



# City of New Hope Business Licensing

4401 Xylon Ave N • New Hope MN 55428 • Phone: 763-531-5123 • newhopemn.gov

## Business License Application

Name of Business (dba): \_\_\_\_\_

Business Address: \_\_\_\_\_ City/State/Zip: \_\_\_\_\_

Business Phone: \_\_\_\_\_ Business Fax: \_\_\_\_\_

Cell Phone (optional): \_\_\_\_\_ Email : \_\_\_\_\_

(If Applicable)

Corporation Name: \_\_\_\_\_

Corporation Address: \_\_\_\_\_ City/State/Zip: \_\_\_\_\_

Corporation Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

If corporation, please attach names and addresses of all officers

Mail correspondence to: ☐ Corporation ☐ Business

Mail license to: ☐ Corporation ☐ Business

| 9001. | License   | Fees  | Total* |
|-------|---|---|--------|
| 4120  | Bowling alleys  | \$15 x number of lanes _____  |        |
| 4140  | Car wash  | \$55  |        |
| 4125  | Carnivals and circuses  | \$65  |        |
| 4170  | Fireworks   | \$125   |        |
| 4115  | Garbage and refuse collectors                                     | \$150 plus \$50 x number of vehicles _____  |        |
| 4140  | Gasoline, diesel fuel and liquefied petroleum gas                 | \$50 per station plus \$5 x number of hoses ____;<br>\$10 per nonpublic pump plus \$1 x no. of hoses ____;<br>\$25 (wholesale or gas storage plant) |        |
| 4125  | Laundromat  | \$55  |        |
| 4165  | Lawn fertilizers  | \$100 plus \$25 x number of vehicles _____  |        |
| 4160  | Outdoor sales of seasonal produce                                 | \$100   |        |
| 4125  | Pawn brokers and precious metal dealers                           | Initial \$500 investigation fee and \$500 non-refundable application fee; application fee is applied to \$2,500 annual license fee if approved      |        |
| 4125  | Pinball machines, video games, computer game/tech and pool tables | \$15 per location plus \$5 x number of devices ____;<br>\$500 special event permit per year   |        |
| 4125  | Secondhand dealers  | \$200 annually plus \$200 initial application fee   |        |
| 4125  | Sexually oriented business  | \$5,000 plus \$500 investigation fee  |        |
| 4125  | Tattoo and body piercing establishments                           | \$300 annually plus initial \$400 investigation fee   |        |
| 4180  | Tetrahydrocannabinol (THC) products                               | \$500 annually plus \$500 investigation fee   |        |
| 4125  | Therapeutic Massage: Enterprise Therapist                         | \$100 annually plus \$300 investigation fee<br>\$100 annually plus \$300 investigation fee  |        |
| 4130  | Tobacco and related products                                      | \$250   |        |
| 4125  | Trailer and truck rental  | \$40  |        |

\*New applications made after July 1 are subject to 50% reduced fee. Not applicable to background investigation fees.

I understand that the above information will be used to consider issuance of a business license in the city of New Hope.  
I certify that the information provided is accurate and complete to the best of my knowledge.

\_\_\_\_\_  
Applicant Name Printed

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Applicant



**Tetrahydrocannabinol (THC) Products  
Supplemental Application**  
City of New Hope  
4401 Xylon Ave N, New Hope MN 55428  
Telephone: 763-531-5123, Fax: 763-531-5136

|   |                 |
|---|-----------------|
| Applicant's Name (last, first, middle):   |                 |
| Home Address:   | Home Phone:     |
| City/State/Zip:   | Cell Phone:     |
| Business Name:  | Business Phone: |
| Doing Business As:  | Email:          |
| Business Address:   |                 |
| Does applicant hold 100% of the business interest: Yes <input type="checkbox"/> No <input type="checkbox"/> |                 |
| If No, list other persons who hold greater than 5% interest in the business: _____                          |                 |
| _____   |                 |

