

Sec. 6-52. - License suspension or revocation, civil penalty, criminal penalty.

- (a) The council shall either suspend for a period not to exceed 60 days or revoke any liquor license, or impose a civil penalty, upon finding that the licensee has failed to comply with any provision of this article or other applicable statute or regulation relating to liquor, as provided in subsection (b) below. Neither the charging of a criminal violation nor a criminal conviction is required in order for the council to suspend or revoke a license or impose a civil penalty. The council shall impose a civil penalty of up to \$2,000.00 for each violation of this article and of Minn. Stat. ch. 340A as provided by the minimum schedule of presumptive civil penalties set forth below. The civil penalties shall be in addition to any criminal penalties imposed herein, or any suspension or revocation imposed herein. Except in cases of lapse of proof of financial responsibility, no suspension or revocation or imposition of a civil penalty shall take effect until the licensee has been afforded an opportunity for a hearing pursuant to the Administrative Procedures Act, Minn. Stat. §§ 14.57 to 14.70, as it may be amended from time to time. The council may act as the hearing body under the act, or it may contract with the office of hearing examiners for a hearing officer. Nonpayment of the penalty is grounds for revocation, suspension or non-renewal of the license.
- (b) The following are the minimum periods of suspension or revocation and minimum presumptive civil penalties, in addition to any suspension or revocation which must be imposed herein, which shall be imposed by the council for violations of the provisions of this article or Minn. Stat. ch. 340A, as it may be amended from time to time, or any rules promulgated under that chapter as they may be amended from time to time:
- (1) For commission of a felony related to the licensed activity, sale of alcoholic beverages while the license is under suspension, sale of intoxicating liquor where the only license is for 3.2 percent malt liquor, the license shall be revoked.
 - (2) The license shall be suspended or a fine imposed by the council for at least the minimum periods and amounts set forth below after a finding that the licensee has failed to comply with any provision of this article or other applicable statute or regulation as set forth below:
 - (3) For a first violation within any two-year period, a fine of \$500.00 and a two-consecutive-day suspension, or a fine of \$1,000.00, at the option of the licensee.

- (4) For a second violation within any two-year period, a fine of \$1,000.00 and a five-consecutive-day suspension, or a fine of \$2,000.00, at the option of the licensee.
- (5) For a third violation within any two-year period, a mandatory ten-consecutive-day suspension.
- (6) For a fourth violation within any two-year period, the license shall be subject to revocation at the council's discretion.

The city council shall select the day or days during which the license will be suspended.