



TOBACCO RETAILER BUSINESS LICENSE APPLICATION

Community Safety Department
8300 Santa Monica Boulevard
West Hollywood, CA 90069
(323) 848-6437 | Code@weho.org

5.08.010 BUSINESSES REQUIRED TO BE LICENSED. No person shall commence, conduct or purport to commence or conduct the following business activities without a valid business license:

32. Tobacco retailers

TOBACCO RETAILER DEFINED: (1) any person who sells, offers for sale, or does or offers to exchange for any form of consideration, tobacco, tobacco products or tobacco paraphernalia (“tobacco retailing” shall mean the doing of any of these things); or (2) a person with an ownership or managerial interest in the business. An ownership interest shall be deemed to exist when a person has ten percent or greater interest in stock, assets of income of a business other than the sole interest of security for debt. A managerial interest shall be deemed to exist when a person can or does have or share ultimate control over the day-to-day operations of a business. This definition is without regard to the quantity of tobacco products or tobacco paraphernalia sold, offered for sale, exchanged, or offered for exchange.

TOBACCO PRODUCT DEFINED:

1. Any product containing, made, or derived from tobacco or nicotine that is intended for human consumption, whether smoked, heated, chewed, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, including, but not limited to, cigarettes, cigars, little cigars, chewing tobacco, pipe tobacco, snuff, snus;
2. Any electronic smoking device, with or without nicotine;
3. Any flavored tobacco product;
4. Notwithstanding any provision of subsections (1) through (3) to the contrary, “tobacco product” includes any component, part, or accessory of a tobacco product, whether or not sold separately. “Tobacco product” does not include any product that has been approved by the United States Food and Drug Administration for sale as a tobacco cessation product or for other therapeutic purposes where such product is marketed and sold solely for such an approved purpose.

Prior to submitting this application, please ensure all items listed below are included with your application. **Failure to submit the required information listed below will deem your application as incomplete and WILL NOT be accepted/processed.**

CHECKLIST

1. COMPLETED BUSINESS LICENSE APPLICATION
2. STANDARD OPERATING CONDITIONS
3. PROOF OF OWNERSHIP (i.e., DBA, Partnership Agreement, Articles of Inc., etc)
4. COPY OF VALID CALIFORNIA CIGARETTE & TOBACCO RETAILER'S LICENSE
5. VALID CALIFORNIA ID OR DRIVER'S LICENSE ONLY
6. AGENCY SIGN-OFFS
7. APPLICATION FEE - \$300

NOTE: Please email this application and all supporting documents requested on the above-mentioned checklist, to code@weho.org. Your application will be reviewed, and once deemed complete, an invoice will be sent via email.



BUSINESS LICENSE APPLICATION

Community Safety Department
8300 Santa Monica Boulevard
West Hollywood, CA 90069
(323) 848-6437 | Code@weho.org

1. Applicant Information

Applicant Name

Address

Relationship to Business

e-mail

Phone #

2. Business Information

Please list the business name and true address and mailing address (if different). The business address may not be a P.O. Box, mailbox, message service or similar device.

Business Name &
DBA

Business Address
(WeHo location
of operations)

Operating Hours

email

Phone #

Mailing Address (if different):

Business Activity

3. Ownership Information

LLC | SOLE | PARTNERSHIP | CORPORATION | OTHER

Federal Tax I.D.#:

State Tax I.D.#:

Please complete the following information for all partners, directors of a corporation and stockholders holding ten (10%) or more of the shares of the corporation. Also list information regarding an officer who is duly authorized to accept service of legal process.

Name

Title or Relationship
to Business

Address

Email

Phone #

Name

Title or Relationship
to Business

Address

Email

Phone #

4. Emergency Contact Information

Please provide the following information of two individuals who may be contacted by the City in the case of an emergency.

Name:

Title or Relationship to Business

Phone:

E-mail:

Name:

Title or Relationship to Business

Phone:

E-mail:

**** ALL APPLICANTS MUST PROVIDE A COPY OF A CURRENT CALIFORNIA DRIVERS LICENSE OR COMPARABLE PHOTOGRAPH IDENTIFICATION.****

If the license is granted, I/We agree to comply with all the laws, state and federal, pertaining to the conduct of said business and to all the ordinances, rules and regulations of the City of West Hollywood. I declare under penalty of perjury that the above statements are true and correct.

In addition, I agree to advise the City of West Hollywood of any and all changes in the operations of the business in that such changes of the application form are necessitated.

