This publication is intended as a resource for Northwest Hennepin Human Services Council for use with and distribution to public health and legal professionals, store owners, and the general public. It summarizes many of the laws, regulations, and legal agreements that affect the retail advertising and distribution of tobacco products for stores in the cities of Brooklyn Center, Crystal, and New Hope, current as of June 2008.

Legal Disclaimer

The information in this publication is meant to provide a general overview of the laws most relevant to the project by Northwest Hennepin Human Services Council (NWHHSC) entitled Reducing Tobacco Marketing and Influences on Youth in Priority Populations in Northwest Hennepin. This project is funded through a grant from the Minnesota Department of Health and focuses on the cities of Brooklyn Center, Crystal, and New Hope. Other laws or provisions relevant to the advertising, sale, or distribution of tobacco products may also exist which are not discussed herein.

The Tobacco Law Center provides legal information and education about tobacco and health, but does not provide legal representation. This report is provided for educational purposes only and is not to be construed as legal advice or as a substitute for obtaining legal advice from an attorney. Readers with questions about the application of the law to specific facts are encouraged to consult legal counsel familiar with the laws of their jurisdictions.

Laws and ordinances cited herein are current as of the date of publication.

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Executive Summary

This report summarizes certain laws and legal restrictions that affect how tobacco products can be advertised, particularly in or outside of retail stores. It includes legal agreements that impose nationwide restrictions, Minnesota laws, as well as provisions from the city codes of Brooklyn Center, Crystal, and New Hope.

State and local governments have limited authority to pass laws that regulate tobacco advertising because of restrictions imposed by Congress and the First Amendment of the U.S. Constitution. Nonetheless, there are important legal restrictions on the way the tobacco industry can advertise its products. Some of these restrictions come from settlement agreements that ended lawsuits against the major tobacco companies brought by state attorneys general. Other restrictions are based on another kind of legal agreement with state attorneys general – these are agreements which ended investigations by state attorneys general into alleged legal violations by tobacco companies or national retailer chains. Both types of agreements restrict certain kinds of outdoor tobacco advertising, prohibit tobacco companies from using certain images or words in their ads, and restrict where tobacco advertising can be placed, among other restrictions.

In addition, local governments also have general authority to regulate outdoor signs that are used in store windows, store parking lots, and other outdoor spaces. Because store advertising is where the tobacco companies focus the vast majority of their advertising efforts in the U.S., general restrictions that affect outdoor and indoor advertising at stores naturally affect tobacco advertising. Finally, state and local governments have the power to regulate tobacco product distribution through their tobacco retailer licensing laws.

This report provides simplified summaries of these legal agreements, state law, and the local laws in Brooklyn Center, Crystal, and New Hope that affect tobacco advertising and distribution in stores.

This report is designed to be a useful quick-reference guide, but not to provide legal advice. Readers with questions about the application of the law to specific facts are encouraged to consult legal counsel familiar with the laws of their jurisdictions.
How this Report is Organized

This report opens with some background information about how and why the law has developed the way it has in relation to tobacco advertising.

The first part of the report then focuses on advertising restrictions that relate to the content of tobacco advertising, or what tobacco ads can say, found in settlement agreements and other agreements.

The second section focuses on restrictions on outdoor retail tobacco advertising.

The third section focuses on laws related to the sale and distribution of tobacco products, divided by topic. Each topic starts with an explanation of the state law, followed by summaries of any city laws and/or restrictions from the settlement agreements or assurances dealing with that same topic.
Background

About Federal Law

Currently, federal law greatly restricts the ability of governments, particularly state and local governments (such as counties or cities), to pass laws that restrict tobacco product advertisements. State and local governments cannot pass laws that conflict with federal law, and Congress or the Constitution can block (or “preempt”) state and local governments from passing laws about certain issues.

The Federal Cigarette Labeling and Advertising Act (FCLAA) is one of the laws that restricts state and local power.\(^1\) The FCLAA establishes a comprehensive federal program that regulates cigarette labeling and advertising, and is the reason the “Surgeon General’s Warning” must be on every package of cigarettes sold in the U.S. The FCLAA also contains what is called a “preemption clause.” This preemption clause forbids states and local governments from passing laws or regulations that impose any requirements or prohibitions based on smoking and health, with respect to the advertising or promotion of cigarettes.\(^2\)

As its name indicates, the FCLAA only applies to cigarettes. Thus, it does not apply to other tobacco products such as cigars or smokeless tobacco. However, the U.S. Supreme Court has interpreted the First Amendment of the U.S. Constitution as invalidating state laws that attempted to restrict outdoor and indoor advertising of these tobacco products as well. Generally, under the First Amendment, laws that restrict advertising on the basis of content – i.e., based on what the ads say, as opposed to where they are located, for example – are looked at critically by our legal system, and may not hold up in court. Thus, laws that target tobacco advertising specifically may not be found valid. State and local laws that regulate or restrict how tobacco products are sold or distributed, however, generally have not been found to violate the First Amendment.

At the time of writing, a proposal is pending in Congress that would limit the FCLAA’s preemption of state and local authority to regulate cigarette advertising and promotion.\(^3\) If this proposed legislation becomes law, states and local governments would have the authority to restrict the location, color, size, number and placement (but not the content) of cigarette advertisements. These provisions are part of a bill that seeks to grant the federal Food and Drug Administration (FDA) authority to regulate tobacco products. This bill would also give the FDA authority to impose additional restrictions on tobacco product marketing. Of course, any such restrictions,
whether imposed by the FDA or by state or local governments, still would be subject to the constraints of the First Amendment.

**About State Law and City Codes**

State and local governments have limited authority to pass laws relating to tobacco advertising. However, they can pass general regulations that affect all outdoor advertising seen at stores through their power to pass laws to protect public health and safety and regulate land use within their borders. Because store advertising is where the tobacco companies focus the vast majority of their advertising efforts in the U.S., general restrictions that affect outdoor advertising at stores naturally affect tobacco advertising as well.

In addition, Minnesota law authorizes local governments to regulate many aspects relating to how tobacco can be sold. Minnesota law requires that tobacco retailers and distributors obtain licenses to sell tobacco products, and authorizes local governments to pass their own tobacco licensing laws. Thus, tobacco product sellers are subject to a variety of other restrictions, ranging from ones that most people know about (such as, they cannot sell tobacco products to youth under the age of 18) to others that may be unfamiliar to or misunderstood by many (such as, whether and how vending machines can be used to sell tobacco products). Many, though not all, of these restrictions are summarized below.⁴

Not surprisingly, the cities of Brooklyn Center, Crystal, and New Hope have passed laws⁵ related to tobacco products. They require tobacco retailers to get a license to sell tobacco within their cities and to follow certain other rules and restrictions. These cities also have passed zoning regulations that affect all outdoor storefront advertising, which would include any tobacco product advertising used outside a store or in a store window.

Just as federal law can block, or preempt, states from passing laws on a particular subject, state law can also preempt a county or city’s authority to pass laws in certain areas. Further, local governments generally cannot pass laws that directly conflict with state law. But unless the state legislature has clearly indicated that it intended to block local governments from passing stricter laws about a particular subject, courts typically have held that there’s no conflict just because a local law is stricter than a state law governing the same issue. In the tobacco products area, Minnesota law generally sets a floor – counties, cities, and towns can pass laws that are stricter than state law. If a local law is less strict than state law, however, the state law must be followed.
About Other Legal Restrictions

Finally, in addition to statutes or codes that are written down in books or manuals somewhere (whether it be at the state legislature or in city hall), this report also summarizes other kinds of legal restrictions on tobacco product distribution and advertising. These restrictions arise out of agreements between specific companies – including tobacco companies and national retail chains – and state attorneys general.

