

**114.99 Penalty**

- A. Every person violates a section, subdivision, paragraph, or provision of this chapter when the person performs an act thereby prohibited or declared unlawful, or fails to act when such failure is thereby prohibited or declared unlawful, and upon conviction thereof, shall be punished as for a misdemeanor except as otherwise stated in specific provisions hereof. (2013 Code, § 5.99)
- B.
1. The purpose of this division (B) is to establish a uniform set of penalties for licensees who furnish or sell alcoholic beverages to minors. The penalties for a first or second incident shall be imposed and administered by the City Administrator upon an admission by the licensee that the licensee furnished or sold an alcoholic beverage to a minor. The penalties for a third or fourth incident may only be imposed by the City Council.
  2. The following penalties shall be imposed if a licensee furnishes or sells alcoholic beverages to a minor:
    - a. A \$1,000 fine and a 1-day license suspension for the first incident; provided, however, that \$500 of the fine and the 1-day license suspension will be suspended for 1 year on the condition that the licensee has no further incidents of furnishing or selling alcoholic beverages to minor during that 1-year period;
    - b. A \$1,500 fine and a 5-day license suspension for a second incident occurring within 3 years of the date of the previous incident;
    - c. A \$2,000 fine and a 10-day license suspension for a third incident occurring within 3 years of the dates of the previous 2 incidents;
    - d. A \$2,000 fine and a suspension of the license for a minimum of 30 days or a revocation of the license for a fourth or subsequent incident occurring within 3 years of the dates of the previous incidents.
  3. All multiple-day license suspensions shall run consecutively beginning at 12:01 a.m. on the first day of the suspension period and ending at midnight on the last day of the suspension period.
  4. Any person whose license to sell alcoholic beverages is revoked under this division (B)(4) may not apply for a new license for at least 30 days after the effective date of the revocation.
  5. No suspension or revocation shall be imposed by either the City Council or the City Administrator until the licensee has been afforded an opportunity for a hearing in accordance with § 114.02(D). (2013 Code, § 5.08)

(Ord. 1, passed 1-1-1978; Ord. 337, passed 7-23-1992; Ord. 621, passed 3-21-2002; Ord. 634, passed 7-18-2002)