

**CITY OF GEM LAKE, RAMSEY COUNTY, MINNESOTA
ORDINANCE NO. 116**

AN ORDINANCE AMENDING ORDINANCE NO 9 TO CREATE HEARING PROCEDURE AND CIVIL PENALTIES FOR VIOLATIONS OF THE LIQUOR ORDINANCE.

The City Council of the City of Gem Lake does hereby ordain:

Section 1. Amendment. Gem Lake Ordinance No. 9 is amended, as follows:

Section 10. Violations; Administrative Penalty~~Revocation~~. The council may suspend or revoke any liquor license for violation of any provision or condition of this ordinance or any state law regulating the sale of intoxicating liquor and shall revoke such license if the licensee willfully violates any provision of Minnesota Statutes, Chapter 340A. ~~Except in the case of a suspension pending a hearing on revocation, revocation or suspension shall be preceded by written notice to the grantee and a public hearing. The notice shall give at least eight days' notice of the time and place of the hearing and shall state the nature of the charges against the licensee. The council may, without any advance notice, suspend any license pending a hearing on revocation for a period of not exceeding thirty (30) days.~~

Section 10.1. Procedures. The following procedures shall be implemented regarding alleged violations of this Ordinance, should the City elect to proceed with an administrative violation:

Section 10.1.1. Notification of Violation. Upon discovery of an alleged violation, the alleged violator shall be issued, either personally or by mail, a notice that sets forth the alleged violation and which shall inform the alleged violator of their right to be heard on the accusation.

Section 10.1.2. Hearing. If a Person accused of violating this Ordinance so requests, a hearing shall be scheduled before the Gem Lake City Council, the time and place of which shall be published and provided to the alleged violator. The City Council shall receive evidence of the violation and evidence provided by the alleged violator by testimony, in written form, or both. The hearing shall be tape-recorded.

Section 10.1.3. Findings. If the Gem Lake City Council finds that a violation of this Ordinance did occur, that decision, along with the Council's reasons for finding a violation and the penalty to be imposed, shall be recorded in writing, a copy of which shall be provided to the accused violator. If the Council finds that no violation has occurred or finds grounds for not imposing any penalty, such findings shall be recorded and a copy provided to the acquitted accused violator.

Section 10.1.4. Appeals. Any person aggrieved by the final Findings of the City Council under this Section may seek judicial review by petition to the Court of Appeals in accordance with Minn. Stat. § 14.63 to § 14.68.

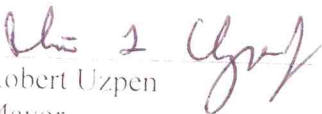
Section 10.1.5. Misdemeanor Prosecution. Nothing in this Ordinance shall prohibit the City from seeking prosecution as a misdemeanor for any alleged violation of this Ordinance. If the City elects to seek misdemeanor prosecution, no administrative penalty shall be imposed against the individual charged with a misdemeanor.

Section 10.1.6. Continued Violation. Each violation and every day in which a violation occurs or continues to occur shall constitute a separate violation.

Section 10.2. Civil Penalty. On a finding by the City Council that a licensee has failed to comply with an applicable statute, rule or ordinance relating to alcoholic beverages, the City Council may revoke the license, suspend the license for up to 60 days, impose a civil penalty of up to \$2,000.00 for each violation, or impose any combination of these sanctions.


Section 2. Effective Date. This Ordinance shall take effect immediately upon its passage and publication.

ATTEST:


Robert Uzpen

Mayor
Dated:

ATTEST:


William F. Short
City Clerk
Dated: