

Certificate of Compliance Minnesota Workers' Compensation Law

PRINT IN INK or TYPE.

Minnesota Statutes, Section 176.182 requires every state and local licensing agency to withhold the issuance or renewal of a license or permit to operate a business or engage in any activity in Minnesota until the applicant presents acceptable evidence of compliance with the workers' compensation insurance coverage requirement of Minnesota Statutes, Chapter 176. The required workers' compensation insurance information is the name of the insurance company, the policy number, and the dates of coverage, or the permit to self-insure. If the required information is not provided or is falsely stated, it shall result in a \$2,000 penalty assessed against the applicant by the commissioner of the Department of Labor and Industry.

A valid workers' compensation policy must be kept in effect at all times by employers as required by law.

BUSINESS NAME (Individual name only if no company name used)	LICENSE OR PERMIT NO (if applicable)
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DBA (doing business as name) (if applicable) _____

BUSINESS ADDRESS (PO Box must include street address)	CITY	STATE	ZIP CODE
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YOUR LICENSE OR CERTIFICATE WILL NOT BE ISSUED WITHOUT THE FOLLOWING INFORMATION. You must complete number 1, 2 or 3 below.

NUMBER 1 COMPLETE THIS PORTION IF YOU ARE INSURED:

INSURANCE COMPANY NAME (not the insurance agent) _____

WORKERS' COMPENSATION INSURANCE POLICY NO.	EFFECTIVE DATE	EXPIRATION DATE
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NUMBER 2 COMPLETE THIS PORTION IF SELF-INSURED:

I have attached a copy of the permit to self-insure. _____

NUMBER 3 COMPLETE THIS PORTION IF EXEMPT:

I am not required to have workers' compensation insurance coverage because:

- I have no employees.
- I have employees but they are not covered by the workers' compensation law. (See Minn. Stat. § 176.041 for a list of excluded employees.) Explain why your employees are not covered: _____
- Other: _____

ALL APPLICANTS COMPLETE THIS PORTION:

I certify that the information provided on this form is accurate and complete. If I am signing on behalf of a business, I certify that I am authorized to sign on behalf of the business.

APPLICANT SIGNATURE (mandatory)	TITLE	DATE
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NOTE: If your Workers' Compensation policy is cancelled within the license or permit period, you must notify the agency who issued the license or permit by resubmitting this form.
 This material can be made available in different forms, such as large print, Braille or on a tape. To request, call 1-800-342-5354 (DIAL-DLI) Voice or TDD (651) 297-4198.

ATTENTION: TOBACCO LICENSE HOLDERS

The New Hope City Council has established a policy that they will not license any business that sells drug paraphernalia products. It is our hope that you agree it is in the best interests of the community not to sell products that can be used for illegal narcotics use. We all share a common goal of reducing illegal narcotics use.

The Minnesota State Statutes read:

Drug Paraphernalia Law

Minn. Stat. §152.01(18)(a)(2) defines drug paraphernalia generally as "all equipment, products, and materials of any kind . . . which are knowingly or intentionally used primarily in . . . injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance."

Drug paraphernalia examples include but are not limited to:

- Glass or plastic smoke pipes (not designed for tobacco)
- Glass or plastic bongs of any kind
- So called "pinch" or "one" hitters with or without carry case
- Any other small pipe or smoking device which is commonly not associated with tobacco use

We are advising you that the presence of any drug paraphernalia items in your store could result in revocation of your tobacco license and/or criminal prosecution.

Thank you for your cooperation.

Sincerely,

Tim Fournier
Director of Police

Sec. 8-7. Tobacco and related products.

(a) *License required.* No person shall directly, by coin machine, or otherwise, keep for retail sale, sell at retail, or otherwise dispose of, any cigarettes, cigarette wrapper, tobacco, or tobacco products at any place in the city unless he shall have obtained a license therefor as provided in section 8-2.

(b) *Restrictions.*

(1) *Minors.* No person shall sell, give away, or otherwise furnish any cigarette, cigarette paper, tobacco, or tobacco product to any person under the age of 18 years.

(2) *Narcotic drugs.* No person shall keep for sale, sell, or dispose of any cigarette, or other tobacco product containing opium, morphine, jimson weed, bella donna, strychnia, cocaine, marijuana, or any other deleterious or poisonous drug, except nicotine.

(3) *Vending machine.* No person shall sell or dispense any tobacco product through the use of a vending machine unless the vending machine is in a nonpublic area with no minor access as verified by a premises survey conducted by the police department.

(4) *Self-service merchandising.* No person shall offer for sale or dispense any tobacco product by means of self service merchandising. This section shall not apply to retail stores which derive at least 90 percent of their revenue from tobacco and tobacco-related products and which cannot be entered at any time by persons younger than 18 years of age. Prior to offering for sale any tobacco product by self-service merchandising a licensee must file with the city clerk a statement from a certified public accountant that shows both total gross sales and total sales from tobacco or related products. Said statement must also be filed with the city clerk yearly on or before the renewal date of the license.

(5) *Employee violations.* Every licensee shall be responsible for the conduct of its employees while on the licensed premises and any sale or other disposition of tobacco products by an employee to a person under 18 years of age shall be considered an act of the licensee for purposes of imposing an administrative fine, license suspension or revocation.