**Application materials:**

1. Business License Application
2. Supplemental Application Form
3. Authorization and Release Form
4. Tax Identification Form
5. Minnesota Workers' Compensation Certificate of Compliance Form

|   |
|---|
| Fees: \$500 annually plus \$500 non-refundable investigation fee (may be waived if applicant had a background investigation conducted previously by New Hope Police Department) |
| After June 30 annual license fee is subject to a 50% reduction  |

|  |                   |
|--|-------------------|
| <i>The information in this Application is true and complete to the best of my knowledge. I have read New Hope City Code 8-41 and understand the city will conduct compliance checks.</i> |                   |
| <i>Signature of Applicant</i> _____  | <i>Date</i> _____ |

**APPLICATION FOR LICENSE INVOLVING PRIVATE OR CONFIDENTIAL INFORMATION**

*(Includes Tennessean Warning)*

Under Minnesota law (M.S. 270.72), the agency issuing you this license is required to provide to the Minnesota Commissioner of Revenue your Minnesota business tax identification number or the Social Security number of each license applicant.

Under the Minnesota Government Data Practices Act and the Federal Privacy Act of 1974, we must advise you that:

- This information may be used to deny the issuance, renewal or transfer of your license if you owe the Minnesota Department of Revenue delinquent taxes, penalties, or interest. The licensing agency will supply this information only to the Minnesota Department of Revenue. However, under the Federal Exchange of Information Act, the Department of Revenue is allowed to supply this information to the Internal Revenue Service;
- Failure to supply this information may jeopardize or delay the issuance of your license or the processing of your renewal application.

|   |
|---|
| <b>City Use Only:</b> <u>GL 9001-4180</u> Amount: _____    Date received: _____ |
| Background investigation completion date: _____    Council meeting date: _____  |



City of New Hope  
4401 Xylon Avenue N  
New Hope, MN 55428

*To comply with State and Federal regulations, the City of New Hope is required to ask the information indicated below. This form will be filed separately from your application and will be used only for recordkeeping purposes.*

**AUTHORIZATION AND RELEASE FOR APPLICANT(S)**

The undersigned, having filed an application with the city of New Hope for a Tetrahydrocannabinol Products license, realizing that the city has need to investigate the background and history of the applicant in order to better evaluate his or her application for the above license, does hereby authorize and request every law enforcement official and every other person, firm, officer, corporation, association, organization or institution having control of any documents, records or other information pertaining to me to furnish the original or copies of any such documents, records and other information to the city or any of its representatives, and to permit said city or any of its representatives to inspect and make copies of any such documents, records and other information. I further authorize any such persons to answer any inquiries, questions or interrogatories concerning the undersigned, which may be submitted to them by the City or its authorized representative. I fully understand that the information so obtained by the City may be used by it in its evaluation of my application.

I hereby release and exonerate any person who shall comply with the authorization and request made herein from any and all liability of every nature and kind growing out of and in any way pertaining to the furnishing or inspection of such documents, records and other information.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

PLEASE PRINT:

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
First Middle Name Last Name

\_\_\_\_\_  
Driver's License Number

\_\_\_\_\_  
Home Address City State Zip Code

\_\_\_\_\_  
Date of Birth Name of Organization Associated With

\_\_\_\_\_  
Home Phone Number Email Address



# City of New Hope Business Licensing

4401 Xylon Ave N • New Hope MN 55428 • Phone: 763-531-5123 • newhopemn.gov

## Tax Identification Form

Pursuant to laws of Minnesota, 2016, (270C.72) (Tax Clearance; Issuance of Licenses), the licensing authority is required to provide to the Minnesota Commissioner of Revenue your Minnesota business tax identification number and the social security number of each license applicant.