There are two types of agreements described in this report. One type is agreements that were negotiated by the tobacco companies to settle lawsuits brought by state attorneys general. The two agreements discussed in this report are the Minnesota Settlement Agreement\(^6\) and the Master Settlement Agreement.\(^7\) The other type of agreement is called an “assurance of discontinuance” or an “assurance of voluntary compliance.” These assurances resolved investigations by state attorneys general into alleged violations of state consumer protection laws by either tobacco companies or national retail chains. There are over a dozen of these assurances, including with six retailers that have stores in Minnesota.

Both types of agreements include restrictions on how tobacco products can be advertised and sold by the tobacco companies and retailer chains. These settlement agreements and assurances are similar to laws, in that they are enforceable by a court if they are violated – the Minnesota Attorney General (or another state attorney general that signed on to the assurance) could file an action in a court to enforce them, if there was sufficient evidence that the assurance had been violated. References to relevant provisions from these agreements are included, if they include restrictions that go beyond state or city laws.

The assurances signed by the Minnesota Attorney General can be found online,\(^8\) as follows:

- **BP Amoco** [http://ag.ca.gov/newsalerts/cms02/02-142.pdf](http://ag.ca.gov/newsalerts/cms02/02-142.pdf)
- **Conoco Phillips** [http://ag.ca.gov/newsalerts/cms05/05-108_0a.pdf](http://ag.ca.gov/newsalerts/cms05/05-108_0a.pdf)
- **CVS** [http://ag.ca.gov/newsalerts/cms06/06-022_0a.pdf](http://ag.ca.gov/newsalerts/cms06/06-022_0a.pdf)
- **ExxonMobil** [http://ag.ca.gov/newsalerts/cms02/02-091.pdf](http://ag.ca.gov/newsalerts/cms02/02-091.pdf)
- **Walgreens** Not currently available online, but a copy is on file at the Tobacco Law Center
- **Wal-Mart** [http://ag.ca.gov/newsalerts/cms06/06-022_0a.pdf](http://ag.ca.gov/newsalerts/cms06/06-022_0a.pdf)
Restrictions on Advertising Content and Placement

This section summarizes restrictions on certain kinds of tobacco advertising, regardless of where the ads are located (inside or outside a store, in a magazine ad, etc.). These restrictions come from the assurances of voluntary compliance or settlement agreements between tobacco companies and state attorneys general offices. Generally speaking, these restrictions are all aimed at curbing advertisements that appeal to youth under the age of 18.

Despite the serious limitations on state and local control over tobacco advertising, the Minnesota Settlement Agreement with leading cigarette manufacturers restricts the ways in which the biggest tobacco manufacturers can advertise their products in several important ways. The Minnesota Settlement Agreement, like the Master Settlement Agreement (or “MSA”) that settled other states’ lawsuits against the major tobacco manufacturers, seeks to prevent manufacturers from targeting children. In those areas where the MSA limits advertising or distribution in ways not included in the original Minnesota Settlement Agreement, the Minnesota Attorney General can choose to incorporate the provisions of the MSA into Minnesota’s agreement and enforce them against the signing companies. As a result of amendments since 1998, the Minnesota Settlement and MSA are now enforceable against the largest U.S. manufacturer of smokeless tobacco as well as dozens of smaller tobacco manufacturers. You can find a list of all the companies that have signed on to the MSA (and the brands they sell) at the following link: http://www.naag.org/backpages/naag/tobacco/msa/participating_manu/ > List of Participating Manufacturers.

In this report, these settlement agreements will be collectively referred to as the Tobacco Settlement Agreements.

There is one important limitation on the Tobacco Settlement Agreements. The Tobacco Settlement Agreement provisions apply to the participating tobacco manufacturers who have agreed to the settlements, but not to retailers or the world at large. Thus, unless a settling manufacturer is in some way involved (e.g., by acquiescing in the use of its trademarks, logos or brands or by contributing to the costs of an advertisement), these provisions do not prohibit retailers from doing the things that the tobacco manufacturers cannot do.

The following sections outline key restrictions from the MSA that affect how tobacco products can be advertised in stores (among other places).
No Marketing to Youth Under 18

**General rule:** Tobacco manufacturers may not target youth directly or indirectly in the advertising, promotion or marketing of tobacco products or take any action the primary purpose of which is to initiate, maintain, or increase youth smoking. *MSA III(a); Minn. Settlement Agreement (Consent Order).*

For example, a California appeals court found that R.J. Reynolds indirectly targeted youth by placing ads in magazines with high youth readership.\(^1^1\)

Also in 2004, the Illinois, Maryland, and New York attorneys general sued Brown & Williamson, charging that its “Kool Mixx” and related “House of Menthol” ad campaign violated the MSA by targeting African American youth. The company (which was acquired by R.J. Reynolds while the lawsuits were pending) settled the lawsuits in October 2004. To end the state lawsuits, R.J. Reynolds agreed to several advertising prohibitions related specifically to these campaigns, and had to pay the suing states money to be used for youth smoking prevention and cessation programs.\(^1^2\)

As of the time this report was published, about eight states have actions pending against R.J. Reynolds about another ad campaign. In this most recent round of lawsuits, the states allege that R.J. Reynolds violated the MSA with a Camel ad that ran in Rolling Stone Magazine in November 2007, which featured fantastical images and which surrounded editorial content (about independent rock bands) consisting of cartoonish pen and ink drawings.\(^1^3\)

**Enforcement agency:** The Minnesota Attorney General.

**Penalties:** The Minnesota Attorney General may seek injunctive relief to stop violations of the provisions, as well as monetary penalties and the costs of enforcing them.

The MSA prohibits the use of cartoons in tobacco ads. The word “cartoon” is defined specifically to include “Joe Camel.”
Special note

R.J. Reynolds and ads using words or images related to fruit, candy, and alcoholic beverages

In October 2006, R.J. Reynolds signed an agreement with nearly every state attorney general to stop selling certain “styles” of candy and alcohol flavored cigarettes, and to not use certain candy, fruit, and alcohol-related words and images in its future advertising in the U.S. R.J. Reynolds agreed that it would:

- Not use fruit or candy names; or the words “fruit,” “candy,” “sweet,” “sugar,” “citrus,” “tart,” “tangy,” or “cream,” or any extensions or variations of these words (like “fruity,” “sweetness,” etc.).
- Not use images of fruit, candy, or other sweet desserts.
- Not use generic names of alcoholic beverages (e.g., scotch, gin, vodka); brand names of a type of alcoholic beverage (e.g., “Wild Turkey” or “Jim Beam”); or the words “Kolada,” “cocktail,” “chaser,” “shot,” “shooter,” or “spiked”; or any of the alcoholic beverages listed in an appendix attached to agreement (179 names).
- Not use images of an alcoholic beverage.

These restrictions apply to brand names and packaging, print ads, direct mail ads, ads used at retail stores, etc., but may be used in materials at adult-only facilities.

Enforcement agency: The California Attorney General’s Office is one of the lead enforcement agencies of this agreement; any state attorney general that signed the agreement can enforce it.

