

ROSEVILLE
REQUEST FOR COUNCIL ACTION

Date: 11/28/11
Item No.: 9 . b

Department Approval

Chris K. Miller

City Manager Approval

W. J. Mahinen

Item Description: Consider Amending City Code Chapter 302 to Address Liquor License Non-Renewal Matters

1 **BACKGROUND**

2 The City Attorney has recommended that the City amend City Code Chapter 302 to address various matters
3 related to liquor license non-renewals. The attached ordinance and letter from the City Attorney detail the
4 recommended change.

5 **POLICY OBJECTIVE**

6 Not applicable.

7 **FINANCIAL IMPACTS**

8 Not applicable.

9 **STAFF RECOMMENDATION**

10 Staff recommends the Council adopt the attached ordinance amending City Code Chapter 302.

11 **REQUESTED COUNCIL ACTION**

12 Motion to adopt the attached ordinance amending City Code Chapter 302.
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Prepared by: Chris Miller, Finance Director

Attachments: A: Proposed Ordinance Amending City Code Chapter 302.

B: Letter dated November 17, 2011 from the City Attorney regarding license non-renewal matters.

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City of Roseville
ORDINANCE NO. _____

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AN ORDINANCE AMENDING TITLE THREE, SECTION 302.15B(3) (MINIMUM PENALTY) AND SECTION 302.15C (HEARING AND NOTICE) OF THE ROSEVILLE CITY CODE

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THE CITY OF ROSEVILLE ORDAINS:

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SECTION 1: Title Three, Section 302.15B(3) of the Roseville City Code is amended to read as follows:

(3) In addition to the administrative penalties identified above, the city may in appropriate circumstances choose to not renew a license at the end of its current term for non-compliance with any provision of this Chapter or for any other reason allowed by law.

SECTION 2: Title Three, Section 302.15C of the Roseville City Code is amended to read as follows:

C. Hearing and Notice: If after considering the staff's information, the City Council proposes to suspend, revoke or not renew a license, the licensee shall be provided written notice of the City Council's proposed action and shall be given the opportunity to request a hearing on the proposed action by providing the City a written notice requesting a hearing within ten days of the mailing of the notice of the City Council's proposed action. The notice of the proposed action of the City Council shall state the ~~nature of the charges against the licensee~~ reasons for such suspension, revocation or renewal and the action the City Council proposes to take, shall inform the licensee of the right to request a hearing prior to the action being final, and shall inform the licensee of the date the City Council's proposed action will be considered a final decision if a hearing is not requested. Any hearing, if requested, will be conducted in accordance with Minnesota statutes section 340A.415 and sections 14.57 to 14.69 of the Administrative Procedures Act ("APA"). If a hearing is requested, the licensee shall be provided a hearing notice at least ten days prior to the hearing, which shall state the date, time and place of the hearing and the issues involved in the hearing. An independent hearing officer shall be selected by the City Council to conduct the hearing and shall make a report and recommendation to the City Council pursuant to the provisions of the APA. The City Council shall consider the independent hearing examiner's recommendation and issue its final decision on the suspension or revocation.

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SECTION 3: Effective date. This ordinance shall take effect upon its passage and publication.

Passed by the City Council of the City of Roseville this _____ day of _____, 2011.

Ordinance Amending Title Three, Section 302.15B(3) (Minimum Penalty) and Section 302.15C (Hearing and Notice) of the Roseville City Code.

Passed by the City Council of the City of Roseville this ____ day of _____, 2011.

(SEAL)

CITY OF ROSEVILLE

BY: _____
Daniel J. Roe, Mayor

ATTEST:

William J. Malinen, City Manager

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Mark F. Gaughan
James C. Erickson, Jr.

Robert C. Bell – *of counsel*

TO: William J. Malinen
FROM: Charles R. Bartholdi
RE: Liquor Control Ordinance Amendment
Our File No: 1011-00183
DATE: November 17, 2011

Here is the proposed Liquor Control Ordinance Amendment that we have discussed previously. Since the Council will be considering license renewals at its November 28th Meeting, we may want to implement the amendment at that same meeting.

The change provides that a non-renewal can be appealed by requesting an administrative hearing. Under Minnesota Statutes § 348.415 such a hearing is required for a suspension or revocation. There is no similar statutory requirement for a non-renewal. Furthermore, according to case law there is no vested right to a liquor license permit and a permit is not a property right. The City Council only need to give valid reasons for a denial if it denies a license renewal.

Please call me when you receive this memo and we can discuss the ordinance further.

I look forward to your call.

CRB/alb
Enc.