowed in any tobacco stores in Little Canada.

SECTION 2. Effective Date: This ordinance shall be effective on May 29, 2022.

ADOPTED by the City Council of Little Canada this 25th day of May, 2022.

CITY OF LITTLE CANADA
BY: John T. Keis, Mayor

ATTEST: Christopher Heineman, City Administrator