

ORDINANCE 2005-1

AN ORDINANCE AMENDING CHAPTER 4 ALCOHOLIC BEVERAGES

Section 420.07 Condition of License. Subd. 3 Inspections shall be amended to read as follows:

COMPLIANCE CHECKS AND INSPECTIONS

All licensed premises shall be open to inspection by the Olmsted County Sheriff's Dept or other authorized City official during regular business hours. From time to time, but at least once per year, the City shall conduct compliance checks by engaging adults over the age of 18 but less than the age of 21, to enter the licensed premises to attempt to purchase alcohol. Those used for the purpose of compliance checks shall be supervised by Olmsted County Sheriff's Dept. or other designated City personnel. Those used for compliance checks shall not be guilty of unlawful possession of alcohol when such items are obtained as a part of the compliance check. Those used in compliance checks shall not attempt to use a false identification misrepresenting their age, and those lawfully engaged in a compliance check shall answer all questions about their age if asked by the licensee or his or her employee and shall produce any identification, if any exists, for which he or she is asked. Nothing in this section shall prohibit compliance checks authorized by state or federal laws for educational, research or training purposes or required for the enforcement of a particular state or federal law.

VIOLATIONS

- (A) Notice. Upon discovery of a suspected violation, the alleged violator shall be issued, either personally or by mail, a citation that sets forth the alleged violation and which shall inform the alleged violator of his or her right to be heard on the accusation.
- (B) Hearings. If a person accused of violating this chapter so requests, a hearing shall be scheduled, the time and place of which shall be scheduled, the time and place of which shall be published and provided to the accused violator.
- (C) Hearing Officer. The City Council shall serve as the hearing officer.
- (D) Decision. If the hearing officer (the City Council) determines that a violation of this chapter did occur, that decision, along with the hearing officer's reasons for finding a violation and the penalty to be imposed under the following section shall be recorded in writing, a copy of which shall be provided to the accused violator. Likewise, if the hearing officer finds that no

violation occurred or finds grounds for not imposing any penalty, such finding shall be recorded and a copy provided to the acquitted violator.

- (E) Appeals. Appeals of any decision made by the hearing officer (the City Council) shall be filed in the District Court for the city in which the alleged violation occurred.
- (F) Misdemeanor prosecution. Nothing in this section shall prohibit the City from seeking prosecution as a misdemeanor for any alleged violation of this chapter.
- (G) Continued violation. Each violation, and every day in which a violation occurs or continues, shall constitute a separate offense.

PENALTY.

- (A) Licensees and employees. Any licensee, and any employee of an licensee, found to have violated this chapter shall be charged an administrative fine of \$75 for a first violation of this chapter; \$200 for a second offense at the same licensed premises within a 24-month period; and \$250 for a third or subsequent offense at the same location within a 24-month period. In addition, after the third offense, the license shall be suspended for not less than seven days. The penalty shall be set each year as part of the City of Stewartville Fee Schedule.
- (B) Misdemeanor. Nothing in this section shall prohibit the City from seeking prosecution as a misdemeanor for any violation of this chapter.

Adopted by the City Council this 22nd day of February, 2005.

Leigh J. Murphy
Mayor

ATTEST:

Tony R. Chladek
City Administrator