

**AN ORDINANCE REPEALING TITLE 3, CHAPTER 2, INCLUDING ARTICLE A AND ARTICLE B OF THE CODE OF ORDINANCES IN THEIR ENTIRETY AND ADOPTING A NEW TITLE 3, CHAPTER 2, ALL RELATING TO THE POSSESSION, SALE AND CONSUMPTION OF INTOXICATING AND 3.2 PERCENT MALT LIQUOR.**

**IT IS HEREBY ORDAINED BY THE COUNCIL OF THE CITY OF SARTELL MINNESOTA:**

**Section 1.** That Title 3, Chapter 2, including Article A and Article B of the Code of Ordinances are hereby repealed in their entirety.

**Section 2.** That the Code of Ordinances is amended by adding a new Title 3, Chapter 2 relating to the possession, sale and consumption of intoxicating and 3.2 percent malt liquor which shall read as follows:

CHAPTER 2

LIQUOR CONTROL

**3-2-1: ADOPTION OF STATE LAW BY REFERENCE:** The provisions of Minn. Stat. § 340A, et. seq. as they may be amended from time to time, with reference to the definition of terms, conditions of operation, restrictions on consumption, provisions relating to sales, hours of sale, and all other matters pertaining to the retail, sale, distribution and consumption of intoxicating liquor and 3.2 percent malt liquor are hereby adopted by reference and are made in part of this ordinance as if set out in full.

**3-2-2: CITY MAY BE MORE RESTRICTIVE THAN STATE LAW:** The council is authorized by the provisions of Minn. Stat. § 340A.509 as it may be amended from time to time, to impose, and has imposed in this ordinance, additional restrictions on the sale and possession of alcoholic beverages within its limits, beyond those contained in Minn. Stat. § 340A as it may be amended from time to time.

**3-2-3: DEFINITIONS:** In addition to the definitions contained in Minn. Stat. § 340A.101 as it may be amended from time to time, and the following terms are defined for purposes of this ordinance:

- A. **LIQUOR:** As used in this ordinance, without modification by the words “intoxicating” or “3.2 percent malt,” includes both intoxicating liquor and 3.2 percent malt liquor.

- B. RESTAURANT: Means an eating facility, other than a hotel, under the control of a single proprietor or manager, where meals are regularly prepared on the premises where full waitress/waiter table services provided, where a customer orders food from printed menus and where the main food course is served and consumed while seating in a single location. To be a restaurant as defined by this term and this ordinance, an establishment shall have a license from the State as required by Minn. Stat. §157.16 as it may be amended from time to time and meet the definition of either a “small establishment,” “medium establishment,” or “large establishment” as defined in Minn. Stat. §157.16 subd. 3d, as it may be amended from time to time. An establishment that serves prepackaged food that receives heat treatment and is served in the package or frozen pizza that is heated and served, shall not be considered a restaurant for purposes of this chapter, unless it meets the definition of “small establishment,” “medium establishment,” or “large establishment.”
- C. BEER STORE: An establishment for sales of beer and any or all of the following: cigars, cigarettes, all forms of tobacco and/or soft drinks at retail.

**3-2-4: NUDITY ON PREMISES OF LICENSED ESTABLISHMENTS PROHIBITED:**

- A. The City Council finds that it is in the best interest of the public health, safety and general welfare of the people of the city that nudity is prohibited as provided in the section on the premises of any establishment licensed under this ordinance. This is to protect and assist the owners, operators and employees of the establishment as well as patrons and the public in general, from harm stemming from the physical immediacy and combination of alcohol, nudity and sexually suggestive activity. The Council especially intends to prevent any subliminal endorsement of sexual harassment or activities likely to lead to the possibility of various criminal conduct, including prostitution, sexual assault and disorderly conduct. The Council also finds that the prohibition of nudity on the premises of any establishment licensed under this ordinance as set forth in this section reflects the prevailing community standards of the city.
- B. It is unlawful for any licensee to permit or allow any person or persons on the licensed premises, when the person does not have his or her buttocks, anus, breasts and genitals covered with a non-transparent material. It is also unlawful for any person to be on the licensed premises when the person does not have his or her buttocks, anus, breasts and genitals covered with a non-transparent material.
- C. A violation of this section is a misdemeanor punishable as provided by law and is justification for revocation or suspension of any liquor, wine or

3.2 percent malt liquor license or the imposition of a civil penalty under the provisions under this ordinance.

