

PENALTIES FOR UNLAWFUL SALE OF ACLOHOL

1206.01 Purpose and Findings. The Oak Park Heights City Council intends to discourage underage possession and consumption of alcohol by minors and other liquor sales violations within the City of Oak Park Heights by providing penalties for licensee violations of the law. Minnesota Statute sec. 340A.415 authorizes the City Council, upon proof of violation of state law, to revoke the license or permit, suspend the license or permit for up to 60 days, impose a civil penalty of up to \$2,000 for each violation, or impose any combination of these sanctions. This ordinance is intended to provide a uniform system for assessing and administering sanctions for such violations.

1206.02 Definitions. The Definitions contained in Minnesota Statutes sec. 340A.415 are incorporated by reference.

1206.03 Prohibited Acts. The following are prohibited acts subject to penalties subject to civil penalties under this ordinance:

- (a) sale or furnishing of alcoholic beverages to minors in violation of Minn. Stat. § 340A.503
- (b) permitting a person user the age of 21 years to drink alcoholic beverages on the licensed premises.
- (c) any other violation of the terms and conditions of City Code Chapter 1200 or Minnesota State Law regarding liquor licenses or sale of alcoholic beverages.

1206.04 Compliance and Enforcement. The City conducts regular compliance checks to ensure that those establishments holding municipal liquor licenses in the City of Oak Park Heights are in compliance with the state statute. In the event that a liquor license establishment is asserted to have violated city code or state law, then the Council shall hold a hearing to show cause, make a finding as to the violation, and determine the appropriate sanction.

1206.05 Civil Penalties.

(a)The designated civil penalties shall constitute advisory guidelines for City Council action in cases of violation(s) of City Ordinances or State Law regarding City issued liquor licenses. It is understood that the Council may deviate from these advisory guidelines based upon unique or compelling circumstance presented in individual cases.

First Offense: Five Hundred Dollars (\$500) civil fine.

Second Offense: One Thousand Dollars (\$1,000) civil fine and a four-day license suspension, which suspension includes one weekend day (Friday, Saturday or Sunday).

Third Offense: One Thousand Five Hundred Dollars (\$1,500) civil fine and an eight-day license suspension, which suspension includes three weekend days (Friday, Saturday and Sunday).

Fourth or Subsequent Offense: Sanction determined at City Council discretion, up to a 60-day suspension and \$2,000 fine, and/or up to and including permanent revocation of license.

- (b) The above sanctions shall be issued and calculated as against all offenses occurring within a 24-month consecutive period counting back from the date of the most recent violation. Any violations having occurred beyond 24 consecutive months prior to the most recent violation shall not be counted in terms of imposing the sanctions noted above.
- (c) If the City Council imposes a civil fine and/or temporary license suspension, the Council shall also allow the license holder a reasonable time to pay the fine and complete the suspension period. A reasonable time to comply means that all fines shall be paid and all license suspensions served within 60 days unless the Council determines that a different period of time for compliance is justified under the circumstances of the case. License suspensions shall be served on consecutive days unless the City Council determines that a deviation to allow non-consecutive days is justified under the circumstances. The license holder shall advise and coordinate in advance with the City Administrator and Chief of Police the execution of any suspension period. Failure of a license holder to pay a fine or serve the license suspension within the time prescribed by the City Council shall cause that license to be immediately suspended until the license holder achieves full compliance with the sanction and the City Council takes formal action to reinstate the license at a regularly scheduled council meeting.
- (d) Any license holder who has had their license or permits suspended or revoked pursuant to City action shall not be allowed to operate the activity which required the license until the license is reinstated. Any operation during a period of suspension or revocation shall be deemed to be an additional violation of the City's Liquor License Ordinance and of state law subject to additional civil penalties, up to and including permanent license revocation.

SEVERABILITY

If any provision of this Ordinance is found to be invalid for any reason by a court of competent jurisdiction, the validity of the remaining provisions will remain with full force and effect.

Established by the City Council December 2019.