Penalties: A signing state attorney general may seek injunctive relief to stop violations of the provisions, as well as monetary penalties and the costs of enforcing them.

Find it online: [http://ag.ca.gov/newsalerts/cms06/06-089_0a.pdf](http://ag.ca.gov/newsalerts/cms06/06-089_0a.pdf).
No Use of Cartoons in Ads

General rule: No cartoons or cartoon-like figures may be used in tobacco advertising and packaging. *MSA II(l), III(b).*

There is a specific definition of “cartoon,” and it includes any depiction of a person, creature or object, and involves such criteria as comically exaggerated features, the use of anthropomorphic techniques (e.g., talking animals), and the attribution of unnatural or extrahuman activities.

Enforcement agency: The Minnesota Attorney General.

Penalties: The Minnesota Attorney General may seek injunctive relief to stop violations of the provisions, as well as monetary penalties and the costs of enforcing them.

No Ads on “Functional” Items or Services

General rule: Cigarette manufacturers cannot market, license, distribute, sell or offer, directly or indirectly, including by catalogue or direct mail, in Minnesota, any service or item which has a brand name, logo, or other kind of identifying marks associated with a particular brand. *MSA III(f), III(c)(3)(D); Minn. Settlement Agreement (Consent Order).*

Exceptions: They can market, license, etc., branded tobacco products, or any branded item for which the sole function is to advertise tobacco products. Despite this prohibition, branded functional items (like trash cans or coin cups) have been observed in a few stores in Brooklyn Center, Crystal, and New Hope.

Enforcement agency: The Minnesota Attorney General.

Penalties: The Minnesota Attorney General may seek injunctive relief to stop violations of the provisions, as well as monetary penalties and the costs of enforcing them.
Special note


On August 17, 2006, Judge Gladys Kessler of the United States District Court for the District of Columbia issued the Final Opinion in *United States v. Philip Morris*, the government’s massive racketeering case against cigarette manufacturers. Specific remedies were ordered, including the following:

- Major cigarette manufacturers were ordered to stop using “health descriptors” such as “low tar,” “light,” “ultra light,” “mild,” and “natural” and “any other words which reasonably could be expected to result in a consumer believing that smoking the cigarette brand [being described] may result in a lower risk of disease or be less hazardous to health,” because the court found that the use of these descriptors is fraudulent and deceptive.

- Major cigarette manufacturers were ordered to do “corrective” advertising on their websites, on their cigarette packages, in publications, on TV, and in displays in stores. This advertising (which has to be pre-approved by the court), must be about: (a) the adverse health effects of smoking; (b) the addictiveness of smoking and nicotine; (c) the lack of any significant health benefit from smoking “low tar,” “light,” “ultra light,” “mild,” and “natural” cigarettes; (d) their manipulation of cigarette design and composition to ensure optimum nicotine delivery; and (e) the adverse health effects of exposure to secondhand smoke.

This decision is being appealed, so the cigarette companies do not have to obey this order as of the time of publication of this report.

As this decision highlights, tobacco ads, like all advertising, must not be deceptive or misleading. The Minnesota Attorney General has authority to enforce the state’s consumer protection laws, including the laws which prohibit false statements in advertising, deceptive trade practices, and other forms of consumer fraud.

**Find it online:** The court’s extensive findings and decision (which is nearly 2,500 pages) are summarized in *The Verdict Is In: Findings from United States v. Philip Morris* by the Tobacco Control Legal Consortium, available online at [http://www.tobaccolawcenter.org/doj-litigation.html](http://www.tobaccolawcenter.org/doj-litigation.html).
Retailer Assurances of Voluntary Compliance

Restrictions on In-Store Tobacco Ad Locations

As explained above, several large national retailer chains have signed legally binding agreements with many state attorneys general around the country. These agreements are known as “Assurances of Voluntary Compliance,” or “AVCs.” As part of these agreements, some of the largest national retail chains have agreed to limit where and what kinds of tobacco advertising is in their stores.

**Conoco-Phillips**
- In-store ads limited to brand names, logos, other trademarks, and prices.
- Applies only to retail outlets directly owned and operated by Conoco-Phillips through its wholly-owned subsidiary Kayo Oil Co., with the Conoco, Phillips 66, or 76 brands.

**CVS Pharmacy**
- All tobacco ad signs inside store must be confined to areas where tobacco is sold.
- Ads must be limited to brand names, logos, and prices.

**Walgreen Co.**
- All tobacco ad signs inside store must be confined to areas where tobacco products are sold.
- Ads must be limited to brand names, logos, other trademarks, and prices.

**Wal-Mart/Sam’s Club**
- All tobacco ad signs inside store must be confined to areas where tobacco products are sold.
- Ads must be limited to brand names, logos, other trademarks, and prices.

**Enforcement agency:** The Minnesota Attorney General.

**Penalties:** The violating company could be held in contempt of court, and could be ordered to pay for any monetary restitution, attorney fees, and penalties related to violating the agreements.
Restrictions on Outdoor Storefront Advertising

The Tobacco Settlement Agreements Restrict Certain Large Outdoor Ads

General rule: Tobacco manufacturers may not use ads larger than 14 square feet in size outside a retail store that sells tobacco products. MSA II(ii).

- Includes ads facing outward on the inside surface of a window.
- Also prohibits groupings of outside ads or window ads which are placed close together so as to create a single “mosaic”-type advertisement larger than 14 square feet.
- Also prohibits outdoor/window ads which function solely as a segment of a larger advertising unit or series, which is larger than 14 square feet.
- Applies only to tobacco companies that have signed the MSA – not retailers who are acting completely independently of any tobacco company.

If a retailer is using ads that feature brands, logos, or other trademarks of a signing tobacco company, the tobacco company could be liable under the MSA, if it can be shown that it acquiesced to (or somehow directed) the retailer’s use of these features.

Enforcement agency: The Minnesota Attorney General.

Penalties: The Minnesota Attorney General may seek injunctive relief to stop violations of the provisions, as well as monetary penalties and the costs of enforcing them.

A logo like this Marlboro logo (left) would violate the MSA if it exceeded 14 square feet in area and was placed there at the direction or with the cooperation of Altria, which owns the Marlboro brand.
Local Sign Code Restrictions – Regulating Outdoor Storefront Signs in Brooklyn Center, Crystal, and New Hope

City sign codes, which are typically part of the city’s zoning code, also impact advertising signs, including tobacco ad signs. It is important to remember, however, that sign codes only regulate outdoor, not indoor, signs. Further, restrictions can vary depending on the zoning district where the business is located. Below are summaries of what are likely to be the most relevant sign code restrictions for stores that sell tobacco products in the cities of Brooklyn Center, Crystal and New Hope. These are the provisions that relate to the types of outdoor tobacco advertising typically seen at such stores. This summary touches on only a portion of these sign codes – sign codes typically are detailed and extensive, so if readers have questions about a specific sign at a specific store, they should call the city official responsible for enforcing the city’s sign code. Citations to the relevant provisions are included at the end of each section, in italics.

City of Brooklyn Center

What signs require permits from the city?

Sign permits are not required for signs or posters attached to the inside of a display window, including illuminated signs (as well as other types of temporary signs not described here). Chapter 34, section 34-140(2).

For stores located in certain commercial and industrial zoning districts, permits are required for various permanent signs (such as wall, free-standing, and canopy signs). Chapter 34, section 34-140(3).