**3-2-5: NUMBER OF LICENSES, WHICH MAY BE ISSUED:** State law establishes the number of on sale intoxicating liquor licenses that a city may issue. However, the number of licenses, which may be granted under this ordinance, is limited to twelve. The Council in its sound discretion may provide by ordinance that a larger number of licenses may be issued up to the number of licenses authorized by Minn. Stat. § 340A, as it may be amended from time to time. If a larger number of licenses in a particular category have been authorized by a referendum held under the provisions of Minn. Stat. § 340A.413 subd. (3) as it may be amended from time to time, but not all of them have been issued, the larger number of licenses is no longer in effect until the Council by ordinance determines that any or all of the licenses may be issued. The Council is not required to issue the full number of licenses that it has available.

**3-2-6: TERM AND EXPIRATION OF LICENSES:** Each license shall be issued for a maximum period of one year. All licenses, except temporary licenses, shall expire on December 31<sup>st</sup> of each year unless another date is provided by ordinance. All licenses shall expire on the same date. Temporary licenses expire according to their terms. Consumption and display of permits issued by the Commissioner of Public Safety and the accompanying city consent to the permit shall expire on March 31<sup>st</sup> of each year.

**3-2-7: TYPES OF LIQUOR LICENSES:** The city council shall issue the following license and permits up to the number specified in section 3-2-5 of this ordinance.

- A. 3.2 percent malt liquor on sale licenses: 3.2 percent malt liquor on sale licenses shall be issued only to restaurants, hotels, bonified clubs, beer stores, bowling centers, drug stores and exclusive on-sale liquor stores, hotels where food is prepared and served for consumption on the premises and establishments used exclusively for the sale of 3.2 percent malt liquor with the incidental sale of tobacco and soft drinks. 3.2 percent malt liquor on-sale licenses shall permit the sale of 3.2 percent malt liquor for consumption on the premises only.
- B. 3.2 percent malt liquor off-sale license: 3.2 percent off-sale licenses shall permit the sale of 3.2 percent malt liquor in the original package, for consumption off the premises only.
- C. Temporary 3.2 percent malt liquor licenses: Temporary 3.2 percent malt liquor licenses may be issued only to a club, charitable, religious or non-profit organization for the sale of 3.2 percent malt liquor for the consumption of the premises only.

- D. Off-sale intoxicating liquor licenses: Off-sale intoxicating liquor licenses, which may be issued to exclusive liquor stores or to a drug stores to which an off-sale license had been issued on or prior to May 1, 1994. The fee for an off-sale intoxicating liquor license established by the Council and shall not exceed \$100 or a greater amount, which may be permitted by Minn. Stat. § 340A.408 (3).
- E. On-sale intoxicating liquor licenses: On-sale intoxicating liquor licenses, which may be issued to the following establishments as defined by Minn. Stat. §340A.101, as it may be amended from time to time, and this ordinance, include: hotels, restaurants, bowling centers, clubs or congressionally chartered veterans organizations, exclusive liquor stores and drug stores. Club licenses may be issued only with the approval of the Commissioner of Public Safety. The fee for club license is established by the Council and shall not exceed the amounts provided for in Minn. Stat. § 340A.408 (2)(b) as it may be amended from time to time. The Council may in its own discretion authorize a retail on-sale license to dispense intoxicating liquor off the licensed premises at a community festival held within the city under provision Minn. Stat. § 340A.404 (4b) as it may be amended from time to time. The Council in its sound discretion may authorize a retail on-sale license to dispense intoxicating liquor off the licensed premises at a convention, banquet, conference, meeting or social affair conducted on the premises of a sports, convention or cultural facility owned by the City, under the provisions of Minn. Stat. § 340A.404 (4a) as it may be amended from time to time; however, the licensee is prohibited from dispensing intoxicating liquor to any person attending or participating in an amateur athletic event being held on the premises.
- F. Sunday on-sale intoxicating liquor licenses: Sunday on-sale intoxicating liquor licenses will be issued only after authorization to do so is granted by the City and may be issued only to a restaurant as defined in section 3-2-3 of this Code, club, bowling center or hotel, which has a seating capacity of at least 30 persons, which holds an on-sale intoxicating liquor license and which serves liquor only in conjunction with the service of food. The maximum fee for this license, which shall be issued by the Council and shall not exceed \$200.00 or the maximum amount provided by Minn. Stat. §340A.504 (3)(c), as it may be amended from time to time.
- G. Temporary on-sale intoxicating liquor licenses: A club or charitable, religious or other non-profit organization in existence for at least three years may apply for and be granted a temporary license for the on-sale of intoxicating liquor in connection with a social event within the City sponsored by the licensee. The license may authorize sales on premises other than those owned by the licensee and may provide that the licensee may contract for intoxicating liquor catering services with the holder of a full year on-sale intoxicating liquor license issued by the City. No license