(6) *Federal regulations.* The Code of Federal Regulations, title 21, part 897.16(c) is incorporated by reference into this Code. Notwithstanding these regulations, all sales of tobacco products by vending machines and self-service merchandising must be in compliance with subsections (c) and (d) herein if said New Hope Code sections are inconsistent with the federal regulations.

(c) *License fee.* The annual fee for such cigarette license shall be as prescribed in chapter 14.

(d) *Display of license.* Every such license shall be openly displayed in the place of business for which it is issued.

(e) *Compliance monitoring.* The police department shall conduct unannounced compliance checks at least once each calendar year at each location where tobacco products are sold within the city. Licensees and applicants shall be informed of this policy at the time of license application and renewal. Violators of these regulations will be subject to more frequent compliance monitoring than nonviolating licensees. The police department shall make an annual report to the city council on the compliance checks conducted pursuant to this section.

(f) *Violations.* In addition to being guilty of a misdemeanor, any person violating subsection 8-7(b) of this Code shall be subject to the following penalties:

(1) *Administrative civil penalties: individuals.* Any person who sells any tobacco product to a person under the age of 18 years is subject to an administrative penalty; and any person under the age of 18 years who attempts to purchase a tobacco product is subject to an administrative penalty. The city council may impose administrative penalties as follows:

a. *First violation.* The city council shall impose a civil fine of at least \$50.00 but not to exceed \$500.00.

b. *Second violation.* The city council shall impose a civil fine of at least \$75.00 but not to exceed \$750.00 for a second violation within 24 months of the initial violation.

c. *Third violation.* The city council shall impose a civil fine of at least \$100.00 but not to exceed \$1,000.00 for a third violation within 24 months of the initial violation.

d. *Hearing required.* No civil penalty shall take effect until the individual has received notice served personally or by mail, of the alleged violation and is given an opportunity for a hearing before a person authorized by the city council to conduct the hearing. A decision that a violation has occurred and a civil penalty is warranted must be in writing. In the event the individual is found to have violated the regulations of this Code, the cost of any hearing, including the hearing examiner's fees and the city's reasonable attorney's fees, shall be assessed against the individual in addition to the civil penalty.

(2) *Administrative civil penalties: licensee.* If a licensee or an employee of a licensee is found to have sold tobacco to a person under the age of 18 years, the licensee shall be subject to the administrative sanctions described in

the following matrix. In all cases the council shall select which days a suspension will be served. Other mandatory requirements may be imposed on the licensee, including but not limited to, meetings with the police department to present a plan of action to assure that problems will not continue, mandatory education sessions involving all employees and employers with the police department or other actions that the city council deems appropriate. On a first violation, the licensee may elect training in proper identification procedures in lieu of the three-day license suspension. The training shall be governed by and is subject to the conditions set out in subsection (f)(2)(b).

Fine and License Suspension

TABLE INSET:

1st Violation	2nd Violation (within 24 months of a prior violation)	3rd Violation (within 24 months of two prior violations)	4th Violation (within 24 months of three prior violations)
\$250.00 3 days suspension	\$500.00 plus 5 days suspension	\$1,000.00 plus 10 days suspension	Revocation

a. *Hearing required.* No civil penalty shall take effect until the licensee has received notice served personally or by mail, of the alleged violation and is given an opportunity for a hearing before a person authorized by the city council to conduct the hearing. A decision that a violation has occurred and a civil penalty is warranted must be in writing. In the event the licensee is found to have violated the regulations of this Code, the cost of any hearing, including the hearing examiner's fees and the city's reasonable attorney's fees, shall be assessed against the licensee in addition to the civil penalty.

b. *Training in lieu of suspension.* After the first violation within a 24-month period only, a licensee may request training from the New Hope Police Department in proper identification procedures. Said training shall be at the expense of the licensee, shall be in lieu of the three-day license suspension required by subsection (f)(2), and shall be conducted per the following conditions:

- (i) Training for all employees of a licensee must be completed within two training sessions at the discretion of the New Hope Police Department;
- (ii) If more than one licensee is requesting the training the New Hope Police Department retains control in deciding how many training sessions are necessary to accommodate the number of employees taking the training.
- (iii) It shall be the responsibility of the licensee to make certain that all employees successfully complete the required training. Failure to do so means the licensee has failed to meet the "training in lieu of suspension" requirement of the administrative penalty and will be subject to the three-day license suspension.
- (iv) The licensee shall pay for all of the following costs for the training: supplies and materials, any facility costs, the personnel expenses for the trainer, all administrative costs of the training and any other costs staff deems necessary to conduct the training.

(3) *Defense.* It is a defense to the charge of selling tobacco to a person under the age of 18 years that the licensee or individual, in making the sale reasonably and in good faith relied upon representation of proof of age described in Minn. Stat. § 340A.503, subd. 6, par. (a).

(4) *Exemption.* Only persons ages 16 or 17 years old may be enlisted to assist in the tests of compliance provided that written consent from the person's parent or guardian has been obtained and that the person shall at all times act only under the direct supervision of a law enforcement officer or an employee of the licensing department or in conjunction with an in-house program that has been pre-approved by the police department. A person who purchases or attempts to purchase tobacco-related products while in this capacity is exempt from the penalties imposed by this section.

(5) *Revocation.* The city council has the authority to revoke any license as set out in section 8-2 of this Code notwithstanding the provisions of this section regarding violations.

(Code 010166; Ord. No. 82-1; Ord. No. 90-6; Ord. 97-17; Ord. No. 97-24; Ord. No. 05-11, § 1, 9-12-2005)