

**ORDINANCE NO. \_\_\_\_\_**  
**RESOLUTION No. \_\_\_\_\_**  
**APPROVING A LIQUOR LICENSE ORDINANCE**  
**Chisago County, Minnesota**

AN ORDINANCE REGULATING THE POSSESSION, SALE AND CONSUMPTION OF  
INTOXICATING AND 3.2 PERCENT MALT LIQUOR WITHIN THE CHISAGO COUNTY,  
MINNESOTA

**THE BOARD OF COMMISSIONERS OF CHISAGO COUNTY, MINNESOTA  
ORDAINS:**

**TITLE: Chisago County Liquor Control Ordinance**

**PURPOSE:** It is the intent of Chisago County to protect the health, safety, peace and repose in the County and to govern and regulate the sale and distribution of alcohol in the unincorporated areas, while recognizing the value of business enterprises to serve residents and visitors alcohol or liquor at licensed and appropriately regulated premises. Thus, it is the intent of Chisago County to enact this Ordinance, certain rules and regulations in issuing and monitoring liquor licenses in the unincorporated areas of Chisago County. Further, these controls are promulgated in conjunction with, and in recognition of, State law as set forth in Minnesota Statutes Chapter 340A

**SECTION 1. ADOPTION OF STATE LAW BY REFERENCE.**

The provisions of Minnesota Statutes Chapter. 340A, as they may be amended from time to time, with reference to the definitions of terms, conditions of operation, restrictions on consumption, provisions relating to sales, hours of sale, and all other matters pertaining to the retail sale, distribution, and consumption of intoxicating liquor and 3.2 percent malt liquor, are hereby adopted by reference and are made a part of this Ordinance as if set out in full. It is the intention of the County Board that all future amendments to Minnesota Statutes Chapter. 340A are hereby adopted by reference or referenced as if they had been in existence at the time this Ordinance is adopted.

**SECTION 2. COUNTY MAY BE MORE RESTRICTIVE THAN STATE LAW.**

The County Board is authorized by the provisions of Minnesota Statutes. § 340A.509, as it may be amended from time to time, to impose, and has imposed in this Ordinance, additional restrictions on the sale and possession of alcoholic beverages within its limits beyond those contained in Minnesota Statutes Chapter. 340A, as it may be amended from time to time.

**SECTION 3. DEFINITIONS.**

Definitions and Interpretation. Except as otherwise provided or clearly implied by context, all terms shall be given their commonly accepted definitions. The singular shall include the plural and the plural shall include the singular. In addition to the definitions contained in Minn. Stat. § 340A.101 as it may be amended from time to time, the following terms are defined for purposes of this ordinance:

A.

ALCOHOL or LIQUOR. As used in this ordinance, without modification by the words “intoxicating” or a “3.2 percent malt” includes both intoxicating liquor, 3.2 percent malt liquor, and beverages which are distilled, fermented, spiritous, vinous.

APPLICANT. Any person making an application for a license under this Ordinance.

AUDITOR-TREASURER. As used in this ordinance, includes the Chisago County Auditor-Treasurer-Treasurer or their designee, including a deputy Auditor-Treasurer-treasurer, clerk, manager or assistant.

BARTENDING OR BARTENDING SERVICE. The provision of alcoholic beverages by an individual to guests at an event under circumstances that are not part of a commercial transactions for which a liquor license is not required.

BREW PUB. An establishment where the licensee holds one or more retail on-sale licenses and who manufactures fewer than 3,500 barrels of malt liquor in a year, at any one licensed premises, the entire productions of which is solely for consumption on tap on any license premises owned by the brewer, or for off-sale from those licensed premises as permitted in Minnesota Statutes section 340A.24, Sub.2

CLUB. An incorporated organization organized under the laws of the State for civic, fraternal, social, or business purposes, for intellectual improvement, or for the promotion of sports, or a congressionally chartered veterans’ organization, which (1) has more than 30 members; (2) has owned or rented a building or space in a building for more than one year that is suitable and adequate for the accommodation of its members; and (3) is directed by a board or directors, executive committee, or other similar body chosen by the members at a meeting held for that purpose.

CONSUMPTION AND DISPLAY. A permit, once issued by the Commissioner of Public Safety, is not effective until approved by the Board of Commissioners, authorizing owners, managers or proprietors of a restaurant, hotel, resort or club as defined in Minnesota Chapter 340A, to allow the establishment to permit the consumption and display of alcohol by members, patrons or visitors to the premises. The permit does not authorize the sale of alcohol on the premises. A permit does not authorize consumption or display between the hours of 1:00 a.m. and 2:00 a.m. unless specifically authorized by the Commissioner.

HEALTH OFFICER. A sanitarian employed by the Minnesota Department of Health, or other authorized representative of the Minnesota Department of Health

PERSON. An individual 18 years of age or older and is extended to include bodies politic and corporate, legal partnerships and other unincorporated associations.

