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## CRYSTAL CITY COUNCIL

### FIRST WORK SESSION AGENDA Tuesday, December 3, 2013

6:00 p.m.

#### Conference Room A

Pursuant to due call and notice given in the manner prescribed by Section 3.01 of the City Charter, the first work session of the Crystal City Council was held at \_\_\_\_\_ p.m. on Tuesday, December 3, 2013 in Conference Room A located at 4141 Douglas Drive, Crystal, Minnesota.

#### **I. Attendance**

##### Council members

\_\_\_ Budziszewski

\_\_\_ Deshler

\_\_\_ Hoffmann

\_\_\_ Libby

\_\_\_ Peak

\_\_\_ Selton

\_\_\_ Adams

##### Staff

\_\_\_ Norris

\_\_\_ Therres

\_\_\_ Norton

\_\_\_ Revering

\_\_\_ Serres

#### **II. Agenda**

The purpose of the work session is to discuss the following agenda item:

- Tobacco and alcohol license civil penalties

#### **III. Adjournment**

The work session adjourned at \_\_\_\_\_ p.m.

**ALCOHOL & TOBACCO COMPLIANCE FAILURE PENALTIES  
SURVEY OF SURROUNDING CITIES  
NOVEMBER 2013**

CITY	ALCOHOL PENALTY	TOBACCO PENALTY	MISC INFO
Brooklyn Center	May suspend or revoke license & impose a civil penalty not to exceed \$2,000	<u>1<sup>st</sup> violation:</u> \$100 <u>2<sup>nd</sup> violation:</u> (same location within 24 mos): \$200 <u>3<sup>rd</sup> violation:</u> (within 24 mos of 1 <sup>st</sup> violation): \$250 + suspension for not less than 7 days  Individuals selling to an underage person are charged an admin penalty of \$50.	Case-by-case basis based on number and type of violation. City may impose additional penalties based on circumstances of violation and history.
Brooklyn Park	<u>1<sup>st</sup> violation:</u> \$500 <u>2<sup>nd</sup> violation</u> (same location within 24 mos): \$750 <u>3<sup>rd</sup> violation</u> (same location within 24 mos): \$1,000 + 7 days suspension <u>4<sup>th</sup> violation</u> (same location within 24 mos): \$1,250 + 30 days suspension <u>5<sup>th</sup> violation</u> (same location within 24 mos): \$1,500 + revocation	<u>1<sup>st</sup> violation:</u> \$75 <u>2<sup>nd</sup> violation</u> (same location within 24 mos): \$200 <u>3<sup>rd</sup> violation</u> (same location within 24 mos): \$250 + 7 days suspension <u>4<sup>th</sup> violation</u> (same location within 24 mos): \$300 + 30 days suspension <u>5<sup>th</sup> violation</u> (same location within 24 mos): \$350 + revocation	
Crystal	<u>1<sup>st</sup> violation:</u> \$750 + 1-day suspension <u>2<sup>nd</sup> violation</u> (within 24 mos of 1 <sup>st</sup> violation): \$1,500 + 3 days suspension <u>3<sup>rd</sup> violation</u> (within 36 mos of after 2 <sup>nd</sup> violation): \$2,000 + 10 days suspension <u>4<sup>th</sup> violation</u> (within 36 mos after 3 <sup>rd</sup> violation): Revocation	<u>1<sup>st</sup> violation:</u> \$500 + 10 days suspension <u>2<sup>nd</sup> violation</u> (within 24 mos of 1 <sup>st</sup> violation): \$750 + 20 days suspension <u>3<sup>rd</sup> violation</u> (within 36 mos of after 2 <sup>nd</sup> violation): \$1,000 + 30 days suspension <u>4<sup>th</sup> violation</u> (within 36 mos after 3 <sup>rd</sup> violation): Revocation	Presumptions regarding administrative penalties: In the event of any license suspension imposed under subdivision 3, the city council may select which days a suspension will be served. Notwithstanding the provisions of subdivision 3, a license may be revoked for any violation of this section when in the judgment of the council it is appropriate to do so. The city council may impose lesser penalties under subdivisions 2 and 3 when in the judgment of the council it is appropriate to do so.
Golden Valley	<u>1<sup>st</sup> violation:</u> <ul style="list-style-type: none"> <li>• On-sale liquor: \$500 + 1-day suspension</li> <li>• Off sale liquor: \$750</li> <li>• On sale wine/3.2 beer: \$350 + 1-day suspension</li> <li>• Off sale 3.2 beer \$250 + 1-day suspension</li> </ul>	Admin Civil Penalties on Individuals: <u>1<sup>st</sup> violation:</u> \$50 <u>2<sup>nd</sup> violation</u> (within 12 mos): \$100 <u>3<sup>rd</sup> violation</u> (within 12 mos): \$150  Admin Civil Penalties on Licensees: <u>1<sup>st</sup> violation:</u> \$500 + 5 consecutive days suspension <u>2<sup>nd</sup> violation</u> (within 24 mos): \$750 + 15	Alcohol: Violations are counted over a period of (3) years.