The general requirements for how to apply for a permit can be found in Chapter 34, section 34-150.

Are there any other permitting or licensing requirements related to signs?

Brooklyn Center requires that any person, firm or company that engages “in the business of erecting, altering, extending, repairing, or maintaining signs or sign structures,” must obtain a sign hanger’s license.

Property owners and lessees are exempt from this requirement if they perform the work themselves and have obtained any necessary permits for the sign. Chapter 34, section 34-160.

What size, height, and other restrictions are there for signs?

Brooklyn Center restricts the size and height of most permanent signs, including free-standing and wall signs.

It restricts how close certain free-standing signs can be placed to property
lines or street right-of-way lines. It also restricts the distance that signs can project from a wall.

Chapter 34, section 34-140 contains these and other restrictions.

What signs are prohibited in Brooklyn Center?

The following signs (among others) are not allowed in Brooklyn Center:

- Signs placed within public rights-of-way.
- Flashing signs (including indoor signs visible from the street).
- Banners, pennant, streamers, balloons, or similar attention-getting devices (except in certain limited circumstances).
- Signs on trees, fences, utility poles, or other such supports.
- Portable signs unless an administrative permit (as set forth in chapter 35, section 35-800) is obtained.
- Chapter 34, section 34-130 lists these and other signs that are prohibited in Brooklyn Center.
- Signs are also not allowed on telecommunications towers. Chapter 35, section 35-415(12).

In addition to these prohibited signs, ad or display signs visible from outside the building are not allowed for retailers located inside buildings in certain zoning districts.

Chapter 35, section 35-320(1)(s)(4) contains restrictions relating to the zoning district labeled “Service/Office District.”

Chapter 35, Section 35-2240(2)(nn)(4) contains restrictions relating to the zoning district labeled “CC Central Commerce Overlay District.”

Enforcement agency: The city manager. Chapter 34, section 34-190.

Penalties: Violators may be subject to fines of up to $1,000 or imprisonment for up to 90 days, or both, plus the costs of prosecution. Chapter 34, section 34-210.

Find it online: You can also access the Brooklyn Center City Code of Ordinances by going to the city’s website at www.cityofbrooklyncenter.org > City Code of Ordinances.

Direct links: Sign regulations are included in Chapter 34 of the Brooklyn Center City Code of Ordinances, online at http://www.cityofbrooklyncenter.org/vertical/Sites/%7BAC68FDDE-6B3F-416C-85EB-0D846EA8D6A1%7D/uploads/%7B2AE5137A-EB95-4765-A0CD-21A82DBE605F%7D.PDF.
Chapter 35 of the Brooklyn Center City Code of Ordinances contains Brooklyn Center’s zoning code, which also has some provisions that may relate to outdoor signs, depending on the type of zone (residential, commercial, or industrial) in which the store is located. Chapter 35 is online at http://www.cityofbrooklyncenter.org/vertical/Sites/%7BAC68FDDE-6B3F-416C-85EB-0D846EA8D6A1%7D/uploads/%7B4F1FABC9-89D5-4450-B02C-F5A54EF7A955%7D.PDF.

**Contact:** Call the Planning and Zoning Division of Brooklyn Center’s Community Development Department at (763) 569-3300.

![Brooklyn Center’s sign code prohibits signs from being attached to utility poles.](image)
What signs require permits from the city?

- Permits are required for all signs except for certain categories of signs listed in chapter IV, section 405.17.
- Only licensed sign hangers may be given permits. This restriction does not apply to permits for temporary signs. Chapter IV, section 405.07, subd. 1.

Temporary sign permits

- Temporary use of banners, pennants, portable signs, and “similar devices” also requires a special permit, which is valid for up to seven days in a row.
- No more than six permits per business property per twelve month period for banners, pennants, or portable signs will be issued. For business properties with multiple tenants, each tenant may be granted no more than four permits in a 12-month period.
- These temporary permits must be prominently displayed at the business’ principal use.
- Chapter IV, section 405.15, subd. 5.

Are there any other permitting or licensing requirements related to signs?

A sign hanger’s license is required to “erect, install, reconstruct, alter, repair or remove a roof sign, wall sign, projecting sign, or free-standing sign.” Chapter IV, section 405.05, subd. 1.

What size, height, and other restrictions are there for signs?

Generally, a property may only have one free-standing or projecting sign (though additional wall signs may be allowed). The maximum number of signs allowed may be increased in certain circumstances depending upon how many streets the property fronts on. Chapter IV, section 405.19, subd. 1.

No part of a free-standing, roof, projecting sign can be nearer than ten feet to a property lot line or a street right-of-way, except that projecting signs in nonresidential zoning districts can be located halfway between the side lot lines if the parcel of land is less than 20 feet in width. Chapter IV, section 405.15 subds. 6-7. See also chapter IV, section 405.19 subd. 2f (also prohibiting any free-standing sign from being within ten feet of a street right-of-way).

Free-standing signs: Maximum allowed sizes depend on the type of street from which the sign is meant to be seen. Generally, the size of these signs can be one square foot for every square foot of street
frontage, up to a maximum limit. Maximum allowed sizes ranges from 50 to 200 square feet, depending on the kind of street. A free-standing sign may be no more than 25 feet tall. *Chapter IV, section 405.19 subd. 2* sets forth Crystal’s main regulations for free-standing signs.

**Wall signs and projecting signs:** Total combined area of any wall or projecting signs on a building cannot exceed 10% of the area of the wall they are on, up to the maximum size allowed for a free-standing sign. *Chapter IV, section 405.19, subd. 3(b), 4(a).*

**Monument signs:** Maximum size may not exceed a height of six feet. *Chapter IV, section 405.03, subd. 23.*

**What signs are prohibited?**

The following signs are prohibited:

- Signs tacked or posted on trees, fences, utility poles, or other such supports.
- Signs painted directly on the walls of buildings. Exception: temporary signs painted on windows are allowed.
- Signs displaying moving parts, or illuminated with flashing or intermittent lights, or that are animated. Exception: electronic readerboard signs that provide time and temperature, public service information, or on-site advertising are allowed, but the sign must: display the image for at least three seconds; be a wall, free-standing, or monument sign; and display a static message with no fade, dissolve, scrolling, spinning or zooming action.
- Roof signs.
- Animated signs using any motion picture, laser, or visual projection in conjunction with any business or advertisement.
- Signs attached to or painted on motor vehicles or trailers that are parked on or adjacent to a property for more than 24 consecutive hours intended to attract attention to a product sold or business located on the property.
- See *chapter IV, section, 405.23*, for a list of signs prohibited in Crystal.

Crystal also prohibits the placement of signs in street or public rights-of-way. *Section 405.15 subd. 4.*

**Exception:** Courtesy bench signs are exempted from this prohibition, but are regulated by the city under *chapter VIII, section 805* of Crystal’s city code.

**Enforcement agency:** The city manager. *Chapter IV, sections 405.01 subd. 3, and 405.37 subd. 2.*
**Penalties:** Signs which violate the code may be declared a public nuisance and abated as such. Violations are misdemeanors. Costs of removal of a sign that violates the code can be assessed against the property. *Chapter IV, section 405.37.*

**Find it online:** Sign regulations are included in *Chapter IV, Section 405* of the Crystal’s City Code at [http://www.ci.crystal.mn.us](http://www.ci.crystal.mn.us) > City Government > City Code Table of Contents. This link takes you to a list of links to all the chapters in Crystal’s city code.