Under the Minnesota Government Data Practices Act and the Federal Privacy Act of 1974, the city is required to advise you of the following regarding the use of this information:

1. This information may be used to deny the issuance or renewal of your license in the event that you owe Minnesota sales, employer's withholding or motor vehicle excise taxes.
2. Upon receiving this information, the licensing authority will supply it only to the Minnesota Department of Revenue. However, under the Federal Exchange of Information Agreement the Department of Revenue may supply this information to the Internal Revenue Service.
3. **Failure to supply this information may jeopardize or delay the processing of your application.**

Please supply the following information and return along with your application to the licensing authority.

Business Owner's Last Name

Business Owner's First Name and Middle Initial

Business Owner's Address

City, State and Zip Code

Business Owner's Social Security Number

Position (Officer, Partner, etc.)

Business Name

Business DBA

Business Address

City, State and Zip Code

Minnesota Tax Identification Number

Federal Tax Identification Number

Signature

Date

# Certificate of Compliance

## Minnesota Workers' Compensation Law

This form must be completed by the business license applicant.

### Print in ink or type

Minnesota Statutes § 176.182 requires every state and local licensing agency to withhold the issuance or renewal of a license or permit to operate a business in Minnesota until the applicant presents acceptable evidence of compliance with the workers' compensation insurance coverage requirement of Minn. Stat. chapter 176. If the required information is not provided or is falsely stated, it shall result in a \$2,000 penalty assessed against the applicant by the commissioner of the Department of Labor and Industry.

A valid workers' compensation policy must be kept in effect at all times by employers as required by law.

|   |                           |                            |
|---|---------------------------|----------------------------|
| License or certificate number (if applicable) | Business telephone number | Alternate telephone number |
|---|---------------------------|----------------------------|

Business name (Provide the legal name of the business entity. If the business is a sole proprietor or partnership, provide the owner's name(s), for example John Doe, or John Doe and Jane Doe.)

DBA ("doing business as" or "also known as" an assumed name), if applicable

|   |               |       |          |
|---|---------------|-------|----------|
| Business address (must be physical street address, no P.O. boxes) | City          | State | ZIP code |
| County  | Email address |       |          |

### You must complete number 1 or 2 below.

**Note:** You must resubmit this form to the authority issuing your license if any of the information you have provided changes.

1. ☐ **I have a workers' compensation insurance policy.**

Insurance company name (not the insurance agent)

|               |                |                 |
|---------------|----------------|-----------------|
| Policy number | Effective date | Expiration date |
|---------------|----------------|-----------------|

☐ **I am self-insured for workers' compensation.** (Attach a copy of the authorization to self-insure from the Minnesota Department of Commerce; see [www.mn.gov/commerce/industries/insurance/licensing/self-insurance](http://www.mn.gov/commerce/industries/insurance/licensing/self-insurance).)

2. **I am not required to have workers' compensation insurance because:**

- ☐ I only use independent contractors and do not have employees. (See [Minn. Stat. § 176.043](#) for trucking and messenger courier industries; [Minn. Stat. § 181.723, subd. 4](#), for building construction; and [Minnesota Rules chapter 5224](#) for other industries.)
- ☐ I do not use independent contractors and have no employees. (See [Minn. Stat. § 176.011, subd. 9](#), for the definition of an employee.)
- ☐ I use independent contractors and I have employees who are not required to be covered by the workers' compensation law. (Explain below.)
- ☐ I only have employees who are not required to be covered by the workers' compensation law. (Explain below.) (See [Minn. Stat. § 176.041](#) for a list of excluded employees.)

Explain why your employees are not required to be covered

I certify the information provided on this form is accurate and complete. If I am signing on behalf of a business, I certify I am authorized to sign on behalf of the business.

### Print name

|                                |       |      |
|--------------------------------|-------|------|
| Applicant signature (required) | Title | Date |
|--------------------------------|-------|------|

If you have questions about completing this form or to request this form in Braille, large print or audio, call (651) 284-5032 or 1-800-342-5354.

