

code

ORDINANCE NO. 783
2ND SERIES

AN ORDINANCE AMENDING CHAPTER 4.34, SUBDIVISION 3, 5, AND 13 OF THE ALEXANDRIA CITY CODE REGARDING TOBACCO LICENSING AND REGULATION

The City Council of the City of Alexandria does hereby **ORDAIN**:

SECTION I. That Section 4.34, Subdivision 3 of the Alexandria City Code is hereby amended as follows:

Subd. 3. License. No person shall sell or offer to sell any tobacco, tobacco products, tobacco related device, electronic delivery devices, or nicotine and lobelia delivery products without first having obtained a license to do so from the city.

I. A determination by the City to deny, suspend, revoke or not renew any license under this section may be appealed to the City Council of Alexandria by filing with the City Administrator a written Notice of Appeal within fifteen (15) days of the date on which notice of the City's denial, suspension, or revocation is mailed to the licensee. In that event, the appeal will be heard by the Council at its next meeting occurring at least fifteen (15) days after the filing of the Notice of Appeal. At any appeal of a determination by the City under this Ordinance, the licensee or applicant, or an attorney representing said party, may appear and make a presentation to the City Council. The licensee or applicant shall present to the City Council the basis for the determination being appealed. After the hearing, the Council may uphold, reverse or modify the prior decision based upon the provisions of this Ordinance and upon the protection of the public health, safety or general welfare. The City Council shall issue written findings and determination within thirty-one (31) days of the hearing, unless the Council extends that time for good cause. A decision of the City Council made following an appeal as set forth herein may be appealed by Writ of Certiorari to the Court of Appeals of the State of Minnesota pursuant to its Rules of Civil Appellate Procedure and Minnesota Statutes.

SECTION II. That Section 4.34, Subdivision 5. C. of the Alexandria City Code is hereby amended as follows:

Subd. 5. Basis for Denial of License. The following shall be grounds for denying the issuance or renewal of a license under this ordinance; however, except as may otherwise be provided by law, the existence of any particular ground for denial does not mean that the City must deny the license. If a license is mistakenly issued or renewed to a person, it shall be revoked upon the discovery that the person was ineligible for the license under this section:

C. The applicant or any entity under common ownership, operation, or control by the applicant has had a license in the City to sell tobacco, tobacco products, tobacco related devices, electronic delivery devices, or nicotine and lobelia delivery products revoked or has failed four or more compliance checks.

SECTION III. That Section 4.34, Subdivision 13. A. of the Alexandria City Code is hereby amended as follows:

Subd. 13. Penalties.

A. Licensee. Any licensee found to have violated this ordinance, or whose employee shall have violated this ordinance, shall be charged an administrative fine of \$75 for a first violation of this ordinance; \$200 for a second offense at the same licensed premises within a twenty-four month period; and \$250 for a third or subsequent offense at the same location within a twenty-four month period. In addition, upon the third or subsequent offense, the City Administrator shall suspend the license for each location owned, operated or controlled by the licensee for not less than seven days or recommend to the City Council that the license be revoked or not renewed. The administrative penalties noted above are the minimum mandatory penalties, which in no way restrict the City from suspending or revoking a license regardless of the lack of prior violations.


SECTION IV. This Ordinance shall be in effect and full force after its publication.

ADOPTED by the City Council of the City of Alexandria this 29th day of May, 2018, by the following vote:

YES: Batesole, Kuhlman, Osterberg, Benson, Jensen

NO: None

ABSENT: None


Sara Carlson, Mayor

ATTEST: 
Martin D. Schultz, City Administrator