Information about enforcement of Crystal’s sign code can be found at [http://www.ci.crystal.mn.us](http://www.ci.crystal.mn.us) > City Government > Code Enforcement.

**Direct links:** Chapter IV can be found online at [http://www.ci.crystal.mn.us/vertical/Sites/{4335EAE6-DE23-4C0D-8A7C-FED379590A1D}/uploads/{57C250F1-E8E1-4E36-86E1-376874B2B2A9}.PDF].

Information about sign code enforcement can be found at [http://www.ci.crystal.mn.us/index.asp?Type=B_BASIC&SEC={5ED89F99-6E8D-41EC-A763-25BD8E05E251}].

**Contact:** Call the Community Development Assistant at (763) 531-1144.
New Hope

What signs require permits from the city?

Permits are required for all signs except for certain categories of signs listed in chapter 3, section 3-50(f).

Temporary signs, such as banners, pennants, and similar devices are allowed only for events lasting ten days or less by city permit:

- Temporary permits shall be issued only to owners or tenants, or their respective agents, of commercial or industrial property, and must be submitted to the city building official on a city-approved form at least one business day prior to the special or promotional event when the signs will be used.
- Permits are good for up to ten days and expire automatically. After that, the sign must be taken down or a new permit must be obtained.
- No more than five permits yearly shall be issued to any one property or location.
- Temporary signs must be located on the premises where the event is occurring, must be located on private property, and cannot exceed 50 square feet in area.
- No more than one banner, pennant, temporary sign, or similar device shall be displayed for an individual business at any one time.
- If two permits are obtained in succession, both permits shall be counted for the purpose of determining the yearly limit.
- See chapter 3, section 3-50(j)(8).

Are there any other permitting or licensing requirements related to signs?

No.

What size, height, and other restrictions are there for signs?

Some of the restrictions in commercial and industrial zoning districts relating to size, height, and maximum number of signs depend on whether the building is occupied by one business or more than one business. The following restrictions apply to signs on or outside of single occupancy buildings:

**Window signs:** Total window signage (including temporary window signs) cannot exceed 33% of the window area of the side where the signs are displayed, and the signs must be mounted on the inside of the window. Chapter 3, section 3-50 (k)(3)(g).

**Wall signs:** No more than two per building, except that wall signs may be installed on two facades fronting a public street in the case of corner
lots and through lots. The total combined area of the signs must not exceed the lesser of 15% of building’s front face or 250 square feet. *Chapter 3, section 3-50 (k)(3)(c).*

**Free-standing signs:** One free-standing sign is allowed per lot; the total allowed sign area is up to 100 square feet if the sign abuts a local or minor street, or up to 200 square feet if the sign abuts a freeway or freeway frontage road. Free-standing signs must not be taller than 30 feet. Free-standing signs must be set back at least 10 feet from any lot line. See *chapter 3, section 3-50 (j)(1)* for setback requirements for free-standing signs; and see *chapter 3, section 3-50 (k)(3)(b)* for other requirements.

**Canopy/awning signs:** One sign per canopy fascia fronting onto street. *Chapter 3, section 3-50(k)(3)(d).*

**Changeable copy signs:** One per premise, and it must meet the sign area, height, and setbacks of its zoning district. Changeable copy signs must be part of a wall, free-standing, or monument sign, and the images or messages must meet requirements spelled out in *chapter 3, section 3-50(k)(3)(f).*

**Multi-occupant buildings:** There are different sign size and amount restrictions for multi-occupant buildings. *Chapter 3, section 3-50 (k)(3)(i).*

**Gas station signs:** Gas stations are allowed one single or double-faced sign per street frontage, suitable for stating the price per gallon. This sign may be no more than 16 square feet on either side and must be affixed to ground sign or light fixture. *Chapter 3, section 3-50 (u)(3)(e).*

**General setback requirements:**

All permanent free-standing signs requiring a permit must be set back at least ten feet from any lot line.

If a property is on a corner lot, there may be an additional setback requirement for such signs. *Chapter 3, section 3-50 (j)(1).*

**What signs are prohibited?**

The following signs are prohibited:

- Flashing, rotating, moving, shimmering, video display, light projection, or animated signs.
- Projecting signs which project more than two feet from the wall, or do not meet requirements in *chapter 3, section 3-50 (j)(15).*
- Signs painted directly on a wall.
• Signs affixed to or painted on trees or similar natural surfaces, fences, utility poles, bridges, towers, or other public structures.
• Any off-premise sign greater than six square feet in area.
• Any sign over 300 square feet in area.
• Roof signs.
• Chapter 3, section 3-50(g) lists types of signs that are prohibited in New Hope.

Enforcement agency: Generally, the city building official. Section 3-50 (h)(1).

Penalties: Violations are petty misdemeanors. Violators may receive fines of up to $300, in addition to any other penalties provided by the city code. Nonconforming signs may be subject to immediate removal by the city at the owner’s expense without notice to the property owner or sign owner. Section 3-50(h).

Find it online: Sign regulations are included in chapter 3 of New Hope’s Code of Ordinances, in section 3-50. New Hope’s Code of Ordinances can be found online at the city’s website at http://www.ci.new-hope.mn.us > City Code > City Code with frames.

Contact: For more information, call the New Hope city clerk’s office at (763) 531-5117.

Local sign codes generally do not regulate signs inside of buildings, such as these hanging signs, except for signs that could create a public safety risk.
State and Local Laws Regulating Tobacco Product Sales and Distribution in Brooklyn Center, Crystal, and New Hope

In addition to the restrictions on tobacco advertising, state and local law also restricts and regulates how tobacco products can be sold and distributed. Below are summaries of selected sections of the state laws and city code provisions for Brooklyn Center, Crystal, and New Hope that affect how tobacco products can be sold and distributed.

Licensing Requirements

State Law: As a general rule, anyone who wants to sell tobacco products at retail in Minnesota must obtain a license from a local licensing authority beforehand. In addition to requiring a license to sell tobacco, the licensing law contains additional requirements or prohibitions that must be followed by licensees. Some, but not all, of these additional requirements or prohibitions are referred to in this report.

Additional information:

- Cities and townships are authorized to adopt licensing laws, and many have done so. Brooklyn Center, Crystal, and New Hope each have their own licensing provisions.
- Counties must license and regulate the sale of tobacco in unorganized territories and in any city or township where the city or township government has not adopted its own licensing law.
- The requirements for obtaining a local retail license may be more restrictive than the requirements contained in state law.

Enforcement agency: Local law enforcement and local licensing authorities.

Penalties: Violations are misdemeanors. Licensing authorities may also impose administrative penalties for violations.

Special requirements for cigarette distributors: Cigarette distributors have to comply with different licensing laws. These laws can be found in chapter 297F of the Minnesota statutes, and online at https://www.revisor.leg.state.mn.us/statutes/?id=297F.

Find it online: The state laws relating to retail tobacco licensing can be found in chapter 461 of the Minnesota Statutes. You can also find these and all of the other state laws referred to in this report by going to the Minnesota Legislature’s website at www.leg.state.mn.us
City Code Restrictions

Brooklyn Center

The City of Brooklyn Center has a tobacco licensing law which imposes certain requirements on licensees, some (but not all) of which are referred to in this report.

