



New Prague Police Department

City of New Prague In the Counties of Scott & Le Sueur

118 CENTRAL AVENUE NORTH, NEW PRAGUE, MINNESOTA 56071

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Tim Applen, Chief of Police

MEMORANDUM

To: Honorable Mayor, Duane Jirik; Members of the City Council, Shawn Ryan, Maggie Bass, Bruce Wolf, Rik Seiler and City Administrator, Joshua Tetzlaff

From: Tim Applen, Police Chief / Emergency Manager

Date: August 28, 2023

Subject: Underage Tobacco Sales Violation

On August 13th, 2024, the New Prague Police Department conducted tobacco compliance checks with city tobacco license holders. During these compliance checks an underage sale was made to a CS (confidential source) at New Prague Tobacco located at 201 Chalupsky Ave SE. On 2/21/23 an underage sale was made at the same store, although the location at that time was 215 Chalupsky Ave SE, prior to the store moving locations. This violation was made while conducting compliance checks and a \$300 administrative fine was issued and paid by New Prague Tobacco. This violation is the second in 36 months and is subject to an administrative fine of \$600.

The New Prague City Ordinance chapter 117: Tobacco Regulations addresses administrative penalties in chapter 117.09 as follows:

117.09 ADMINISTRATIVE PENALTIES.

(A) If a licensee or employee of a licensee sells, gives, or otherwise furnishes tobacco, a tobacco related device, or an electronic delivery device to a person under the age of 21 years, or violates any other provision of this chapter, the licensee shall be charged an administrative penalty of \$300. An administrative penalty of \$600 shall be imposed for a second violation at the same location within 36 months after the initial violation. For a third or any subsequent violation at the same location within 36 months after the initial violation, an administrative penalty of \$1,000 shall be imposed and the licensee shall lose the licensee's authorization to sell tobacco, tobacco related devices or electronic delivery devices for a period of not less than 30 days nor more than one year. The loss of authorization shall be accomplished by a combination, if necessary, of a suspension of the licensee's then existing authorization and an order prohibiting renewal of the licensee's license for the prescribed period. No suspension, revocation or other penalty 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 decision that a violation has occurred must be in writing.



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(B) An individual who sells, gives, or otherwise furnishes tobacco, a tobacco related device or an electronic delivery device to a person under the age of 21 years shall 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 the City Council. A decision that a violation has occurred must be in writing.

(C) Any person who purchases or attempts to purchase tobacco, tobacco related devices or electronic delivery devices and is under the age of 21 years may be charged an administrative penalty of up to \$50. The city may also send notice of the violation to the violator's parents or school or order the violator to attend tobacco-free education programs or other court diversion programs, or to perform appropriate community service. The provisions of this division shall not apply to a person under the age of 21 who purchases or attempts to purchase tobacco, tobacco related devices or electronic delivery devices while under the direct supervision of a responsible adult for training, research or enforcement purposes.

Recommendation: Issue administrative penalty as defined in chapter 117.09 to New Prague Tobacco for \$600 for second violation in 36 months. Issue administrative penalty for \$50 to employee that made the underage sale.