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## **Sec. 8-41. Tetrahydrocannabinol products.**

### **(a) Definitions.**

- (1) Compliance checks. The system the city uses to investigate and ensure that those authorized to sell licensed products are following and complying with the requirements of this article. Compliance checks may also be conducted by the city or other units of government for educational, research, and training purposes, or for investigating or enforcing federal, state, or local laws and regulations relating to licensed products.
- (2) Exclusive liquor store. An establishment that meets the definition of exclusive liquor store in Minn. Stat. § 340A.101, subdv. 10.
- (3) Licensed product or THC product. Any product that contains tetrahydrocannabinol and that meets the requirements to be sold for human or animal consumption under Minn. Stat. § 151.72.
- (4) Movable place of business. A business which has no permanent physical location or is capable of being moved or changed, including, but not limited to, any business that is operated from a kiosk, other transportable structure of shelter, or a motorized or nonmotorized vehicle.
- (5) Retail establishment. Any place of business where licensed products are available for sale to the general public, including, but not be limited to, grocery stores, tobacco products shops, convenience stores, gasoline service stations, bars, and restaurants.
- (6) Self-service merchandising. Open displays of licensed products in any manner where any person has access to the licensed products without the assistance or intervention of the licensee or the licensee's employee. Assistance or intervention means the actual physical exchange of the licensed product between the customer and the licensee or employee.
- (7) THC. Tetrahydrocannabinol.
- (8) Tobacco products shop. The meaning given in section 8-7(a)(17).
- (9) Vending machine. Any mechanical, electric, or electronic, or other type of device that dispenses licensed products upon the insertion of money, tokens, or other form of payment directly into the machine by the person seeking to purchase the licensed product.

### **(b) License.**

- (1) License required. No person shall sell or offer to sell any licensed product without first having obtained a license to do so from the city.
- (2) Application. An application for a license to sell licensed products shall be made on a form provided by the city. The applicant must pay a nonrefundable background investigation fee in addition to the license fee. The application must contain the full name of the applicant, the applicant's residential and business addresses and telephone numbers, the name of the business for which the license is sought, and any additional information the city deems necessary. Upon receipt of a completed application, the city clerk will forward the application to the city council for action at its next regularly scheduled city council meeting. If the city clerk determines that an application is incomplete, they shall return the application to the applicant with notice of the information necessary to make the application complete.

The business applicant, at the time of application, shall furnish the city with a list of all persons that have an interest of five percent or more in the business. The list shall name all owners and show the interest held by each, either individually or beneficially for others. It is the duty of each business licensee to notify the city clerk in writing of any change in ownership in the business. Any change in the

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ownership or control of the business shall be deemed equivalent to a transfer of the license, and any such license shall be revoked 30 days after any such change in ownership or control unless the licensee has notified the council of the change in ownership by submitting a new license application for the new owners, and the council has approved the transfer of the license by appropriate action. Any time an additional investigation is required because of a change in ownership or control of a business, the licensee shall pay an additional investigation fee to be determined by the city. The city may at any reasonable time examine the transfer records and minute books of any business licensee to verify and identify the owners, and the city may examine the business records of any other licensee to the extent necessary to disclose the interest which persons other than the licensee have in the licensed business. The council may revoke any license issued upon its determination that a change of ownership of a licensee has actually resulted in the change of control of the licensed business so as materially to affect the integrity and character of its management and its operation, but no such action shall be taken until after a hearing by the council on notice to the licensee.

