

**CITY OF INVER GROVE HEIGHTS
DAKOTA COUNTY, MINNESOTA**

ORDINANCE NO. _____

**AN ORDINANCE AMENDING INVER GROVE HEIGHTS CITY CODE TITLE 4, CHAPTER 12
RELATED TO THE SALE OF TOBACCO AND NICOTINE PRODUCTS**

THE CITY COUNCIL OF THE CITY OF INVER GROVE HEIGHTS ORDAINS AS
FOLLOWS:

Section One. Amendment. Title 4, Chapter 12, Section 5 of the Inver Grove Heights City Code is hereby amended as follows. The new language is shown underlined and the deleted language is shown with ~~strikethrough~~:

4-12-5: BASIS FOR DENIAL, SUSPENSION, OR REVOCATION OF LICENSE:

- A. The following ~~shall~~ may be grounds for denying the issuance or renewal of a license or suspending or revoking any license issued under this chapter:
1. The proposed use does not comply with the zoning ordinance.
 2. The proposed use does not comply with a health, building, maintenance, or other provision of the city code or state law.
 3. The applicant has failed to pay all of the appropriate fees related to the license application.
 4. The applicant has failed to provide all information required on the application or requested by City or has made fraudulent statements, misrepresentations, or false statements in the application or investigation for or in the course of the applicant's business.
 5. The applicant has been convicted of a crime or offense in the previous 5 years involving or related to the business that is licensed or the type of licensed activity and failed to show competent evidence of sufficient rehabilitation and present fitness to perform the duties of the business.
 6. The licensed activity is conducted in such a manner as to constitute a breach of the peace, a menace to the health, safety, and welfare of the public, or a disturbance of the peace or comfort to the residents of the city, upon recommendation of the Police Chief or appropriate city official.

7. Expiration or cancellation of any required insurance or failure to notify the City within a reasonable time of changes in terms of the insurance or the carriers.
8. The licensee has acted in an unauthorized manner or beyond the scope of the license granted.
9. The applicant has had a license to sell licensed products issued by the City, state, or another government unit revoked, denied, or suspended within the preceding twelve (12) months of the date of application.
10. Failure to allow inspections of the licensed premises, for the purpose of ensuring compliance with any state, federal, or local law, at any time it is occupied or open for business.
11. Failure to continuously comply with all conditions required as precedent to the approval of the license, all requirements of this chapter, and all state or federal regulations related to the sales of licensed products.
12. Real estate taxes, personal property taxes, or special assessments on the business premises or the real property where the business is located have become delinquent or are unpaid and the property owner and the applicant are the same person or entity, or have any common ownership between the property owner and the applicant where they are a different person or entity.
13. Violation of any regulation or provision of the City code, City zoning ordinance, or state or federal law or regulation related to the licensed activity.
14. The applicant or licensee has been found guilty of professional misconduct, either criminally or civilly.
15. Based on the findings of a background investigation, granting a license would be a menace to the safety, health, morals and welfare of the public.
16. The applicant or licensee is not of good moral character.
17. The activity has been conducted without a license.
18. The applicant is under 21 years of age.
19. Any of the grounds found in Section [3-2-10](#).
20. Other good cause shown.

- B. Except as may otherwise be provided by law, the existence of any particular ground for denial, revocation, or suspension does not mean that the City must deny revoke, or suspend the license. If a license is mistakenly issued or renewed it shall be revoked upon the discovery that the person was ineligible for the license under this Chapter.

Section Two. Amendment. Title 4, Chapter 12, Section 10 of the Inver Grove Heights City Code is hereby amended as follows. The new language is shown underlined and the deleted language is shown with ~~strikethrough~~:

4-12-10: ADMINISTRATIVE PENALTIES FOR VIOLATIONS:

