

**ORDINANCE NO. 2023-05**

**AN ORDINANCE AMENDING SECTION 8-7  
TOBACCO AND RELATED PRODUCTS AND SECTION 8-41  
TETRAHYDROCANNABINOL PRODUCTS  
IN THE NEW HOPE CITY CODE**

**THE CITY COUNCIL OF THE CITY OF NEW HOPE ORDAINS:**

**Section 1.** Section 8-7(j) – Tobacco and related products is hereby amended to repeal the stricken text and add the following underlined text:

(j) *Violations and penalties.*

(1) Violations.

a. *Notice.* A person violating this ordinance may be issued, either personally or by mail, a citation from the city police department, that sets forth the alleged violation and that informs the alleged violator of his or her right to a hearing on the matter and how and where a hearing may be requested, including a contact address and phone number

~~b. *Hearings.*~~

~~1. Upon issuance of a citation, a person accused of violating this ordinance may request in writing a hearing on the matter. Hearing requests must be made within 10 business days of the issuance of the citation and delivered to the City Clerk or other designated city officer. Failure to properly request a hearing within 10 business days of the issuance of the citation will terminate the person's right to a hearing.~~

~~2. The City Clerk or other designated city officer will set the time and place for the hearing. Written notice of the hearing time and place will be mailed or delivered to the accused violator at least 10 business days prior to the hearing.~~

~~c. *Hearing officer.* The City Council will designate a hearing officer. The hearing officer will be an impartial employee of the city or an impartial person retained by the city to conduct the hearing.~~

~~d. *Decision.* A decision will be issued by the hearing officer within 10 business days of the hearing. If the hearing officer determines that a violation of this ordinance did occur, that decision, along with the hearing officer's reasons for finding a violation and the penalty to be imposed, will be recorded in writing.~~

~~a copy of which will be provided to the city and the accused violator by in-person delivery or mail as soon as practicable. If the hearing officer finds that no violation occurred or finds grounds for not imposing any penalty, those findings will be recorded and a copy will be provided to the city and the acquitted accused violator by in-person delivery or mail as soon as practicable. The decision of the hearing officer is final, subject to an appeal as described in subsection (j)(1)(f) of this section.~~

~~e. *Costs.* If the citation is upheld by the hearing officer, the city's actual expenses in holding the hearing up to a maximum of \$1,000 must be paid by the person requesting the hearing.~~

~~f. *Appeals.* Appeals of any decision made by the hearing officer must be filed in Hennepin County district court within ten business days of the date of the decision.~~

~~g. *Continued violation.* Each violation, and every day in which a violation occurs or continues, shall constitute a separate offense.~~

~~h. *Revocation.* The city council has the authority to revoke any license as set out in section 8-2 of this Code notwithstanding the provisions of this section regarding violations.~~

(2) Administrative civil penalties.

a. *Licensees.* If a licensee or an employee of a licensee is found to have violated this ordinance, the licensee shall be subject to the administrative sanctions described in the following matrix. In all cases the City Clerk or council shall select which days a suspension will be served. Other mandatory requirements may be imposed on the licensee, including, but not limited to, meetings with the police department to present a plan of action to assure that problems will not continue, mandatory education sessions involving all employees and employers with the police department or other actions that the city council deems appropriate. On a first and second violation, the licensee may elect training in proper identification procedures in lieu of the license suspension. The license suspension and training requirements shall be governed by and are subject to the conditions set out in subsection (j)(2) of this section.



**Section 2.** Section 8-41(i) – Tobacco and related products is hereby amended to repeal the stricken text and add the following underlined text:

(i) *Violations and penalties.*

(1) Violations.

a. *Notice.* A person violating this section may be issued, either personally or by mail, a citation from the police department. ~~city that sets forth the alleged violation and that informs the alleged violator of his or her right to a hearing on the matter and how and where a hearing may be requested, including a contact address and phone number.~~

~~b. *Hearings.*~~

~~1. Upon issuance of a citation, a person accused of violating this section may request in writing a hearing on the matter. Hearing requests must be made within ten business days of the issuance of the citation and delivered to the city clerk or other designated city officer. Failure to properly request a hearing within ten business days of the issuance of the citation will terminate the person's right to a hearing.~~

~~2. The city clerk or other designated city officer will set the time and place for the hearing. Written notice of the hearing time and place will be mailed or delivered to the accused violator at least ten business days prior to the hearing.~~

~~c. *Hearing officer.* The city council will designate a hearing officer. The hearing officer will be an impartial employee of the city, or an impartial person retained by the city to conduct the hearing.~~

~~d. *Decision.* A decision will be issued by the hearing officer within ten business days of the hearing. If the hearing officer determines that a violation of this section did occur, that decision, along with the hearing officer's reasons for finding a violation and the penalty to be imposed, will be recorded in writing, a copy of which will be provided to the city and the accused violator by in-person delivery or mail as soon as practicable. If the hearing officer finds that no violation occurred or finds grounds for not imposing any penalty, those findings will be recorded, and a copy will be provided to the city and the acquitted accused violator by in-person delivery or mail as soon as practicable. The decision of the hearing officer is final, subject to an appeal as described in subsection (i)(1)(f) of this section.~~

~~e. *Costs.* If the citation is upheld by the hearing officer, the city's actual expenses in holding the hearing up to a maximum of \$1,000.00 must be paid by the person requesting the hearing.~~

~~f. *Appeals.* Appeals of any decision made by the hearing officer must be filed in county district court within ten business days of the date of the decision.~~

~~g. *Continued violation.* Each violation, and every day in which a violation occurs or continues, shall constitute a separate offense.~~

~~h. *Revocation.* The city council has the authority to revoke any license as set out in section 8-2 of this Code notwithstanding the provisions of this section regarding violations.~~

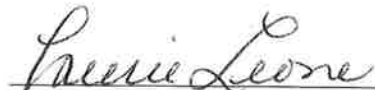
(2) Administrative civil penalties.

a. *Licensees.* If a licensee or an employee of a licensee is found to have violated this section, the licensee shall be subject to the administrative sanctions described in the following matrix. In all cases the City Clerk or council shall select which days a suspension will be served. Other mandatory requirements may be imposed on the licensee, including, but not limited to, meetings with the police department to present a plan of action to assure that problems will not continue, mandatory education sessions involving all employees and employers with the police department or other actions that the city council deems appropriate. On a first and second violation, the licensee may elect training in proper identification procedures in lieu of the license suspension. The license suspension and training requirements shall be governed by and are subject to the conditions set out in subsection (i)(2) of this section.

**Section 3.** Effective Date. This ordinance shall be effective upon passage and publication.

Dated the 9<sup>th</sup> day of October, 2023.

Attest:

  
Valerie Leone, City Clerk

  
Kathi Hemken, Mayor

(Published in the New Hope-Golden Valley Sun-Post the 19<sup>th</sup> day of October, 2023.)