- (3) **Action.** The city council may either approve or deny the application for a license, or it may delay action for a reasonable period of time as necessary to complete any investigation of the application or the applicant it deems necessary. If the city council approves the license, the city clerk shall issue the license to the applicant. If the city council denies the license, notice of the denial shall be given to the applicant along with notice of the applicant's right to appeal the city council's decision. If a license application is denied, the earliest an applicant may reapply is 12 months from the date the license is denied.
  - (4) **Term.** All licenses issued under this article shall be valid for one calendar year from the date of issue.
  - (5) **Revocation or suspension.** Any license issued under this article may be revoked or suspended as provided in this section.
  - (6) **Transfers.** All licenses issued under this article shall be valid only on the premises for which the license was issued and only for the person or business to whom the license was issued. The transfer of any license to another location, business, or person is prohibited.
  - (7) **Display.** All licenses shall be posted and displayed in plain view of the general public on the licensed premises.
  - (8) **Renewals.** The renewal of a license issued under this article shall be handled in the same manner as the original application. The request for a renewal shall be made at least 30 days but no more than 60 days before the expiration of the current license.
  - (9) **Issuance as privilege and not a right.** The issuance of a license issued under this section is a privilege and does not entitle the license holder to automatic renewal of the license.
  - (10) **Minimum clerk age.** Individuals employed by a licensed retail establishment under this section must be at least 18 years of age to sell licensed products.
  - (11) **Maximum number of licenses.** The maximum number of licenses issued by the city at any time is limited to 20. When the maximum number of licenses has been issued, the city may place persons seeking licensure on a waiting list and allow them to apply on a first-come, first-served basis, as licenses are not renewed or are revoked. A new applicant who has purchased a business location holding a valid city license will be entitled to first priority, provided the new applicant meets all other application requirements in accordance with this section.
- (c) **Fees.** No license shall be issued under this section until the appropriate license fee is paid in full. The fee for a license under this section shall be established by the city council and adopted in the city fee schedule and may be amended from time to time.
- (d) ***Ineligibility and basis for denial of license.***

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- (1) Ineligibility.
- a. *Movable place of business.* No license shall be issued to a movable place of business. Only fixed location businesses shall be eligible to be licensed under this section.
  - b. *Exclusive liquor store.* No license shall be issued to an exclusive liquor store as defined in Minn. Stat. § 340A.101, subdv. 10.
  - c. *City location required.* A person who does not have, or at the time of the issuance of the license does not plan to have, at least one permanent physical premises in the city at which the licensed business will be located.
- (2) Grounds for denial. Grounds for denying the issuance or renewal of a license under this section include, but are not limited to, the following:
- a. The applicant is under the age of 21 years.
  - b. The applicant is prohibited by federal, state, or other local law, ordinance, or other regulation from holding a license.
  - c. The applicant has been convicted within the past five years for any violation of a federal, state, or local law, other ordinance, provision, or other regulation relating to the licensed products, but not including possession or sale of licensed products.
  - d. The applicant has had a license to sell licensed products suspended or revoked during the 12 months preceding the date of application, or the applicant has or had an interest in another premises authorized to sell licensed products, whether in the city or in another jurisdiction, that has had a license to sell licensed products suspended or revoked during the same time period, provided the applicant had an interest in the premises at the time of the revocation or suspension, or at the time of the violation that led to the revocation or suspension.
  - e. The applicant is a business that does not have an operating officer or manager who is eligible pursuant to the provisions of this section.
  - f. The applicant is the spouse of a person ineligible for a license pursuant to this section or who, in the judgement of the council, is not the real party in interest or beneficial owner of the business to be operated, under the license.
  - g. The applicant fails to provide any information required on the application or provides false or misleading information. Any false statement on an application, or any willful omission of any information called for on such application form, shall cause an automatic refusal of license, or if already issued, shall render any license issued pursuant thereto void and of no effect to protect the applicant from prosecution for violation of this section, or any part thereof.
- (3) The city shall conduct a background investigation on all new applications and applications to transfer a license. The city may conduct a background and financial check on an application for a renewal of a license if it is in the public interest to do so. 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 and the city shall provide the person with a notice of revocation, along with information on the right to appeal.
- (4) No license shall be granted or renewed for operation on any premises on which real estate taxes, assessments, or other financial claims of the city or of the state are due, delinquent, or unpaid. If an action has been commenced pursuant to the provisions of Minn. Stat. ch. 278, questioning the amount or validity of taxes, the council may, on application by the licensee, waive strict compliance with this provision; no waiver may be granted, however, for taxes, or any portion thereof, which remain unpaid



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for a period exceeding one year after becoming due unless such one-year period is extended through no fault of the licensee.