- A. License Violations: Any violation of the terms of a license or the provisions of this Chapter shall be cause for an administrative financial penalty and/or suspension or revocation of the license. The following minimum penalties are deemed appropriate for a licensee's failure to comply with an applicable statute, rule, ordinance, or term of the license. However, the level and order of the penalties shall be at the sole discretion of the City Council, based on the nature of the infraction and the City Council may suspend or revoke a license for any violation of this Chapter or any applicable law. When appropriate, the City Council may impose penalties exceeding those stated below or impose other conditions deemed appropriate including amending an existing license to add reasonable conditions to the license. The following minimum penalties are established for violations of the terms of a license or the provisions of this chapter:
1. The first violation shall result in an administrative penalty of \$300 to the license holder payable to the City. Failure to pay the administrative penalty within 30 days from the date of the invoice shall result in the licensee's license being suspended until payment is received.
 2. A second violation within thirty-six (36) months of a previous violation shall result in a minimum administrative penalty of \$600 to the license holder payable to the City and a license suspension of at least one (1) day. Failure to pay the administrative penalty within 30 days from the date of the invoice shall result in the licensee's license being suspended until payment is received.
 3. A third violation within thirty-six (36) months of a previous violation or for sales during a license suspension, shall result in a minimum administrative penalty of \$1,000 to the license holder payable to the City and a license suspension of a least seven (7) days.

Each violation of the terms of a license or provisions of this Chapter will be considered a separate violation subject to the penalties above.

Upon a finding of a violation of a license, the license holder shall be required to implement

licensed product training for all persons who sell licensed products at the licensed retail establishment. Within thirty (30) days of the date the Council imposes a penalty for a license violation, the license holder shall require that anyone who sells licensed products at the licensed retail establishment must comply with the licensed product seller training requirements of this section. For a period of thirty-six (36) months following a license violation, no person shall sell any licensed product at the licensed retail establishment unless the person has first completed licensed product seller training within the twenty-four (24) month period prior to the date of selling the licensed product. The licensed product seller training program must meet the standards hereafter set forth and must be provided by a business entity or association whose regular business includes providing such trainings and who is not owned by a license holder; provided, however, the training may be provided by a license holder if the training meets the standards hereafter set forth and the training program is approved by the city's chief of police or their designee. The standards for training must include the following:

1. Information regarding the laws pertaining to the sale of licensed products;
2. The rules for identification checks;
3. Responsibilities of establishments serving or selling licensed products; and
4. Verification of age, forms of identification, and forms of false or misleading age identification and identifying minors.

License holders shall keep on file proof that all persons selling licensed products at the licensed retail establishment have completed the licensed product seller training required by this section. Such proof shall be kept for at least three (3) years. Proof of a person's completion of licensed product seller training shall be presented to a police officer upon request no later than three (3) days after the request, excluding holidays and weekends. No license holder shall allow the sale of any licensed product by a person who has not complied with the licensed product seller training requirements of this section. Any such sale or service shall constitute a violation of the licensee's license.

Notwithstanding the foregoing, pursuant to Minnesota Statutes, Section 461.12, subd 1a, a licensee's authority to sell licensed products must be suspended for not less than seven (7) days and may be revoked if the licensee:

1. Holds a license or registration issued pursuant to Minnesota Statutes, Chapter 342 or Minnesota Statutes, Section 151.72, subdivision 5b, and the license or registration is revoked;
2. Is convicted of an offense under Minnesota Statutes, Section 151.72, subdivision 7; or
3. Has been convicted under any other state statute for the illegal sale of marijuana, cannabis flower, cannabis products, lower-potency hemp edibles, hemp-derived consumer products, or edible cannabinoid products and the sale took place on the premises of a business that sells tobacco, tobacco-related

devices, electronic delivery devices, or nicotine or lobelia delivery products.

- B. Notice Required. No suspension or revocation may take effect until the licensee has received notice, served personally or by mail, of the alleged violation and an opportunity for a hearing before the City Council ~~a person authorized by the licensing authority to conduct the hearing~~. A decision that a violation has occurred must be in writing.
- C. License Revocation and License Ineligibility. Licensees whose licenses have been revoked shall not be eligible for another license for one (1) year from the date of revocation. The City Council may attach reasonable conditions to the reinstatement of a suspended or revoked license.
- ~~D. Noncriminal Penalties for Sales to Persons Under 21 Years of Age. An individual who sells, gives, or otherwise furnishes licensed products to a person under the age of 21 years may be charged an administrative penalty of \$50. No penalty may be imposed until the individual has received notice, served personally or by mail, of the alleged violation and an opportunity for a hearing before a person authorized by the City to conduct the hearing. A decision that a violation has occurred must be in writing.~~

Section Three. Effective Date. This Ordinance shall be in full force and effect upon its passage and publication as provided by law.

Passed in regular session of the City Council on the ____ day of _____, 2024.

CITY OF INVER GROVE HEIGHTS

By: _____
Brenda Dietrich, Mayor

ATTEST:

Rebecca Kiernan, City Clerk