Brooklyn Center’s tobacco licensing law can be found in chapter 23 of Brooklyn Center’s City Code, in sections 23-101 through 23-108.

Find it online: You can access the Brooklyn Center City Code of Ordinances by going to the city’s website at www.cityofbrooklyncenter.org > City Code of Ordinances.

For more information on Brooklyn Center’s tobacco licensing process, go to the city’s website at www.cityofbrooklyncenter.org > Departments/City Services > Administration > Business Licensing > Tobacco Related Products.

Direct links: http://www.cityofbrooklyncenter.org/vertical/Sites/%7BAC68FDDE-6B3F-416C-85EB-0D846EA8D6A1%7D/uploads/%7B579A7859-4503-4003-A698-9B5B6200A8CA%7D.PDF.

For more information on Brooklyn Center’s tobacco licensing process, go to http://www.cityofbrooklyncenter.org/index.asp?Type=B_BASIC&SEC={77E01AC2-7E05-4983-B8A0-EEA73789BA43}.

Contact: Call the Brooklyn Center city clerk’s office at (763) 569-3308.
Crystal

The City of Crystal has a tobacco licensing law which imposes certain requirements on licensees, some (but not all) of which are referred to in this report.

Find it online: Crystal’s tobacco licensing law can be found in chapter XI, section 1137 of Crystal’s City Code. You can find chapter XI online at [http://www.ci.crystal.mn.us](http://www.ci.crystal.mn.us) > City Government > City Code Table of Contents.

Direct link: [http://www.ci.crystal.mn.us/vertical/Sites/%7B4335EAE6-DE23-4C0D-8A7C-FED379590A1D%7D/uploads/%7B59C0BC3F-CDD9-4DE1-BF67-6C20FEF7334C%7D.PDF](http://www.ci.crystal.mn.us/vertical/Sites/%7B4335EAE6-DE23-4C0D-8A7C-FED379590A1D%7D/uploads/%7B59C0BC3F-CDD9-4DE1-BF67-6C20FEF7334C%7D.PDF).

Contact: Call the Crystal city clerk’s office at (763) 531-1145.

New Hope

The City of New Hope has a tobacco licensing law which imposes certain requirements on licensees, some (but not all) of which are referred to in this report.

Find it online: New Hope’s tobacco licensing law can be found in chapter 8, section 8-7 of New Hope’s Code of Ordinances. You can access New Hope’s Code of Ordinances by going to the city’s website at [http://www.ci.new-hope.mn.us](http://www.ci.new-hope.mn.us) > City Code > City Code with frames.


Contact: Call the New Hope city clerk’s office at (763) 531-5117.
No Sales to Youth Under 18 Years of Age

**State law:** It is unlawful to sell or furnish tobacco or tobacco-related devices to any person under the age of 18. An Indian adult, however, may furnish tobacco to an Indian minor as part of a traditional Indian spiritual or cultural ceremony.

**Enforcement agency:** Local law enforcement authorities and the Minnesota Attorney General.

**Penalties:** There are administrative penalties and criminal penalties.

Administrative penalties:

- These range from $50 to $250 depending on who sold the tobacco to a minor and the number of violations within a specified time period.
- Multiple violations could result in a mandatory suspension of the licensee’s authority to sell tobacco at that location for 7 days.
- The penalties described here are the minimum amounts required by state law. Local ordinances may provide for higher penalties.
- No license suspensions or administrative penalties may occur until a licensee has been given notice and an opportunity to be heard at an administrative hearing before a person authorized by the licensing authority.

Criminal penalties:

- A person who sells or furnishes tobacco, or tobacco-related devices (like pipes or rolling papers) to an individual under the age of 18 may be guilty of a misdemeanor or gross misdemeanor, depending on whether the person has any previous convictions for violation of this law and/or when those previous convictions occurred.
- It is an affirmative defense to the charge of selling tobacco products to a minor that the person relied in good faith upon proof of age.

**Find it online:** The state laws relating to sales of tobacco to youth under 18 years of age can be found in *chapter 609* of the Minnesota statutes, beginning at *section 609.685* (relating to criminal penalties), and in *chapter 461, section 461.12 subd. 2-3* (relating to administrative penalties). You can find these laws online as explained above on pages 22-23 of this report.

City Code Restrictions

Brooklyn Center
Brooklyn Center’s tobacco licensing law prohibits the sale of tobacco products to people below the age of 18 years old.

Crystal
Crystal’s tobacco licensing law prohibits the sale of tobacco products to people below the age of 18 years old.

New Hope
New Hope’s tobacco licensing law prohibits the sale of tobacco products to people below the age of 18 years old.

Some tobacco companies pay for signs that have the ostensible purpose of reducing youth smoking.
AVC Restrictions on Selling Matches and Lighters to Youth Under 18

As explained above, several large national retailer chains have signed legally binding agreements with many state attorneys general around the country. These agreements are known as “Assurances of Voluntary Compliance,” or “AVCs.” As part of these agreements, some of the largest national chains of gasoline retailers have agreed not to sell smoking paraphernalia, including matches and lighters, to youth under the age of 18.

BP Products of North America
- Cannot sell smoking paraphernalia [which includes lighters, matches, pipes, and cigarette papers] to anyone under 18.
- Applies only to retail outlets directly owned and operated by BP Products under the BP and Amoco brands.

Conoco-Phillips
- Cannot sell smoking paraphernalia [which includes lighters, matches, pipes, and cigarette papers] to anyone under 18.
- Applies only to retail outlets directly owned and operated by Conoco-Phillips through its wholly-owned subsidiary Kayo Oil Co., including the Conoco, Phillips 66, or 76 brands.

Exxon Mobil
- Cannot sell smoking paraphernalia [which includes lighters, matches, pipes, and cigarette papers] to anyone under 18.
- Applies only to retail outlets directly owned and operated by Exxon Mobil or operated through affiliates or agents – does not apply to franchisees.

Enforcement agency: The Minnesota Attorney General.

Penalties: The violating company could be held in contempt of court and could be ordered to pay monetary restitution, attorney fees, and penalties for violating the agreements.
Packaging of Cigarettes and Sales of Single Cigarettes, or “Loosies”

State law: It is unlawful for any person to sell or distribute any cigarettes the package of which does not comply with all requirements imposed by or pursuant to federal law regarding warnings and other information on packages of cigarettes manufactured, packaged, or imported for sale, distribution, or use in the U.S., including, but not limited to, the warning labels specified in the federal Cigarette Labeling and Advertising Act.

Enforcement agency: The Minnesota Attorney General enforces unfair trade practices laws; private parties may also bring actions to enforce this law if they have been injured by a violation of it.

Penalties: Violations are misdemeanors.

Find it online: This law is Minnesota Statutes section 325D.421 (2007). You can find these laws online in Chapter 325D of the Minnesota statutes as explained above on pages 22-23 of this report.

Direct link: https://www.revisor.leg.state.mn.us/statutes/?id=325D.421.

Cigarette packages must contain health warnings.
**AVC Restrictions on Selling “Loosies”**

**BP Products of North America**
- No sales of single cigarettes or other modes of packaging cigarettes in quantities less than those commercially available.
- Applies only to retail outlets directly owned and operated by BP Products under the BP and Amoco brands.

**Conoco-Phillips**
- No sales of single cigarettes or other modes of packaging cigarettes in quantities less than 20.
- Applies only to retail outlets directly owned and operated by Conoco-Phillips through its wholly-owned subsidiary Kayo Oil Co., including the Conoco, Phillips 66, or 76 brands.