The failure to truthfully complete this application may result in the denial of the application or a revocation of any licenses issued.

Applicant Signature: Date:

Applicant Name:

TOBACCO RETAILER OPERATING REQUIREMENTS & PROHIBITIONS



The following operating requirements shall be deemed conditions of any Tobacco Retailer license issued pursuant to the provisions of Title 5 of the West Hollywood municipal Code, and **failure to comply with any such requirement shall be grounds for suspension, revocation, and/or the imposition of administrative penalties:**

a. *Retail Sales to Persons Younger Than the Minimum Age Under State Law Prohibited.* No person engaged in tobacco retailing shall sell or offer to sell, give or offer to give, or transfer or offer to transfer any tobacco product to any person who is younger than the legal age, under state law, to purchase and possess tobacco products. This subsection does not apply to active duty military personnel who are eighteen years of age or older. An identification card issued by the United States Armed Forces shall be used as proof of age for this purpose.

b. *Positive Identification Required.* No tobacco retailer shall sell or transfer a tobacco product to any person who appears to be under the age of thirty years old without first examining the identification of that person to confirm that person is at least the minimum age under state law to purchase and possess the product. The tobacco retailer or agent thereof shall refuse the sale or transfer of any tobacco product to any person who appears to be under the age of thirty years old who fails to present valid, legal photo identification prior to the sale or transfer.

c. *Minimum Age for Persons Selling Tobacco.* No person who is younger than the minimum age established by state law for the purchase or possession of tobacco products shall engage in tobacco retailing.

d. *Self-Service Displays Prohibited.* Tobacco retailing by means of a self-service display is prohibited in any place open to persons younger than the minimum age established by state law for the purchase or possession of tobacco products. It shall be unlawful to locate, install, maintain, use or permit the location, installation, keeping or maintenance on any premises, open to persons younger than the minimum age established by state law for the purchase or possession of tobacco products, any self-service display which dispenses cigarettes or tobacco products.

e. *Signage.*

1. In the course of tobacco retailing or in the operation of a business or maintenance of a location for which a license issued, it shall be a violation of this chapter for a licensee, or any of the licensee's agents or employees, to cover more than twenty-five percent of the area of each window and clear door of the location with signs of any sort, excluding signage mandated by local, state or federal law. For the purposes of this subsection, the area covered shall be computed to include: (i) all clear areas within signs; and (ii) signs that are not attached to windows or clear doors, but are visible from exterior public rights-of-way in the same manner as if they were attached to windows or clear doors.

2. All signs shall be placed and maintained to ensure law enforcement personnel have a clear and unobstructed view of the interior of the premises, including the area in which the cash registers are maintained, from exterior public rights-of-way or from the entrance. However, this subsection shall not apply to premises where there are no windows, or where the design or location of windows or landscaping precludes a view of the interior of the premises from exterior public rights-of-way or from the entrance.

f. *Packaging and Labeling.* No tobacco retailer shall sell any tobacco product to any consumer unless such product: (1) is sold in the original manufacturer's packaging intended for sale to consumers; and (2) conforms to all applicable federal labeling requirements. Every tobacco retailer shall maintain on the premises the original labeling and packaging provided by the manufacturer for all tobacco products that are sold or offered for sale by the establishment separately from the original packaging designed for retail sale to the consumer. The original labeling and packaging from which the contents are sold separately shall be maintained during such time as the contents of the package are offered for sale, and may be disposed of upon the sale of the entire contents of such package



TOBACCO RETAILER OPERATING REQUIREMENTS & PROHIBITIONS continued...

g. *Minimum Package Size for Little Cigars.* No tobacco retailer shall sell to a consumer any little cigar unless it is sold in a package of at least twenty little cigars.

h. *Compliance with State-Mandated Sign Requirements.* Tobacco retailers shall post and maintain all signage required by the California Labor Code, California Business and Professions Code, California Penal Code, and any other applicable federal, state, or local law.

i. *False and Misleading Advertising Prohibited.* A tobacco retailer who does not have a valid license pursuant to this chapter or whose license has been suspended or revoked shall not display any item or advertisement relating to tobacco products that promotes the sale or distribution of such products from the premises or that could lead a reasonable consumer to believe that tobacco products can be obtained at that location. Such display or advertisement in violation of this provision shall constitute tobacco retailing without a valid license.