shall be for longer than 4 consecutive days and the city shall issue no more than 12 days worth of temporary licenses to any one organization in one calendar year.

- H. On-sale wine licenses: With the approval of the Commissioner of Public Safety, on-sale wine licenses will be issued to: restaurants that have facilities for seating at least 25 guests at one time and meet the criteria of Minn. Stat. § 404 (5) as it may be amended from time to time and which meet the definition of restaurant in section III of this ordinance; a license bed and breakfast facility, which meets the criteria of Minn. Stat. 340A.401 (1) as it may be amended from time to time. The fee for a non-sale wine license is establish by the Council and shall not exceed one-half of the license fee charge for an on-sale intoxicating liquor license. The holder of an on-sale wine license who also holds an on-sale 3.2 percent malt liquor license is authorized to sell malt liquor with an alcohol content greater than 3.2 percent (strong beer) without an additional license.
- I. One-day consumption and display permits: One-day consumption and display permits may be issued to non-profit organizations in conjunction with the social activity in the City sponsored by the organization.
- J. Special club licenses: Special club licenses shall be issued only to incorporated club, which have been in existence for 10 years at the date of the inception of this ordinance.
- K. Approval of issuance of consumption display by the Commissioner of Public Safety: The maximum amount of the additional fee, which may be imposed by the Council on a person who has been issued a consumption and display permit, shall not exceed \$300.00 or the maximum permitted by Minn. Stat. § 340A.14 (6) as it may be amended from time to time. Consumption and display permits shall expire on March 31<sup>st</sup> of this year.

**3-2-8: LICENSE FEES; PRO RATA:**

- A. No license or other fee established by the city shall exceed any limit established by Minn. Stat. §340A as it may be amended from time to time for a liquor license.
- B. The Council may establish from time to time by ordinance or resolution, the fee for any liquor licenses it is authorized to issue. The liquor license may not exceed the cost of issuing the license and other costs directly related to the enforcement of the liquor laws and this ordinance. No liquor license fee shall be increased without providing mailed notice of a hearing on the proposed increased to all affected licensees at least 30 days before the hearing.

- C. Each application for a license shall be accompanied by a receipt from the clerk-treasurer for payment in full of the license fee. All fees shall be paid into the general fund. If an application for a license is rejected, the clerk-treasurer shall refund the amount paid.
- D. Each license shall be issued for a period of one year except that if the application is made during the license year, the license may be issued for the remainder of the year for a pro rata fee, with the unexpired fraction of a month being counted as one month. Every license shall expire on December 31<sup>st</sup>.
- E. Refunds: No refund of any fee shall be made except as authorized by Minn. Stat. 340A.408 (5).

**3-2-9: COUNCIL DISCRETION TO GRANT OR DENY A LICENSE:** The Council in its sound discretion might either grant or deny the application of any license or a transfer or renewal of any license. No application has a right to a license under this ordinance.