**Exxon Mobil**
- No sales of single cigarettes or other modes of packaging cigarettes in packs of less than 20.
- Applies only to retail outlets directly owned and operated by Exxon Mobil or operated through affiliates or agents – does not apply to franchisees.

**Enforcement agency:** The Minnesota Attorney General.

**Penalties:** The violating company could be held in contempt of court, and could be ordered to pay monetary restitution, attorney fees, and penalties for violating the agreements.
Restrictions and Prohibitions on Tobacco Products Vending Machines

**State law:** Vending machines that sell tobacco products can only be located in facilities that cannot be entered at any time by persons younger than 18.

**Warning sign requirement:** Tobacco product vending machines must have posted on them, in a conspicuous place in bold-type letters at least one-half inch high, the following warning: “Any Person Under 18 Years of Age Is Forbidden By Law To Purchase Cigarettes From This Machine.”

**Enforcement agency:** Local licensing authorities and the Minnesota Attorney General are the lead enforcement agencies. Representatives of the Minnesota Department of Revenue may enter a seller’s place of business during normal business hours to inspect vending devices on the premises to ensure compliance with the law.

**Penalties:** Violators are subject to the consequences provided in the applicable licensing ordinances, which include the potential for license suspension or revocation. Any owner, lessee or person having control of a cigarette vending machine that does not bear the required warning may also be found guilty of a misdemeanor.

**Find it online:** You can find these laws online as explained above on pages 22-23 of this report, or by going directly to the links below.

**Direct links:** Minnesota statutes chapter 461, section 461.18 subd. 2 (restricting location of vending machines) can be found online at https://www.revisor.leg.state.mn.us/statutes/?id=461.18.

Minnesota statutes chapter 325E, section 325E.07 (warning sign requirement) can be found online at https://www.revisor.leg.state.mn.us/statutes/?id=325E.07.

Minnesota statutes chapter 297F, section 297F.13 (allowing inspections of vending machines by the Minnesota Department of Revenue) can be found online at https://www.revisor.leg.state.mn.us/statutes/?id=297F.13.
City Code Restrictions

Brooklyn Center

Brooklyn Center’s tobacco licensing law prohibits the use of vending machines to sell tobacco products.

Crystal

Crystal’s tobacco licensing law prohibits the use of vending machines to sell tobacco products.

New Hope

New Hope’s tobacco licensing law is similar to state law with regard to vending machines, and only allows tobacco product vending machines to be located in nonpublic areas where youth under 18 have no access, as verified by a premises survey conducted by the police department.

Under state law, self-service displays such as this one are prohibited in stores that can be entered by minors.
**Self-Service Displays of Tobacco Products Are Not Allowed Except in Adult-Only Facilities**

**State Law:** Cigarettes and smokeless tobacco cannot be sold in open displays which are accessible to the public without the intervention of a store employee.

**Exceptions:** This law does not apply to adult only facilities. This law also does not apply to retail stores that derive at least 90 percent of their revenue from sales of tobacco and tobacco-related products, and which cannot be entered at any time by persons younger than 18.

**Enforcement agency:** Local law enforcement or licensing agencies and the Minnesota Attorney General.

**Penalties:** Violators are subject to the consequences provided in the applicable licensing ordinances, which include the potential for license suspension or revocation. Local licensing authorities may enact ordinances that are more restrictive than the state minimum and may provide additional penalties.

**Find it online:** These laws are Minnesota statutes *chapter 461, section 461.18 subd.1*. You can find these laws online as explained above on pages 22-23 of this report.

**Direct link:** [https://www.revisor.leg.state.mn.us/statutes/?id=461.18](https://www.revisor.leg.state.mn.us/statutes/?id=461.18).

**Distribution of Free Samples**

**State law:** No person shall distribute smokeless tobacco products or cigarettes, cigars, pipe tobacco, or other tobacco products free of charge or at nominal costs for product promotion purposes.

**Exception:** Single serving samples of tobacco may be distributed in tobacco stores that cannot be entered at any time by persons younger than 18.

**Enforcement agency:** Local law enforcement authorities and the Minnesota Attorney General.

**Penalties:** Civil penalties can include fines of up to $5,000 for each violation, and the Minnesota Attorney General may seek an injunction.

**Find it online:** These prohibitions are contained in *chapter 325F* of the Minnesota statutes, in *sections 325F.76-325F.78*. You can find these laws online as explained above on pages 22-23 of this report, or by going directly to the links below.

City Code Restrictions

Brooklyn Center

- Brooklyn Center prohibits self-service sales of all tobacco products, with no exceptions for any kind of store.
- All sales must be made in a manner that requires the customer to specifically ask for the tobacco related product; all other sales are unlawful.

Crystal

- Crystal prohibits self-service sales of single packages of cigarettes and smokeless tobacco, with no exceptions for any kind of store.
- In Crystal, the self-service sale of cartons containing at least ten or more packages of cigarettes is also prohibited in stores that derive less than 90 percent of their revenue from tobacco or can be entered by minors.
- Cigarettes and smokeless tobacco cannot be kept in open displays that are accessible to the public without the intervention of a store employee.

New Hope

- New Hope prohibits self-service sales of all tobacco products.
- Tobacco products cannot be kept in open displays that are accessible to the public without the intervention of a store employee.

**Exception**: This prohibition does not apply to retail stores that derive at least 90 percent of their revenue from tobacco and tobacco-related products and that 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. This statement must also be filed with the city clerk yearly on or before the renewal date of the license.
Sales of Tobacco Look-Alike Products

There is no state law or city code that restricts or prohibits sales of candy or toys that look like tobacco products. However, certain national retailers with stores in Minnesota have agreed to not sell these kinds of items in the stores they own.

AVC Restrictions on Sales of Tobacco Look-Alike Products

Conoco-Phillips

- Must have a policy against sale of non-tobacco products intended to look like cigarettes.
- Applies only to retail outlets directly owned and operated by Conoco-Phillips through its wholly-owned subsidiary Kayo Oil Co., including the Conoco, Phillips 66, or 76 brands.

CVS Pharmacy

- Can’t sell candy, gum, or like items designed to look like cigarettes.

Exxon Mobil

- Can’t sell non-tobacco products designed to look like tobacco products, such as bubble gum cigars or candy cigarettes.
- Applies only to retail outlets directly owned and operated by Exxon Mobil, or operated through affiliates or agents – does not apply to franchisees.

Wal-Mart/Sam’s Club

- Must have a policy against selling non-tobacco products that are intended to look like tobacco products, like candy cigarettes or bubble gum cigars.

Enforcement agency: The Minnesota Attorney General.

Penalties: The violating company could be held in contempt of court, and could be ordered to pay for any monetary restitution, attorney fees, and penalties related to violating the agreements.
Assurance of Voluntary Compliance ("AVC"): Formal agreements used to resolve investigations by state attorneys general into a company’s alleged violations of state consumer protection laws. In Minnesota, these are also called “assurances of discontinuance.” There are over a dozen of these assurances relating to sales and advertising of tobacco products, including six retail chains that have stores in Minnesota.

AVC: See “Assurance of Voluntary Compliance.”

Changeable copy sign: A type of outdoor sign often regulated by local sign and/or zoning codes. While the definition may vary somewhat across codes, a reader board sign is typically an electrical or electromechanical sign that shows words or images which can be changed remotely or on-site through hard wire or wireless communications. May also be called a dynamic message sign or readerboard sign.