	<p><u>2<sup>nd</sup> violation:</u></p> <ul style="list-style-type: none"> <li>• On-sale liquor: \$1,000 + 3 days suspension</li> <li>• Off sale liquor: \$1,500 + 1-day suspension</li> <li>• On sale wine/3.2 beer: \$700 + 3 days suspension</li> <li>• Off sale 3.2 beer: \$500 plus 3 days suspension</li> </ul> <p><u>3<sup>rd</sup> Violation:</u></p> <ul style="list-style-type: none"> <li>• On-sale liquor: \$2,000 plus 10 days suspension</li> <li>• Off sale liquor: \$2,000 plus 6 days suspension</li> <li>• On sale wine/3.2 beer: \$1,500 plus 10 days suspension</li> <li>• Off sale 3.2 beer: \$1,000 plus 10 days suspension</li> </ul> <p><u>4<sup>th</sup> violation:</u> Revocation</p>	<p>consecutive days suspension</p> <p><u>3<sup>rd</sup> violation</u> (within 24 mos): \$1,000 + 30 consecutive days suspension</p> <p><u>4<sup>th</sup> violation</u> (within 24 mos): Revocation for at least 1 year</p>	
Maple Grove	<p><u>1<sup>st</sup> violation</u> (within 3 yrs): On-sale: suspended for at least 2 consecutive days Off-sale: may be suspended at discretion of council for up to 2 consecutive days</p> <p><u>2<sup>nd</sup> violation</u> (within 3 yrs): On-sale: suspended for at least 5 consecutive days Off-sale: may be suspended at discretion of council for up to 5 consecutive days</p> <p><u>3<sup>rd</sup> violation</u> (within 3 yrs): On-sale: suspended for at least 10 consecutive days Off-sale: may be suspended at discretion of council for up to 10 consecutive days</p> <p><u>4<sup>th</sup> violation</u> (within 3 yrs): On &amp; Off sale: Revocation</p>	<p>Penalties in Code for tobacco are not specific and refer to Minn. Stat. 461.12 as the minimum administrative penalties to be imposed.</p>	<p>Alcohol: In addition to suspension, Council includes a \$2,000 penalty. City Council selects the day(s) of suspension.</p>

New Hope	Alcohol & Tobacco (same): <u>1<sup>st</sup> violation</u> : \$250 + 3 days suspension (may elect training in lieu of suspension) <u>2<sup>nd</sup> violation</u> (within 24 mos): \$750 + 15 days suspension (may elect training in lieu of 10 of the 15-day suspension) <u>3<sup>rd</sup> violation</u> (within 24 mos): \$1,000 + 30-day suspension <u>4<sup>th</sup> violation</u> (within 24 mos): Revocation		Licensee must pay for training in advance of the training and the license suspension will be imposed if the licensee fails to make payment. The fee for the city-conducted identification training is \$100.
Plymouth	<u>1<sup>st</sup> violation</u> : <ul style="list-style-type: none"> <li>• On-sale liquor: \$500 + 5 days stayed suspension</li> <li>• Off sale liquor: \$500 + 3-days stayed suspension</li> <li>• On sale beer and wine: \$500 + 5 days stayed suspension</li> <li>• Off sale 3.2 beer: \$1,000 +10 days stayed suspension</li> </ul> <u>2<sup>nd</sup> violation (within 36 mos)</u> : <ul style="list-style-type: none"> <li>• On-sale liquor: \$1,000 + 5 days suspension</li> <li>• Off sale liquor: \$1,000 + 3 days suspension</li> <li>• On sale wine/3.2 beer: \$1,000 + 5 days suspension</li> <li>• Off sale 3.2 beer: \$1,500 + 10 days suspension</li> </ul> <u>3<sup>rd</sup> violation (within 36 mos)</u> : <ul style="list-style-type: none"> <li>• On-sale liquor: \$2,000 + 10 days suspension</li> <li>• Off sale liquor: \$2,000 + 7 days suspension</li> <li>• On sale wine/3.2 beer: \$2,000 + 10 days suspension</li> <li>• Off sale 3.2 beer: \$2,000 + 20 days suspension</li> </ul> <u>4<sup>th</sup> violation (within 36 mos)</u> : <ul style="list-style-type: none"> <li>• Revocation</li> </ul>	Presumptive Penalty: <u>1<sup>st</sup> violation</u> : \$500 + 5 days suspension <u>2<sup>nd</sup> violation (within 24 mos)</u> : \$750 + 5 days suspension <u>3<sup>rd</sup> violation (within 24 mos)</u> : \$1,000 + 10 days suspension <u>4<sup>th</sup> violation within 24 mos</u> : Revocation	Alcohol: 1 <sup>st</sup> violations are handled by an administrative hearing with the Police Chief with the presumptive penalty given to license holders.
Richfield	<u>1<sup>st</sup> violation</u> : \$1,000 + 5 days suspension <u>2<sup>nd</sup> violation</u> : (within 1 yr): \$1,750 + 7 days suspension		<u>1<sup>st</sup> violation</u> : \$200 <u>2<sup>nd</sup> violation</u> : (within 24 mos): \$500 + 2 days suspension (if outside of 24 mos of 1 <sup>st</sup> violation, it's considered a 1 <sup>st</sup> violation) *Revocation hearing at 4 <sup>th</sup> violation: hearing before council to discuss alternatives available that can be agreed upon by council and owner to prevent need to revoke license. Alternatives determined on case-by-case basis. If no