(e) *Prohibited acts.*

(1) In general. No person shall sell or offer to sell any licensed product:

- a. By means of any type of vending machine or by means of delivery.
- b. By means of self-service merchandising.
- c. By any other means, to any other person, on in any other manner or form prohibited by state or other local law, ordinance provision, or other regulation.

(2) Legal age. No person shall sell any licensed product to any person under the age of 21.

- a. Age verification. Licensees shall verify by means of government issued photographic identification that the purchaser is at least 21 years of age. Verification is not required for a person over the age of 30. That the person appeared to be 30 years of age or older does not constitute a defense to a violation of this subsection.
- b. Signage. Notice of the legal sales age and age verification requirement must be posted prominently and in plain view at all times at each location where licensed products are offered for sale. The required signage, which will be provided to the licensee by the city, must be posted in a manner that is clearly visible to anyone who is or is considering making a purchase.

(3) Samples prohibited. No person shall distribute samples of any licensed product free of charge or at a nominal cost.

(f) *Storage.* All licensed products shall either be stored behind a counter or other area not freely accessible to customers, or in a case or other storage unit not left open and accessible to the general public.

(g) *Responsibility.* All licensees are responsible for the actions of their employees in regard to the sale, offer to sell, and furnishing of licensed products on the licensed premises. The sale, offer to sell, or furnishing of any licensed product by an employee shall be considered an act of the licensee. Nothing in this section shall be construed as prohibiting the city from also subjecting the employee to any civil penalties that the city deems to be appropriate under this section, state or federal law, or other applicable law or regulation.

(h) *Compliance checks and inspections.* All premises licensed under this subdivision shall be open to inspection by the city during regular business hours. From time to time, but at least once per year, the city shall conduct compliance checks.

No person used in compliance checks shall attempt to use a false identification misrepresenting their age. All persons lawfully engaged in a compliance check shall answer all questions about their age asked by the licensee or their employee, and produce any identification, if any exists, for which they are asked. Persons used for the purpose of compliance checks shall be supervised by law enforcement or other designated personnel. 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.

Additionally, from time to time, the city will conduct inspections to determine compliance with any or all other aspects of this section.

(i) *Violations and penalties.*

(1) Violations.

- a. *Notice.* A person violating this section may be issued, either personally or by mail, a citation from the city that sets forth the alleged violation and that informs the alleged violator of his or her

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right to a hearing on the matter and how and where a hearing may be requested, including a contact address and phone number.

b. *Hearings.*

1. Upon issuance of a citation, a person accused of violating this section may request in writing a hearing on the matter. Hearing requests must be made within ten business days of the issuance of the citation and delivered to the city clerk or other designated city officer. Failure to properly request a hearing within ten business days of the issuance of the citation will terminate the person's right to a hearing.
2. The city clerk or other designated city officer will set the time and place for the hearing. Written notice of the hearing time and place will be mailed or delivered to the accused violator at least ten business days prior to the hearing.

c. *Hearing officer.* The city council will designate a hearing officer. The hearing officer will be an impartial employee of the city, or an impartial person retained by the city to conduct the hearing.

d. *Decision.* A decision will be issued by the hearing officer within ten business days of the hearing. If the hearing officer determines that a violation of this section did occur, that decision, along with the hearing officer's reasons for finding a violation and the penalty to be imposed, will be recorded in writing, a copy of which will be provided to the city and the accused violator by in-person delivery or mail as soon as practicable. If the hearing officer finds that no violation occurred or finds grounds for not imposing any penalty, those findings will be recorded, and a copy will be provided to the city and the acquitted accused violator by in-person delivery or mail as soon as practicable. The decision of the hearing officer is final, subject to an appeal as described in subsection (i)(1)(f) of this section.

e. *Costs.* If the citation is upheld by the hearing officer, the city's actual expenses in holding the hearing up to a maximum of \$1,000.00 must be paid by the person requesting the hearing.

f. *Appeals.* Appeals of any decision made by the hearing officer must be filed in county district court within ten business days of the date of the decision.

g. *Continued violation.* Each violation, and every day in which a violation occurs or continues, shall constitute a separate offense.

h. *Revocation.* The city council has the authority to revoke any license as set out in section 8-2 of this Code notwithstanding the provisions of this section regarding violations.