Federal Cigarette Labeling and Advertising Act (FCLAA): A federal law that regulates cigarette labeling and advertising. This is the law that requires the “Surgeon General’s Warning” to be on every package of cigarettes sold in the U.S. It is found at 15 United States Code Sections 1331–1341.

Free-standing sign: A type of outdoor sign usually regulated by local sign and/or zoning codes. While the definition may vary somewhat across codes, a free-standing sign is typically a sign that is self-supporting (on poles or other supports), and is not attached to anything else. May be permanent or temporary.

Frontage: This term is commonly used in sign and zoning codes. While the definition may vary somewhat across codes, in the context of sign codes it typically refers to the side of a property that is next to a public street or other right-of-way, and which is the side of the property from which the sign is meant to be seen.

Functional item: Refers to items that serve a purpose other than to advertise a product, but which may have advertising on them. Common examples include T-shirts, matchbooks, garbage cans, clocks, coin trays, shopping baskets, etc. Tobacco manufacturers that have signed the MSA are not allowed to put branded tobacco advertisements on functional items.

Injunctive relief: A legal remedy that may be sought from a court as part of a lawsuit, which usually involves the court ordering a person or company to stop doing something.
**Loosie**: A slang term used to describe single cigarettes.

**Master Settlement Agreement (“MSA”)**: This is the agreement that settled cases brought by 46 state attorneys general against the major tobacco companies. Since it was first signed, dozens of other tobacco manufacturers have signed on to it, including smokeless tobacco companies. The Minnesota settlement agreement allowed Minnesota to “opt-in” to any marketing provisions included in the MSA that were not included in its agreement.

**Minnesota Settlement Agreement**: This is the agreement that ended Minnesota’s historic consumer fraud and antitrust case against the major tobacco companies. The tobacco companies settled the lawsuit in May 1998, after a lengthy trial. See also, Master Settlement Agreement (“MSA”).

**Monument sign**: A type of outdoor sign usually regulated by local sign and/or zoning codes. While the definition may vary somewhat across codes, a monument sign typically is a free-standing sign that is mounted to the ground, and has a solid base made of brick or stone or other materials; it is not on poles.

**MSA**: See “Master Settlement Agreement.”

**Portable sign**: A type of outdoor sign usually regulated by local sign and/or zoning codes. While the definition may vary somewhat across codes, a portable sign is typically a sign designed to be movable, and is not permanently attached to the ground or a structure.

**Projecting sign**: A type of outdoor sign usually regulated by local sign and/or zoning codes. While the definition may vary somewhat across codes, a projecting sign is typically attached to a building and sticks out from the building wall more than a certain distance (usually specified in the code).

**Right-of-way**: This term is commonly used in sign and zoning codes. While the definition may vary somewhat across codes or even within different sections of the same code, typically, it refers to streets, alleys, bicycle lanes, sidewalks, and other types of roads, pathways, or areas upon which people or vehicles may travel.

**Setback**: This term is commonly used in sign and zoning codes. While the definition may vary somewhat across codes, typically, it refers to a required distance between the boundary line of a property (or a street next to the property) and any structure on that property (such as a fence, building, or sign, for example). Required setback amounts can vary depending on the zoning district where the property is located, the type of structure involved, and other factors.
**Temporary sign:** A type of outdoor sign usually regulated by local sign and/or zoning codes. While the definition may vary somewhat across codes, a temporary sign is typically a sign that is meant to be erected or displayed only for a limited period of time. A special permit may be required for certain temporary signs.

**Tobacco related device:** State law defines this as cigarette papers or pipes for smoking.

**Wall sign:** A type of outdoor sign usually regulated by local sign and/or zoning codes. While the definition may vary somewhat across codes, a wall sign is typically attached to a building wall and does not project out more than a certain distance (which may be specified in the code).

**Window sign:** A type of sign often regulated by local sign and/or zoning codes. While the definition may vary somewhat across codes, a window sign is typically attached to a window or located inside a window surface but can be seen outside.
The Federal Cigarette Labeling and Advertising Act (FCLAA) can be found at 15 United States Code Sections 1331–1341.


The bill is titled: “Family Smoking Prevention and Tobacco Control Act.” It is U.S. Senate Bill 625 and House of Representatives Bill 1108 (introduced on Feb. 15, 2007).

For a complete overview of laws related to tobacco products, see TRACKING TOBACCO LAWS, A MINNESOTA DIGEST, by the Tobacco Law Center, available online at http://www.tobaccolawcenter.org/resources/TrackingTobaccoLaws.pdf. Bound copies of this digest are also available from the Tobacco Law Center at the William Mitchell College of Law, located at 875 Summit Ave., St. Paul, Minnesota, 55105.

Laws passed by cities also may be referred to as “codes” or “ordinances.”

Minnesota brought a historic consumer fraud and antitrust case against the major tobacco companies in 1994. The tobacco companies settled the lawsuit in May 1998, after a lengthy trial.

The Master Settlement Agreement (“MSA”) settled cases brought by 46 state attorneys general against the major tobacco companies. Since it was first signed in late 1998, dozens of other tobacco manufacturers have signed on to the MSA, including smokeless tobacco companies. For the purposes of this report, the relevant restrictions contained in the Minnesota Settlement Agreement and MSA are nearly identical because the Minnesota agreement allowed Minnesota to “opt-in” to any marketing provisions included in the MSA that were not included in Minnesota’s agreement.

Paper copies of these assurances are also on file at Northwest Hennepin Human Services Council.

This link is to a webpage in the website for the Tobacco Project of the National Association of Attorneys General (NAAG). As its name indicates, NAAG helps to coordinate activities, including training activities, information sharing, and multistate cases, between the various state attorneys general offices around the country. The Tobacco Project serves as a liaison to the NAAG Tobacco Committee and the states that signed the Master Settlement Agreement, and aids state efforts to implement and enforce the MSA. To get to this link through the NAAG website, go to www.naag.org > Projects > Tobacco
You can find a copy of the Tobacco Settlement Agreements online by going to the Tobacco Law Center’s website at www.tobaccolawcenter.org, and clicking on the link for “Resources and Publications.” There, you will find links to the Minnesota Settlement Agreement and Consent Order (which essentially makes the terms of the agreement have the force of law) and to the Master Settlement Agreement. You can also find these documents by going directly to the following links: http://tobaccolawcenter.org/resources/MNconsentjudgment.pdf (Minnesota Settlement Agreement and Consent Order), and http://tobaccolawcenter.org/resources/MSA.pdf (Master Settlement Agreement).


A copy of the Maryland settlement agreement is available online at: http://www.oag.state.md.us/Tobacco/KoolMixxSettlement.pdf. A paper copy is also on file at the Tobacco Law Center.

The states that reportedly sued R.J. Reynolds are California, Connecticut, Illinois, Maryland, New York, Ohio, Pennsylvania, and Washington, according to a press release dated Dec. 4, 2007 from the Illinois Attorney General’s Office. This press release is available online at http://www.illinoisattorneygeneral.gov/pressroom/2007_12/20071204.html. A copy is also on file with the Tobacco Law Center. The states reportedly brought a motion for an order to show cause for contempt against R.J. Reynolds. A copy of Ohio’s motion and memorandum in support of the motion is on file at the Tobacco Law Center.