j. *Prohibition of the Sale of Flavored Tobacco Products.* No tobacco retailer shall sell any flavored tobacco product, except for flavored shisha tobacco for use in a hookah is permitted. There shall be a rebuttable presumption that a tobacco product is a flavored tobacco product if a manufacturer or any of the manufacturer's agents or employees, in the course of their agency or employment, has made a statement or claim directed to consumers or to the public that the tobacco product has or produces a characterizing flavor including, but not limited to, text, color, and/or images on the product's labeling or packaging that are used to explicitly or implicitly communicate that the tobacco product has a characterizing flavor.

k. *Prohibition of Tobacco Coupons, Discounts, and Cross-Promotions.* No tobacco retailer shall:

1. Accept or redeem, or offer to accept or redeem, a coupon to allow a consumer to purchase a tobacco product at a retail price below the listed or non-discounted price;

2. Allow a consumer to purchase a tobacco product at a retail price below the listed or non-discounted price;

3. Accept or redeem, or offer to accept or redeem, a coupon to allow a consumer to purchase any tobacco product through a multi-package discount (e.g., the sale of three packs of cigarettes for less than the combined price of each pack), or otherwise sell any tobacco product to a consumer for less than the listed price in consideration for the purchase of any combination of tobacco product or item; or

4. Provide any free or discounted item to a consumer in consideration for the purchase of any tobacco product.

BUSINESS OWNERACKNOWLEDGEMENT

I / we agree to comply with all the laws, state and federal, pertaining to the conduct of said business and to all the ordinances, rules and regulations of the City of West Hollywood. I/we declare under penalty of perjury that the above statements are true, correct, and agree to abide by the standard operating requirements as listed above.

Full Name _____

Date: _____

Signature _____

BUSINESS NAME:

AGENCY APPROVALS

Failure to obtain the required agency approvals listed below will result in your application being deemed incomplete and will not be accepted/processed. Please contact each agency for appointment.

BUSINESS NAME

ADDRESS

PLANNING

CITY OF WEST HOLLYWOOD
8300 SANTA MONICA BLVD., 2nd FL
WEST HOLLYWOOD, CA 90069
CONTACT: PLANNER-ON-DUTY
(323) 848-6475 | PLANNING@WEHO.ORG
HOURS: M – TH 8 AM - 6 PM
FRI, 8 AM - 5 PM

APPROVED BY (PLEASE PRINT)

DATE

SIGNATURE

COMMENTS/CONDITIONS:

MUST REQUEST AN INSPECTION FOR "BUSINESS LICENSING"

BUILDING & SAFETY

(On-Site Inspection)
CITY OF WEST HOLLYWOOD
8300 SANTA MONICA BLVD. 2nd FL
WEST HOLLYWOOD, CA 90069
CONTACT: INSPECTION LINE
(323) 848-6320 | BUILDING@WEHO.ORG
HOURS: M-TH 8 AM - 6 PM
FRI, 8 AM - 5 PM

APPROVED BY (PLEASE PRINT)

DATE

SIGNATURE

COMMENTS/CONDITIONS:

MUST REQUEST AN INSPECTION FOR "BUSINESS LICENSING"

FIRE PREVENTION, STATION 7

(ON-SITE INSPECTION REQUIRED)
864 N. SAN VICENTE BLVD.
WEST HOLLYWOOD, CA 90069
CONTACT: (310) 358-2380
HOURS: M-F, 8 AM - 10 AM ONLY

APPROVED BY (PLEASE PRINT)

DATE

SIGNATURE

COMMENTS/CONDITIONS:

AGENCY APPROVALS

Failure to obtain the required agency approvals listed below will result in your application being deemed incomplete and will not be accepted/processed. Please contact each agency for appointment.

REVENUE MANAGEMENT (TAX CERTIFICATE)

CITY OF WEST HOLLYWOOD
8300 SANTA MONICA BLVD., 1st FL
WEST HOLLYWOOD, CA 90069

CONTACT: BusinessTax@weho.org
(323) 848-6319

HOURS: M – TH, 8 AM - 6 PM
FRI, 8 AM – 5 PM

APPROVED BY (PLEASE PRINT)

DATE

SIGNATURE

COMMENTS/CONDITIONS:

*******FOR INTERNAL USE ONLY*******

CODE ENFORCEMENT

CITY OF WEST HOLLYWOOD
8300 SANTA MONICA BLVD., 2nd FL
WEST HOLLYWOOD, CA 90069
(323) 848-6437 | CODE@WEHO.ORG

APPROVED BY (PLEASE PRINT)

DATE

SIGNATURE

COMMENTS/CONDITIONS:

