Ordinance No. 2018-14

An Ordinance amending sections 625.010, 625.015, 625.025, and 625.040 of the Minnetonka City Code, relating to tobacco-related products

The City of Minnetonka Ordains:

Section 1. Section 625.010 of the Minnetonka City Code is amended to read as follows:

625.010. License Required.

No A-person shall must not directly or indirectly keep for retail sale, sell or offer to sell at retail, dispense, or give away in a retail setting any tobacco related product at any place in the city, without first obtaining a license from the city.

Section 2. Section 625.015 of the Minnetonka City Code is amended to read as follows:

625.015. Application and Issuance.

Application for a new license or license renewal must be made to the community development director on a form supplied by the city. The application must state the full name of the applicant, the location of the building and the part intended to be used by the applicant under the license, the kind of business conducted at the location, and the other information as required by the application form. The community development director has the authority to determine whether or not a license will be issued or renewed. An applicant may appeal the director's decision to the city council by submitting a written request to the city clerk within 10 days after the decision. A license may be denied or, if the license is mistakenly issued or renewed to a person, it shall be revoked upon the discovery that the person was ineligible for the license, for the following reasons:

1. the applicant is under the ages of 18 years;

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 tobacco-related products;

3. the applicant has had a license to sell tobacco-related products revoked within the preceding twelve months of the date of application;

4. the applicant fails to provide any information required on the application, or provides false or misleading information; or

5. The applicant is prohibited by federal, state, or other local law, ordinance, or other regulation, from holding such a license.

The stricken language is deleted; the underlined language is inserted.
Section 3. Section 625.025 of the Minnetonka City Code is amended to read as follows:

**625.025. License Display and Signage.**

1. Every license must be kept conspicuously posted at the place for which the license is issued and must be exhibited to any person upon request.

2. Notice of the legal sales age must be posted at each location where tobacco-related products are offered for sale. The required signage must be posted in a manner that is clearly visible to anyone who is or is considering making a purchase.

Section 4. Section 625.040 of the Minnetonka City Code is amended to read as follows:

**625.040. Prohibited Sales Acts.**

1. A person must not sell or give away any tobacco-related product to any person below the age of 18 years.

2. A person must not sell, dispense, or give away any tobacco-related product through the use of a vending machine or similar automated dispensing device.

3. A person must not sell, dispense or give away any tobacco-related product through self-service merchandising, except in facilities where the retailer ensures that no person younger than 18 years of age is present, or permitted to enter, at any time.

4. A person must not sell tobacco-related products outside the location or area covered by a license.

5. A person must not sell, offer for sale, give away, or otherwise deal in flavored tobacco-related products or samples of such products. This restriction does not apply to facilities where the retailer ensures that no person younger than 21 years of age is present, or permitted to enter, at any time.

6. A person must not sell, offer to sell or distribute liquid, whether or not such liquid contains nicotine that is intended for human consumption and use, in an electronic delivery device that is not contained in child-resistant packaging as that term is defined in Code of Federal Regulations, title 16, section 1700.15(b)(1) as in effect on January 1, 2015.

7. A person must not sell, offer to sell, give away, distribute or display tobacco-related products in a manner prohibited by federal or state law.

Section 5. A violation of this ordinance is subject to the penalties and provisions of Chapter XIII of the city code.

The stricken language is deleted; the underlined language is inserted.
Section 6. This ordinance is effective Jan. 1, 2018.

Adopted by the city council of the City of Minnetonka, Minnesota, on Sept. 17, 2018.

Brad Wiersum, Mayor

Attest:

David E. Maeda, City Clerk

**Action on this Ordinance:**

Date of introduction: July 23, 2018  
Date of adoption: Sept. 17, 2018  
Motion for adoption: Acomb  
Seconded by: Bergstedt  
Voted in favor of: Acomb, Happe, Schack, Bergstedt, Ellingson, Wiersum  
Voted against:  
Abstained: Calvert  
Absent:  
Ordinance adopted. Sept. 27, 2018

Date of publication: Sept. 27, 2018

I certify that the foregoing is a true and correct copy of an ordinance adopted by the city council of the City of Minnetonka, Minnesota, at a meeting held on Sept. 17, 2018.

David E. Maeda, City Clerk

The stricken language is deleted; the underlined language is inserted.