

CHAPTER 5
LICENSING AND REGULATION OF ALCOHOLIC BEVERAGES

SECTION 511.01. REVOCATION, SUSPENSION OR FINE.

Subd. 1. Upon a finding that any licensee has failed to comply with any of the provisions of this Chapter or with any applicable State Law, or other regulation or ordinance relating to an alcoholic beverage, or for other good cause, the Council may either suspend the license for a period not to exceed 60 days, revoke the license, or impose a civil fine on the licenses not to exceed \$2000.00 for each violation, or some combination thereof. The civil penalty and/or suspension and revocation imposed pursuant to this Section shall be based on the licensee's total number of violations at the specific location, at which the violation occurred within the preceding 24-month period for participants in the Best Practices Program and 36-month period for non-participants in the Best Practices Program as follows:

	Best Practices Participants Grid	Best Practices Non-Participants Grid
1 st Violation	\$250.00	\$750.00
2 nd Violation	\$500.00	\$1,500.00, plus a three (3) day suspension of license
3 rd Violation	\$1,500.00, plus a two day suspension	\$2,000.00, plus a ten (10) day suspension of license
4 th Violation	\$2,000.00, plus a suspension of not less than five (5) days but no more than sixty (60) days or revocation as determined by the City Council.	Revocation.
Penalty Calculation Period	...within the preceding 24-month period...	...within the preceding 36-month period...

Notwithstanding the foregoing, the City may impose a fine, suspension or revocation that varies from the above schedule for any violation it determines, through the hearing specified below, was of a seriousness that justifies a departure from the schedule. In addition, the Council may revoke a license for non-payment of a license fee regardless of the licensee's total number of violations or the licensee's participation in the Best Practices Program.

Subd. 2. Notification and Hearing. The following notification and hearing processes will apply to violations of this Section.

- A. Notice. Upon discovery of a suspected violation of this Section, the alleged violator shall be issued, either personally or by mail, a notice that sets forth the alleged violations and which shall inform the alleged violator of his or her right to be heard on the accusation. The person responsible for the violation shall either pay the scheduled fine or request a hearing under Subd. 2B of this Section. Payment of the fine constitutes admission of the violation.

- B. Hearings. No license suspensions or revocations shall take effect until the license holder has been given an opportunity for a hearing pursuant to Minnesota Statutes § 14.57 through 14.69. If a license holder has been issued a fine pursuant to this Section, the license holder may request a hearing within 15 days after the issuance of the citation. A hearing requested or required in accordance with this Section shall be scheduled for a date not to exceed 45 days from receipt of the request, or in the case of suspension or revocation, within 45 days from the date of issuance of the notice. Notice of the hearing shall be served in person or by mail on the license holder at least 15 days in advance of the hearing, unless a shorter time is accepted by the parties. Such notice shall contain the time, place and issues involved, but if by reason of the nature of the case, the issues cannot be fully stated in advance of a hearing, or if subsequent amendment of the issues is necessary, they shall be fully stated as soon as practicable, and opportunity shall be afforded to the holder of the license to present evidence in argument with respect thereto.

The City Council may designate the entire Council, a committee of the Council, a member thereof, or an employee of the Office of Administrative Hearings to preside over hearings pursuant to this Section.

- C. Decision. If it is determined at a hearing that a violation of this Section occurred, the decision, along with the reasons for finding a violation and the penalty to be imposed under this Section shall be recorded in writing, a copy of which shall be provided to the accused violator and the City Council if it did not preside over the hearing. In the case of a Fourth Violation, if the City Council has designated someone other than the entire Council to preside over the hearing, the decision and recommendation for the penalty to be imposed shall be referred to the City Council. The City Council shall consider the recommendation and impose a penalty within 30 days of the Council's receipt of the decision. If it is determined at a hearing that no violation occurred or finds grounds for not imposing any penalty, such findings shall be recorded and the copy provided to the acquitted.
- D. Appeal. Appeal of any decision shall be filed pursuant to Minn. Stat. 14.63, by filing a petition for a writ of certiorari with the Court of Appeals.

Subd. 3. Continued Violation. Each violation, and each day in which a violation occurs or continues, shall constitute a separate offense.

Subd. 4. Late Payment. A late payment fee of 10% of the penalty shall be assessed for each 30 day period in which the penalty remains unpaid after the due date.

Subd. 5. Suspensions. Suspensions will commence on the same day of the week as the occurrence of the violation. Unless specified, numbers indicate consecutive days' suspension during regular business hours.

Subd. 6. Prosecution. Nothing in this Section shall prohibit the City, County, or other authorized entity from seeking prosecution as a petty misdemeanor, misdemeanor, or gross misdemeanor for any violation of this Section.

Section 2. All prior ordinances and resolutions pertaining to subjects under Chapter 5 shall be deemed repealed from and after the effective date of this Ordinance. All fees established in prior ordinances shall remain in effect unless amended in this Ordinance, or until an ordinance adopting a fee schedule is adopted or amended.