**3-2-10: PERSONS NOT ELIGIBLE FOR LICENSES:** No retail license shall be issued to:

- A. A person not a citizen of the United States or resident alien;
- B. A person under 21 years of age;
- C. A person who has an intoxicating liquor or non intoxicating liquor license revoked within 5 years of the license application, or to any person who at the time of the violation owns any interest, whether as a holder of more than 5percent of the capital stock of a corporation licensee as a partner otherwise in the premises or in the business conducted thereon; or to a corporation, partnership association, enterprise, business or firm in which any such person is in any manner interested; or
- D. A person not of good moral character and repute. In addition, no new retail license may be issued to and the governing body of the municipality may refuse to renew the license of a person who, within 5 years of the license application has been convicted of a willful violation of a Federal or State law or local ordinance governing the manufacture, sale, distribution or possession of alcoholic beverage.

**3-2-11: APPLICATION FOR LICENSE:**

- A. Every application for a license issued under this ordinance shall be on a form provided by the city. Every application shall state the name of the applicant, the applicant's age, representations as to the applicants

character, with references as the City Council may require, the type of license applied for, the business in connection with the proposed license will operate and with its location, a description of the premises, whether the applicant is owner and operator of the business, how long the applicant has been in that business at that place and other information as the Council may require from time to time. An application for an on-sale intoxicating liquor license shall be in the form prescribed by the Commissioner of Public Safety and shall also contain the information required in this section. The form shall be verified and filed with the city. No person shall make a false statement in an application.

- B. Financial responsibility: Prior to the issuance of any license under this ordinance, the applicant shall demonstrate proof of financial responsibility as defined in Minn. Stat. § 340A.409, as it may be amended from time to time, with regard to liability under Minn. Stat. § 340A.801, as it may be amended from time to time. This proof will be filed with the City and the Commissioner of Public Safety. Any liability insurance policy filed as proof of financial responsibility under this section shall conform to Minn. Stat. 340A.409, as it may be amended from time to time. An operation of a business, which is required to be licensed by this ordinance without having on file with the city, at all times effective proof of financial responsibility, is cause for revocation of the license.
- C. Approval of security: Liability insurance policies required by this article, but not by State law, shall be approved as to form by the City Attorney.

**3-2-12: DESCRIPTION OF THE PREMISES:** The application shall specifically describe the compact and contiguous premises within which liquor may be dispensed and consumed.

**3-2-13: APPLICATIONS FOR RENEWAL:** At least 90 days before a license issued under this ordinance is to be renewed, an application for renewal shall be filed with the city. The decision whether or not to renew a license rests within the sound discretion of the Council. No licensee has a right to have the license renewed.

**3-2-14: TRANSFER OF LICENSE:** No license issued under this ordinance may be transferred without the approval of the Council. Any transfer in excess of 10% of stock of a corporate license is deemed to be a transfer of the license, and a transfer of stock in excess of 10% without prior Council approval is grounds for revocation of the license. An application to transfer a license shall be treated as the same as an application for new license, and all the provisions of this code applying to the applications for a license shall apply.

**3-2-15: INVESTIGATION:**

- A. Preliminary background and financial investigation: On an initial application for a license, on an application for transfer of a license and in the sound discretion of the Council that is in the public interest to do so on an application for renewal of a license, the city shall conduct an preliminary background and financial investigation of the applicant or it may contract with the Commissioner of Public Safety for the investigation. The applicant shall pay with the application an investigation fee of \$500.00, which shall be in addition to any license fee. The results of the preliminary investigation shall be sent to the Commissioner of Public Safety if the application is for an on-sale intoxicating liquor license or a non-sale wine license.
  
- B. Comprehensive background and financial investigation: If the results of a preliminary investigation warrant, and in the sound discretion of the Council, a comprehensive background and financial investigation may be required. The Council may either conduct the investigation “itself” or contract with the Commissioner of Public Safety for the investigation. The investigation fee for this comprehensive background and financial investigation to be paid by the applicant shall be \$500.00, less any amount paid for the initial investigation, if the investigation is to be conducted within the State and \$10,000.00, less any amount paid for the initial investigation, if the investigation is required outside the State. The unused balance of the fee shall be returned to the applicant whether or not the application is denied. The fee shall be paid in advance of any investigation and the amount actually expended on the investigation shall not be refunded in the event the application is denied. The results of the comprehensive investigation shall be sent to the Commissioner of Public Safety if the application is for an on-sale intoxicating liquor license or an on-sale wine license.

