

CITY OF NORTHFIELD, MN
CITY COUNCIL RESOLUTION 2016-082
FINDINGS AND CONCLUSIONS
REGARDING IMPOSITION OF THE SUSPENSION OF TOBACCO LICENSE
ISSUED TO H&S, INC.

WHEREAS, notice of the appeal hearing before the City Council of the City of Northfield, Minnesota, was duly given to H & S, Inc., by personal service to Downtown Tobacco on July 20, 2016; and

WHEREAS, pursuant to Northfield City Code section 30-27, a hearing was held on August 2, 2016, before the Northfield City Council to consider the imposition of the suspension or revocation of the tobacco license issued to H&S Inc., dba Downtown Tobacco, (the “licensee”) for the licensed premises of Downtown Tobacco located at 429 Division Street S., Northfield, Minnesota.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL THAT the Northfield City Council, based upon the record and evidence presented at said hearing, makes the following:

FINDINGS

1. That H&S Inc., (“Licensee”), holds a tobacco license issued by the Northfield City Council (“Licensor”) pursuant to Northfield City Code, Chapter 30, for the licensed premises located at 429 Division Street S., Northfield, Minnesota, doing business as Downtown Tobacco (the “licensed premises”).
2. During the course of a compliance investigation, the Northfield Police Department requested store video from Licensee and Licensee failed to provide such video in violation of City Code and was issued a citation for such failure, dated April 15, 2015; and
3. The failure to record, maintain and provide video to police upon request from the police is a violation of City Code, Sec. 30-76, clause (2), which provides as follows:

In addition to the license conditions required in section 30-75, each license issued under this article for a tobacco products shop is subject to all of the following conditions: ...

(2) The sales counter, store entrance, and interior of the retail establishment shall be visually recorded with a videotape or similar device at a quality level that allows the visual identification of patrons and employees. The recordings shall be maintained and made available to the police for 15 days before being reused, erased or otherwise deleted.

4. On March 2, 2016, a guilty plea, conviction and sentence were issued for the above-identified criminal violation of City Code, Sec. 30-76, clause (2).
5. In addition to the above violation, Licensee has had two additional past violations for a total of three violations of Licensee’s tobacco license within the prior two year period: a) violations have occurred on December 30, 2013 for failed compliance

check violation of license conditions, and b) December 19, 2014 for failed compliance check employee selling to underage person.

Northfield City Code Section 30-28 provides in part that after the third license offense, the license shall be suspended for not less than seven days; and after the fourth offense, the license shall be suspended for not less than 30 days. For the purposes of this section, "within a 24-month period" means a period, two years in duration, which begins to toll on the date of the occurrence of the first violation, and ends two years from the date of the first violation. If no further violations occur within two years following the first violation, any violations occurring after the expiration of the two-year period will not be cumulative with regards to the first violation.

6. That cause exists pursuant to City Code Sections 30-27, 30-28, 30-70 and 30-76 for imposition of a suspension or revocation of the tobacco license issued to H&S, Inc.

NOW, THEREFORE, the Northfield City Council makes the following:

CONCLUSIONS

- A. That the tobacco license issued to H&S, Inc., shall be suspended for a period of 7 consecutive days, namely August 14-21, 2016.

PASSED by the City Council of the City of Northfield on this 2nd day of August, 2016.

ATTEST

City Clerk

Mayor

VOTE: ____ GRAHAM ____ DELONG ____ LUDESCHER ____ NAKASIAN
 ____ PETERSON WHITE ____ POWNELL ____ ZWEIFEL