## 1 **City of Roseville** 2 **ORDINANCE NO. 2023- XX** 3 4 AN ORDINANCE AMENDING 5 6 TITLE 3, CHAPTER 302 7 8 AN ORDINANCE AMENDING TITLE 3, CHAPTER 302 OF THE ROSEVILLE 9 CITY CODE TO AMEND PENALTIES FOR CERTAIN VIOLATIONS 10 11 THE CITY OF ROSEVILLE ORDAINS: 12 13 SECTION 1: Title 3, Section 302.15 of the Roseville City Code is amended to 14 read as follows: 15 16 302.15: CIVIL PENALTY: 17 18 A. Penalty For Noncompliance: In addition to any criminal penalties which may be 19 imposed by a court of law, the City Council may suspend a license for up to 60 20 days, may revoke a license and/or may impose a civil fine on a licensee not to 21 exceed \$2,000.00 for each violation on a finding that the license holder or its 22 employee has failed to comply with a statute, rule or ordinance relating to 23 Alcoholic beverages, non-intoxicating malt liquor or wine. 24 25 B. Minimum Penalty: The purpose of this section is to establish a standard by which 26 the City Council determines the civil fine, the length of license suspensions and 27 the propriety of revocations, and shall apply to all premises licensed under this 28 chapter. These penalties are presumed to be appropriate for every case; however, 29 the council may deviate in an individual case where the council finds that there 30 exist certain extenuating or aggravating circumstances, making it more 31 appropriate to deviate, such as, but not limited to, a licensee's efforts in 32 combination with the state or city to prevent the sale of alcohol to minors or, in 33 the converse, when a licensee has a history of repeated violations of state or local 34 liquor laws. When deviating from these standards, the council will provide written 35 findings that support the penalty selected. When a violation occurs, the staff shall 36 provide information to the City Council to either assess the presumptive penalty 37 or depart upward or downward based on extenuating or aggravating 38 circumstances. The staff shall notify the licensee of the information being 39 considered and acted upon by the City Council. 40 41 1. Except as otherwise provided in this Chapter, the following violations will 42 subject the licensee to the following administrative penalties: 43

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OFF SALE	1st Violation	2 <sup>nd</sup> Violation	3 <sup>rd</sup> Violation	4 <sup>th</sup>
Type of Violation				Violation
Sale of an alcoholic	\$12,000 and	\$2,000 and	\$2,000 and	Revocation
beverage to a person				
under the age of 21	0 day	3 day	7 day	
_	suspension	Suspension	suspension	
Sale of alcoholic	\$1,000 and	\$2,000 and	\$2,000 and	Revocation
beverage to an				
obviously intoxicated	1 day	3 day	7 day	
person	suspension	suspension	Suspension	
Refusal to allow City	\$1,000 and	\$2,000 and	Revocation	N/A
inspectors or police				
admission to premises	3 day	7 day		
	suspension	suspension		
After hours sale,	\$1,000 and	\$2,000 and	Revocation	N/A
possession by a patron				
or consumption of	3 day	7 day		
alcoholic beverages	suspension	suspension		
Illegal gambling on	\$1,000 and	\$2,000 and	Revocation	N/A
premises				
	3 day	7 day		
	suspension	suspension		
Sale of alcoholic	30 day	Revocation	N/A	N/A
beverages while	suspension			
license is under				
suspension				
Commission of a	Revocation	N/A	N/A	N/A
felony related to				
licensed activity				

ON SALE & 3.2	1st Violation	2 <sup>nd</sup> Violation	3 <sup>rd</sup> Violation	4 <sup>th</sup>
Type of Violation				Violation
Sale of an alcoholic	\$ <mark>12</mark> ,000 and	\$2,000 and	\$2,000 and	Revocation
beverage to a person				
under the age of 21	1 day	5 day	15 day	
	suspension	Suspension	suspension	
Sale of alcoholic	\$1,000 and	\$2,000 and	\$2,000 and	Revocation
beverage to an				
obviously intoxicated	1 day	5 day	15 day	
person	suspension	suspension	Suspension	
Failure of an on-sale	\$1,000 and	\$2,000 and	\$2,000 and	Revocation
licensee to take				
reasonable steps to	1 day	5 day	15 day	
prevent a person from	suspension	suspension	suspension	
leaving the premises				

with an alcoholic beverage (on-sale allowing off-sale)				
After hours sale, possession by a patron or consumption of	\$1,000 and 7 day	\$2,000 and 14 day .	Revocation	N/A
alcoholic beverages	suspension	suspension		
Illegal gambling on premises	\$1,000 and 7 day	\$2,000 and	Revocation	N/A
	suspension	suspension		
Sale of alcoholic beverages while license is under suspension	60 day suspension	Revocation	N/A	N/A
Commission of a felony related to licensed activity	Revocation	N/A	N/A	N/A

2. Any prior violation that occurred more than 36 calendar months immediately preceding the most current violation will not be considered in determining successive violations.

3. In addition to the administrative penalties identified above, the city may in appropriate circumstances choose to not renew a license at the end of its current term for non-compliance with any provision of this Chapter or for any other reason allowed by law.

C. Hearing and Notice: If, after considering the staff's information, the City Council proposes to suspend, revoke or not renew a license, the licensee shall be provided written notice of the City Council's proposed action and shall be given the opportunity to request a hearing on the proposed penalty by providing the City a written notice requesting a hearing within ten days of the mailing of the notice of the City Council's proposed action. The notice of the proposed action of the City Council shall state the reasons for such suspension, revocation, or non-renewal and the action the City Council proposes to take, shall inform the licensee of the right to request a hearing prior to the action being final, and shall inform the licensee of the date the City Council's proposed action will be considered a final decision if a hearing is not requested. Any hearing, if requested, will be conducted in accordance with Minnesota statutes section 340A.415 and sections 14.57 to 14.69 of the Administrative Procedures Act ("APA"). If a hearing is requested, the licensee shall be provided a hearing notice at least ten days prior to the hearing, which shall state the date, time

72 and place of the hearing and the issues involved in the hearing. An independent 73 hearing officer shall be selected by the City Council to conduct the hearing and shall 74 make a report and recommendation to the City Council pursuant to the provisions of 75 the APA. The City Council shall consider the independent hearing examiner's 76 recommendation and issue its final decision on the suspension or revocation. 77 78 79 SECTION 2: Effective date. This ordinance shall take effect upon its passage 80 and publication. 81 82 Passed by the City Council of the City of Roseville this 11 day of September, 2023. 83 84

85	Signatures as follows on separate page:		
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88	ORDINANCE - AN ORDINANCE AMENDING	TITLE 3 CHAPTER 302 OF THE ROSEVILLE CITY	
89	ORDINANCE - AN ORDINANCE AMENDING TITLE 3, CHAPTER 302 OF THE ROSEVILLE CITY CODE TO AMEND PENALTIES FOR CERTAIN VIOLATIONS		
90	CODE TO MINERAD I ENVIETIES FOR CERTAIN	IV VIOLATIONS	
91	(SEAL)		
92			
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94	Cľ	TY OF ROSEVILLE	
95			
96		_	
97	BY	··	
98		Daniel J. Roe, Mayor	
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100	ATTEST:		
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103	Details Tandeson City Manager		
104	Patrick Trudgeon, City Manager		
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