**3-2-16: HEARING AND ISSUANCE:** The Council shall investigate all facts set out in the application and not investigated in the preliminary comprehensive background and financial investigations. Opportunity shall be given to any person to be heard for or against the granting of the license. After the investigation and hearing, the Council shall in its sound discretion grant or deny the application. No license shall become effective until the proof of financial security has been approved by the Commissioner of Public Safety.

**3-2-17: RESTRICTIONS ON ISSUANCE:**

- A. Each license shall be issued only to the applicant for the premises described in the application.

- B. Not more than one license shall be directly or indirectly issued within the City to any one person.
- C. No license shall be granted or renewed for operation on any premises on which taxes, assessments, utility charges, services charges or other financial claims of the City are delinquent and unpaid.
- D. No license shall be issued for any place or any business ineligible for a license under State law.
- E. No license shall be issued to any person who is not a resident of the State. If the application is a corporation, at least one stockholder shall be a resident of the State. The provisions of this paragraph shall not apply to any existing license, existing on the effective date of this chapter or to the renewal of an existing license.

**3-2-18: CONDITIONS OF LICENSE:** Every license shall be granted subject to the conditions in the following subsections and other provisions of this article and any other local ordinance of the City or State law.

- A. Insurance: Compliance with financial responsibility requirements of State law and this article is a continuing condition of any license granted pursuant to this article.
- B. Sales to minors or intoxicated persons: No liquor shall be sold or served to any intoxicated persons or to any persons under 21 years of age.
- C. Consumption by minors: No person under the age of 21 years shall be permitted to consume liquor on a licensed premises.
- D. Interest in manufactures or wholesalers: No manufacturer or wholesaler of any intoxicating or 3.2 percent malt liquor shall have an any ownership or interest in an establishment licensed to sell at retail, contrary to the provisions of Minn. Stat. 340A.308. No retail licensee and manufacturer or wholesaler of intoxicating liquor or 3.2 percent malt liquor, shall be a party to any exclusive purchase contract. No retail licensee shall receive any benefits contrary to law, from a manufacturer or wholesaler of any intoxicating liquor or 3.2 percent malt liquor and no such manufacturer or wholesaler shall confer any benefits contrary to law upon a retail licensee.
- E. Liquor dealer special tax stamp: No licensee shall sell intoxicating liquor or 3.2 percent malt liquor, while holding or exhibiting in the licensed premises, a Federal retail liquor detailers special tax stamp, unless the licensee is licensed under the laws of Minnesota to sell intoxicating liquor and/or 3.2 percent malt liquor.

- F. Sales of intoxicating liquor: No licensee who is not also licensed to sell intoxicated liquor and who does not hold the consumption or display permit, shall permit the consumption display of intoxicating liquor on the licensed premises or serve any liquids for the purposes of mixing with intoxicating liquor. The presence of intoxicating liquor on the premises of such a licensee shall be prima facie evidence of possession of intoxicating liquor, for the purpose of sale; and the serving of any liquid for the purpose of mixing with intoxicating liquor shall be prima facie evidence that intoxicating liquor is being permitted to be consumed or displayed contrary to this ordinance.
- G. Any peace officer, health officer, city employee or anyone designated by the Council to conduct compliance checks and to otherwise enter, inspect and search the premises of the licensee during business hours and after business hours during the time when customers remain on the premises without a warrant.
- H. Within 90 days after employment, every person selling or serving liquor in an establishment that has an on-sale license shall receive training regarding the selling or serving liquor to customers. The training shall be provided by an organization approved by the council. Proof of training shall be provided by the licensee.
- I. Every licensee is responsible for the conduct of the place of business and the conditions of sobriety and order in it. The act of any employee on the licensed premises is deemed the act of the licensee as well and the licensee should be liable to all penalties provided by this ordinance and the law equally with the employee.
- J. No on-sale establishment shall display liquor to the public during hours when the sale of liquor is prohibited.

