

CITY OF LAKE ELMO
WASHINGTON COUNTY, MINNESOTA
ORDINANCE 97-101

AN ORDINANCE ADDING TO THE LAKE ELMO MUNICIPAL CODE,
SECTION 1205.16 AND ITS SUBDIVISIONS, RELATING TO THE SALE OF
NON-INTOXICATING MALT LIQUOR TO MINORS.

Section 1. Amendment: Section 1205.16 and its subdivisions are hereby added to the Lake Elmo Municipal Code; to wit:

Section 1205.16 Administrative Fines, Suspension, Revocation for Sale of Non-Intoxicating Malt Liquor to Minor(s).

Subd. 1. Non-Intoxicating Malt Liquor.

Any violation of the City's Regulations relating to the issuance of a non-intoxicating malt liquor license or any conditions/restrictions attached to the issuance of such license shall be cause for the imposition of an administrative fine, the suspension of the license and/or the revocation of the license. A licensee whose license has been revoked shall not be eligible for another non-intoxicating malt liquor license for one year from the date of license revocation.

No suspension or revocation shall take effect until the licensee has been given an opportunity for a hearing pursuant to M.S. 14.57 through 14.69 provided that the City shall not be required to conduct the hearing before an employee of the Office of Administrative Hearings. If the violation relates to the sale of non-intoxicating malt liquor to minors by licensee's employees, the following administrative fines, suspension, or revocations may be imposed:

- ~~A. The first such violation within twelve (12) months shall subject the licensee to the payment of an administrative fine of \$200 if an Affidavit of Training is on file for the employee who made the illegal sale; or to the payment of an administrative fine of \$400 if no Affidavit of Training is on file for the employee who made the illegal sale;~~
- A. After the first violation, if an Affidavit of Training is on file with the City, for the employee who made the illegal sale, the City Administrator shall provide licensee with a notice that a sale to a minor has been documented and shall include a copy of the City's administrative fine regulations with the City; or, if an Affidavit of Training is not on file, with the City, for the employee who made the illegal sale, the City Administrator shall notify licensee that a sale to a minor has been documented, shall include a copy of the City's administrative fine regulations with the notice, and shall impose an administrative fine of \$200.

~~B. The second violation within twelve (12) months shall subject licensee to the payment of an administrative fine of \$400 if an Affidavit of Training is on file for the employee who made the illegal sale; or to the payment of an administrative fine of \$800 if no Affidavit of Training is on file for the employee who made the illegal sale;~~

B. The second violation within twelve (12) months shall require the licensee to pay an administrative fine of \$200.00 if an Affidavit of Training is on file, with the city, for the employee who made the illegal sale; or, shall require the licensee to pay an administrative fine of \$400.00 if no Affidavit of Training is on file, with the city, for the employee who made the illegal sale;

~~C. The third violation within twenty-four (24) months shall subject the licensee to the payment of an administrative fine of \$800 and a minimum seven (7) business day suspension of the license if an Affidavit of Training is on file for the employee who made the illegal sale; or to the payment of an administrative fine of \$1,600 and seven (7) business day suspension of the license if no Affidavit of Training is on file for the employee who made the illegal sale.~~

C. The third violation within twenty-four (24) months shall require the licensee to pay an administrative fine of \$400.00 and shall result in a license suspension of seven (7) business days if an Affidavit of Training is on file, with the city, for the employee who made the illegal sale; or shall require licensee to pay an administrative fine of \$800.00 and shall result in a license suspension for seven (7) business days if an Affidavit of Training is not on file, with the city, for the employee who made the illegal sale.

~~D. The fourth violation within twenty-four (24) months shall subject the licensee to a license revocation.~~

D. The fourth violation within twenty-four (24) months shall result in license revocation.

Subd. 2. Compliance Checks

The City or its law enforcement agencies shall conduct compliance checks at least once each calendar year at each location where a non-intoxicating malt liquor license has been issued to test compliance with the provisions of the City's Regulations. Compliance checks shall utilize minors over the age of 18, but under the age of 21 who attempt to purchase non-intoxicating malt liquor under the direct supervision of a law enforcement officer.

Section 2. Effective Date: This ordinance shall become effective upon its passage and publication according to law.



Lee Hunt, Mayor

Attest



Mary Kueffner, City Clerk/Administrator

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