	<p><u>3<sup>rd</sup> violation:</u> (within 2 yrs of 2<sup>nd</sup> violation): \$2,000 + 12 days suspension</p> <p><u>4<sup>th</sup> violation:</u> (within 2 yrs of 3<sup>rd</sup> violation): \$2,000 + *revocation hearing before council (if violation occurs outside of 2 yrs of 3<sup>rd</sup> violation, it's considered a 3<sup>rd</sup> violation)</p> <p><u>5<sup>th</sup> violation:</u> (within 2 yrs of 4<sup>th</sup> violation): \$2,000 + revocation for remainder of license year (ineligible for a license for 5 yrs from date of revocation)</p>	<p><u>3<sup>rd</sup> violation:</u> (within 24 mos of 2<sup>nd</sup> violation): \$700 + 7 days suspension (if outside of 24 mos of 2<sup>nd</sup> violation, it's considered a 2<sup>nd</sup> violation)</p> <p><u>4<sup>th</sup> violation:</u> (within 24 mos of 3<sup>rd</sup> violation): \$1,000 + suspension of up to 60 days, with option to revoke license (if outside of 24 mos of 3<sup>rd</sup> violation, it's considered a 3<sup>rd</sup> violation). If license is revoked, the establishment is ineligible to reapply for tobacco license for 1 year from date of revocation.</p> <p>Licensee must appear before the council after 2<sup>nd</sup>, 3<sup>rd</sup>, or 4<sup>th</sup> violations. Upon such appearance, the council will reduce the applicable fine by \$100. If a licensee fails to comply with a suspension or revocation notice, the council may increase the suspension or the fine, or both, at its discretion.</p> <p>Other individuals found to be in violation shall be charged an admin fee of \$100.</p>	<p>alternatives exist, license is revoked. If feasible alternatives exist, conditions placed on licensee by council. Fine is assessed either way.</p> <p>“Step Back Option” – Each time an establishment successfully passes a minimum of 2 consecutive compliance checks, a licensee can step back a failure level.</p>
<p>Robbinsdale</p>	<p>Penalties in Code for alcohol are not specific. Council may suspend or revoke a license or impose a civil fine for a violation of city code or any state or federal law regulating or relating to retail sale of alcohol and must revoke the license for willful violation. Suspension cannot exceed 60 days.</p> <p>As an alternative to suspending or revoking, council may impose a civil fine, the amount of which is established by resolution by the council..</p>	<p><u>Admin Civil Penalties on Individuals:</u></p> <p><u>1<sup>st</sup> violation:</u> council may impose civil fine between \$50-\$500</p> <p><u>2<sup>nd</sup> violation</u> (within 12 mos): council may impose civil fine between \$50-\$750</p> <p><u>3<sup>rd</sup> violation</u> (within 12 mos): council may impose civil fine between \$50-\$1,000</p> <p><u>Admin Civil Penalties on Licensee:</u></p> <p><u>1<sup>st</sup> violation:</u> council shall impose civil fine between \$75-\$500. May suspend license for up to 10 days.</p> <p><u>2<sup>nd</sup> violation</u> (within 24 mos): council shall impose civil fine between \$200-\$750 + up to 20 days suspension.</p> <p><u>3<sup>rd</sup> violation</u> (within 24 mos): council shall impose civil fine between \$250-\$1,000 + 7–30 days suspension.</p> <p>Council may revoke or suspend a license for violation after notice and hearing.</p>	

<p>St Louis Park</p>	<p><u>1<sup>st</sup> violation:</u> \$2,000  <u>2<sup>nd</sup> violation:</u> (within 3 yrs): \$2,000 + 1-day suspension  <u>3<sup>rd</sup> violation:</u> (within 3 yrs): \$2,000 + 3 days suspension (consecutive business days)  <u>4<sup>th</sup> violation:</u> (within 3 yrs): Revocation</p>	<p><u>1<sup>st</sup> violation:</u> \$250  <u>2<sup>nd</sup> violation:</u> (within 36 mos): \$750 + 1-day suspension  <u>3<sup>rd</sup> violation:</u> (within 36 mos): \$2,000 + 3 days suspension (consecutive business days)  <u>4<sup>th</sup> violation:</u> (within 36 mos): Revocation  (The above penalties also apply for failure to attend mandatory education training.)</p>	<p>At the council's discretion, the occurrence of multiple vioations is grounds for deviation from these presumed penalties.  Council may suspend a license for up to 60 days, revoke a license, impose a civil fee not to exceed \$2,000.  In addition to civil penalties, every licensee violator must enter into and complete an education training program approved by the PD.</p>
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