**3-2-19: HOURS AND DAYS OF SALE:**

- A. The hours of operation and days of sale shall be those set forth in Minn. Stat. §340 A.504 as may be amended from time to time.
- B. No person shall consume nor shall any on-sale licensee permit any consumption of intoxicating liquor license in on-sale license premises more than 20 minutes after the time when a sale can legally occur.
- C. Employees: All employees of the licensed premise whose primary duties include the sale or service of intoxicating liquor or 3.2 percent malt liquor must vacate the premises of an on-sale intoxicating liquor establishment or a 3.2 percent malt liquor establishment within 1 hour of the legal

termination of the sales and may not return to the establishment until 2 hours before the legal sales may again be tendered.

- D. Every room, place or premises wherein intoxicating liquor and 3.2 percent malt liquor is permitted to be sold under on-sale license, including any café, restaurant, dining room or any other enterprise operated in connection therewith, shall be closed to the public during the time the sale of liquor is prohibited by State law, unless all liquor serving facilities, liquor displays and liquor storage areas are secured by lock and key.
- E. No on-sale licensee shall permit any glass, bottle or other container, containing any type of liquor to remain upon any table, bar, stool, or other place where customers are served more than 20 minutes after the time a sale can legally occur.
- F. Any violation and condition under this section may be grounds for revocation or suspension of the license and may also be subject to criminal penalties as defined in this ordinance.

**3-2-20: RESTRICTIONS ON PURCHASE AND CONSUMPTION:**

- A. Age misrepresentation: No minor shall misrepresent his or her age for the purposes of obtaining intoxicating liquor and/or 3.2 percent malt liquor.
- B. No person shall induce a person under the age of 21 years of age to purchase or procure and intoxicating liquor and/or 3.2 percent malt liquor.
- C. Procurement: No person, other than the parent or legal guardian, shall procure intoxicating liquor and 3.2 percent malt liquor for any person under the age of 21 years of age.
- D. Possession: No person under the age of 21 years of age shall have intoxicating liquor and/or 3.2 percent malt liquor in his/her possession at a place other than at the household of, and with the permission of his/her parent or guardian.
- E. Consumption: No person under the age of 21 years of age shall consume intoxicating liquor and/or 3.2 percent malt liquor unless in the company of a parent or guardian at the household of such parent or guardian.
- F. Consumption in public places: No person shall consume intoxicating liquor and/or 3.2 percent malt liquor on a public highway, public street, public alley or other public place. Consumption is permitted in public parks when the park is open if the person is of legal age.

- G. Liquor on license premises: No person shall consume or display any intoxicating liquor on the premises of a licensee who is not also licensed to sell intoxicating liquor or does not hold a consumption and display permit.
- H. Restriction on the purchase or consumption: No person shall mix or prepare liquor for consumption in any public place of business during the hours of operation for public business, unless it has a license to sell on-sale, or a permit from the Commissioner of Public Safety under the provisions of Minn. Stat. §340A.414 as it may be amended from time to time, which has been approved by the Council and no person shall consume liquor in any such place.

**3-2-21: SAMPLES:**

On-sale and off-sale licensees may provide samples in accordance with the provisions of Minn. Stat. 340A.510, subd. 1 and subd. 2b.

**3-2-22: SUSPENSION AND REVOCATION:**

- A. The Council shall either suspend for a period not to exceed 60 days or revoke a liquor license, upon a finding that the licensee has failed to comply with any applicable statute regulation or provision of this ordinance relating to liquor as provided in subparagraph (B) of this section. Except in cases of lapse of proof of financial responsibility, no suspension or revocation shall take affect until the licensee has been afforded an opportunity for a hearing pursuant to the administrative procedures act pursuant to Minn. Stat. § 14.572, 14.70 as it may be amended from time to time.

The following are the minimum periods of suspension and revocation, which shall be imposed by the Council for violation of the provisions of this chapter or Minn. Stat. § 340A, as it may be amended from time to time, or any rules obligated under the chapter as they may be amended from time to time. Revocation shall occur within 60 days following a violation for which the revocation is imposed.

For the commission of a felony related to the licensed activity, sale of alcoholic beverage, when the license is under suspension, sale of intoxicating liquor where only the license is for 3.2 percent malt liquor or a violation of Minn. Stat. § 112.04, the license shall be revoked.