(2) Administrative civil penalties.

a. *Licensees.* If a licensee or an employee of a licensee is found to have violated this section, the licensee shall be subject to the administrative sanctions described in the following matrix. In all cases the council shall select which days a suspension will be served. Other mandatory requirements may be imposed on the licensee, including, but not limited to, meetings with the police department to present a plan of action to assure that problems will not continue, mandatory education sessions involving all employees and employers with the police department or other actions that the city council deems appropriate. On a first and second violation, the licensee may elect training in proper identification procedures in lieu of the license suspension. The license suspension and training requirements shall be governed by and are subject to the conditions set out in subsection (i)(2) of this section.

Fine and License Suspension

| 1 <sup>st</sup> Violation | 2 <sup>nd</sup> Violation (within 36 months) | 3 <sup>rd</sup> Violation (within 36 months) | 4 <sup>th</sup> Violation (within 36 months) |
|---------------------------|--|--|--|
|---------------------------|--|--|--|

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|                                    |                                     |                                       |            |
|------------------------------------|-------------------------------------|---------------------------------------|------------|
| \$300.00 plus 3 days<br>suspension | \$750.00 plus 15 days<br>suspension | \$1,500.00 plus 30 days<br>suspension | Revocation |
|------------------------------------|-------------------------------------|---------------------------------------|------------|

b. *Training in lieu of suspension.* After the first and second violation within a 36-month period, a licensee may request training from the city police department in proper identification procedures. Said training shall be at the expense of the licensee, shall be in lieu of the entire three-day license suspension for a first violation and ten of the 15-day license suspension for the second violation required by subsection (i)(2)a. of this section, and shall be conducted per the following conditions:

1. Training for all employees of a licensee must be completed within two training sessions at the discretion of the city police department.
  2. If more than one licensee is requesting the training, the city police department retains control in deciding how many training sessions are necessary to accommodate the number of employees taking the training.
  3. It shall be the responsibility of the licensee to make certain that all employees successfully complete the required training. Failure to do so means the licensee has failed to meet the "training in lieu of suspension" requirement of the administrative penalty and will be subject to the entire license suspension.
  4. The licensee shall pay for all of the following costs for the training: supplies and materials, any facility costs, the personnel expenses for the trainer, all administrative costs of the training and any other costs staff deems necessary to conduct the training. Payment for the training must be made to the city clerk prior to the commencement of the training. Failure to make the payment will result in the cancellation of the training and the immediate imposition of the appropriate license suspension.
- (3) Other individuals. Individuals, other than persons under the age of 21 regulated by subsection (i)(4) of this section, who are found to be in violation of this section will be subject to an administrative penalty of \$50.00.
- (4) Persons under the age of 21. Persons under the age of 21 who use a false identification to purchase or attempt to purchase licensed products may only be subject to non-criminal, non-monetary civil penalties such as tobacco-related education classes, diversion programs, community services, or another penalty that the city determines to be appropriate. The city council will consult with court personnel, educators, parents, children and other interested parties to determine an appropriate penalty for persons under the age of 21 in the city. The penalty may be established by ordinance and amended from time to time.
- (5) Misdemeanor prosecution. Nothing in this section prohibits the city from seeking prosecution as a misdemeanor for any alleged violation of this section by a person 21 years of age or older.

(Ord No. 22-08, § 1, 11-28-2022)