NOTICE FROM PLANNING AND DEVELOPMENT SERVICES



NOTICE TO APPLICANTS FOR BUSINESS LICENSES AND COMMERCIAL BUILDING PERMITS:

Under federal and state law, compliance with disability access laws is a serious and significant responsibility that applies to all California building owners and tenants with buildings open to the public. You may obtain information about your legal obligations and how to comply with disability access laws at the following agencies:

DEPARTMENT OF
GENERALSERVICES,
Division of the State
Architect, CASp Program

www.dgs.ca.gov/dsa

www.dgs.ca.gov/casp

DEPARTMENT OF
REHABILITATION
Disability Access Services

www.dor.ca.gov

www.rehab.cahwnet.gov/

disabilityaccessinfo

DEPARTMENT OF
GENERALSERVICES,
California Commission on
Disability Access

www.cdda.ca.gov

www.cdda.ca.gov/resources-menu/

CERTIFIED ACCESS SPECIALIST INSPECTION SERVICES

Compliance with state and federal construction-related accessibility standards ensures that public places are accessible and available to individuals with disabilities. Whether your business is moving into a newly constructed facility or you are planning an alteration to your current facility, by engaging the services of a Certified Access Specialist (CASp) early in this process you will benefit from the advantages of compliance and under the Construction-Related Accessibility Standards Compliance Act (CRASCA, Civil Code 55.51-55.545), also benefit from legal protections.

Although your new facility may have already been permitted and approved by the building department, it is important to obtain CASp inspection services after your move-in because unintended access barriers and violations can be created, for example, placing your furniture and equipment in areas required to be maintained clear of obstructions. For planned alterations, a CASp can provide plan review of your improvement plans and an access compliance evaluation of the public accommodation areas of your facility that may not be part of the alteration.

A CASp is a professional who has been certified by the State of California to have specialized knowledge regarding the applicability of accessibility standards. CASp inspection reports prepared according to CRASCA entitle business and facility owners to specific legal benefits, in the event that a construction-related accessibility claim is filed against them.

To find a CASp, visit www.apps2.dgs.ca.gov/DSA/casp/casp_certified_list.aspx.



GOVERNMENT TAX CREDITS, TAX DEDUCTIONS AND FINANCING

State and federal programs to assist businesses with access compliance and access expenditures are available:

Disabled Access Credit for Eligible Small Businesses

FEDERAL TAX CREDIT—Internal Revenue Code Section 44 provides a federal tax credit for small businesses that incur expenditures for the purpose of providing access to persons with disabilities. For more information, refer to Internal Revenue Service (IRS) Form 8826: Disabled Access Credit at www.irs.gov.

STATE TAX CREDIT—Revenue and Taxation Code Sections 17053.42 and 23642 provide a state tax credit similar to the federal Disabled Access Credit, with exceptions. For more information, refer to Franchise Tax Board (FTB) Form 3548: Disabled Access Credit for Eligible Small Businesses at www.ftb.ca.gov.

Architectural and Transportation Barrier Removal Deduction

FEDERAL TAX DEDUCTION—Internal Revenue Code Section 190 allows businesses of all sizes to claim an annual deduction for qualified expenses incurred to remove physical, structural and transportation barriers for persons with disabilities. For more information, refer to IRS Publication 535: Business Expenses at www.irs.gov.

California Capital Access Financing Program

STATE FINANCE OPTION—The California Capital Access Program (CalCAP) Americans with Disabilities Act (CalCAP/ADA) financing program assists small businesses with financing the costs to alter or retrofit existing small business facilities to comply with the requirements of the federal ADA. Learn more at www.treasurer.ca.gov/cpcfca/calcap/.

FEDERAL AND STATE LEGAL REQUIREMENTS ON ACCESSIBILITY FOR INDIVIDUALS WITH DISABILITIES

AMERICANS WITH DISABILITIES ACT OF 1990 (ADA) —The ADA is a federal civil rights law that prohibits discrimination against individuals with disabilities, and requires all public accommodations and commercial facilities to be accessible to individuals with disabilities. Learn more at www.ada.gov.

CALIFORNIA BUILDING CODE (CBC)—The CBC contains the construction-related accessibility provisions that are the standards for compliant construction. A facility's compliance is based on the version of the CBC in place at the time of construction or alteration. Learn more at www.bsc.ca.gov.

*Information in Spanish and Russian can be found at Building & Safety's
Webpage – "Plan Submittals and Handout Guides."*