The license shall be suspended by the Council after a finding under section A., that the licensee has failed to comply with any applicable statute, rule or provision of this chapter for at least the minimum periods as follows:

For the first, second, or third violation within any 3-year period, up to a one day suspension, in addition to any criminal or civil penalties, which may be imposed.

For a fourth violation within any 3-year period, at least a three day suspension in addition to any criminal or civil penalties, which may be imposed.

For fifth violation within any 3-year period, at least a ten day suspension, in addition to any criminal or civil penalties, which may be imposed.

For a sixth violation within any 3-year period, a license shall be revoked.

The Council shall select the day or days during which the license will be suspended.

- C. Lapse of required proof of financial responsibility: Lapse of required proof of financial responsibility shall effect an immediate suspension of any license issued pursuant to this ordinance or State law, without further action of the Council.
- D. Notice of cancellation or lapse of a current liquor liability policy shall also constitute notice to the licensee of the impending suspension of the license. The holder of a license who has received notice of the lapse of required insurance or of suspension or revocation of a license, may request a hearing thereon and if a request is made in writing to the clerk, a hearing before the Council shall be granted within ten days. Notice shall be given pursuant to Minn. Stat. § 14.572, Minn. Stat. § 14.70. Any suspension under this paragraph shall continue until the Council determines that the financial responsibility requirements of State law and this ordinance have again been met.
- E. The provisions in the penalty section of this ordinance pertaining to administrative penalties may be imposed in addition to or in lieu of any suspension or revocation under this ordinance.

**3-2-23: PENALTIES:**

- A. Any person violating the provision of this chapter or Minn. Stat. § 340A et. seq. as it may be amended from time to time or any rules promulgated under this chapter is guilty of a misdemeanor and upon conviction shall be punished as provided by law.
- B. The Council shall impose a civil penalty of up to \$2,000.00 for each violation of Minn. Stat. § 340A and of this ordinance as provided by the

minimum schedule of presumptive penalties. These civil penalties shall be in addition to any criminal penalties imposed under sub section (A) of this section or any suspension or revocation imposed under the suspension and revocation section of this ordinance. Conviction of a violation in a Court of law is not required in order for the Council to impose this civil penalty. A hearing under the administrative procedures act pursuant to Minn. Stat. § 14.57 to 14.70 as it may be amended from time to time, is not required before the penalty is imposed, however; the Council shall hold a hearing on the proposed violation and the proposed penalty and hear any person who wishes to speak. Non-payment of the penalty is grounds for suspension or revocation of the license. The following is the minimum schedule of presumptive civil penalty in addition to any suspensions, which will be imposed unless the license is revoked:

For the first violation within any 3 year period: \$250.

For the second violation within any 3 year period: \$500.

For the third and subsequent violations within any 3-year period: a minimum of \$1,000 for each violation.

- C. The term violation as used in this section and in the suspension and revocation section of this ordinance, includes any and all violations of the provisions of this chapter or Minn. Stat. § 340A et. seq. as it may be amended from time to time or any rules promulgated under that chapter as they may be amended from time to time. The number of violations shall be determined on the basis of the history of violations for the proceeding 3-year period.

**Section 3:** Effective Date. This ordinance becomes effective on the date of its publication or upon the publication of the summary of the ordinance as provided by Minn. Stat. § 412.191 (4) as it may be amended from time to time, which meets the requirements of Minn. Stat. § 331A.01 (10) as it may be amended from time to time.

**Section 4:** Summary Approved. The Council has determined that the summary of this ordinance “official summary of ordinance number \_\_\_\_\_ and a copy of which is attached to this ordinance, clearly informs the public of the intent in affect of this ordinance. The Council further determined that the publication of the title and the summary clearly informs the public of the intent and affect of this ordinance. The clerk shall file a copy of this ordinance and the summary in the clerk’s office, which shall be available for inspection by any person during regular office hours. A copy of this ordinance shall be available in the community library, if there is one, if not, in any other public location, which the Council shall designate.

Passed by the Council this \_\_\_\_\_ day of \_\_\_\_\_, 2003.

\_\_\_\_\_

Mayor

\_\_\_\_\_

Clerk