RESTAURANT. An establishment or eating facility, other than a hotel, under the control of a proprietor or manager, where meals are regularly prepared on the premises, and served at tables to the general public, where a customer orders food from printed, posted or electronic menus and

where the main food course is served and consumed while seated at a single location. To be a restaurant as defined by this section, an establishment shall have a license from the state as required by Minn. Stat. § 157.16, as it may be amended from time to time, and meet the definition of either a “small establishment,” “medium establishment” or “large establishment” as defined in Minn. Stat. § 157.16, subd. 3(d), as it may be amended from time to time. An establishment which serves prepackaged food that receives heat treatment and is served in the package or on a portion of a package, shall not be considered to be a restaurant for purposes of this Ordinance unless it meets the definitions of a “small establishment,” “medium establishment” or “large establishment”.

SALE, SELL or SOLD. All barter in all manners or means of furnishing alcohol or liquor. Such terms shall include all such transactions, whether for cash, credit, or other consideration.

UNDERAGE PERSON. Any natural person who has not yet reached the age of twenty-one (21) year.

#### **SECTION 4. CONSUMPTION IN PUBLIC PLACES..**

No person shall consume intoxicating liquor or 3.2 percent malt liquor in a public park, on any public street, sidewalk, parking lot or alley, or in any public place other than on the premises of an establishment licensed under this Ordinance, or where the consumption and display of liquor is lawfully permitted.

#### **SECTION 5. TERM AND EXPIRATION OF LICENSES.**

Each license shall be issued for a maximum period of one year. All licenses, except temporary licenses, shall expire on June 5 of each year unless another date is provided by Ordinance. Temporary licenses expire according to their terms. Consumption and display permits issued by the Commissioner of Public Safety, and the accompanying consent to the permit, shall expire on March 31 of each year.

Licenses in effect at the time of the passage of this Ordinance shall expire on June 5 and the fees paid shall be prorated by the Auditor-Treasurer, or applied to a subsequent license issued in compliance with this Ordinance.

#### **SECTION 6. GENERAL PROVISIONS.**

(A) Auditor-Treasurer-Treasurer. The Chisago County Board authorizes the Chisago County Auditor-Treasurer-Treasurer to supervise the process for application for and issuance of licenses and the operations for licenses under this Ordinance, and those responsibilities shall include:

1. The Auditor-Treasurer shall have on file the applications for all licenses;
2. The Auditor-Treasurer shall prepare the necessary forms and processes for receipt and processing of applications for licenses under this Ordinance and obtain for the County Board the necessary reports and signature form the Environmental Services/Zoning Department, the Sheriff's Office and the County Attorney's Office, any necessary verification from the Minnesota Department of Health, or other source.

- a. The Auditor-Treasurer shall monitor each applicant and licensee for compliance with the Ordinance,
  - b. The Auditor-Treasurer may require an applicant or licensee to provide documentation or verification to the Auditor-Treasurer or assistant Auditor-Treasurer as needed to verify compliance.
  - c. The Auditor-Treasurer has authority to provide notice of non-compliance and may take necessary steps to commence action against the license, including suspension and revocation.
- (B) Application for Renewal of License. No later than April 30<sup>th</sup> of each year, an application for renewal shall be filed with the County. The decision whether or not to renew a license rests within the sound discretion of the Board. No licensee has a right to have a license issued under this Ordinance issued for a subsequent year.
- (C) Transfer of License. No license under this Ordinance may be transferred to another person or assumed by another person without approval by the Board. Any transfer of stock or ownership of a corporate licensee is deemed to be a transfer of the license, and a transfer of stock without prior Board approval is a ground for revocation of the license, requiring a new application by the newly formed corporation or entity. An application to transfer a license shall be treated the same as an application for an new license, and all of the provision of this Ordinance applying for a license shall apply

## **SECTION 7. TYPES OF LIQUOR LICENSES .**

The County is authorized to issue the following licenses:

- (A) *3.2 Percent Malt Liquor On-sale Licenses.* May be issued only to golf courses, restaurants, hotels, clubs, bowling centers, and establishments used exclusively for the sale of 3.2 percent malt liquor with the incidental sale of tobacco and soft drinks.
- (B) *3.2 Percent Malt Liquor Off-sale License.*
- (C) *Brewer Taproom License.* May be issued to the holder of a brewer's license as provided in Minn. Stat. 340A.301, Sub.6 (c ), (i), or (j) as it may be amended from time to time, authorizing on-sale of malt liquor produced by the brewer for consumption on the premises or adjacent to one brewery location owned by the brewer. A brewer may have only one taproom license and may not have ownership in a brewer licensed under Minn. Stat. 340A.301, Subd. 6(d) as it may be amended from time to time. A brewer taproom license may not be issued to a brewer that brews more than 250,000 barrels of malt liquor annually or a winery that produces more than 250,000 gallons of wine annually. Within ten days of issuing a brewer taproom license the Auditor-Treasurer-Treasurer will inform the Commissioner of Public Safety of the licensee's name, address, trade name and the effective date and expiration date of the license. The Auditor-Treasurer-Treasurer will inform the Commissioner of Public Safety of a license transfer, cancellation, suspension, or revocation during the license period.
- (D) *Temporary 3.2 percent malt liquor licenses.* May be issued only to a club, charitable, religious, or nonprofit organization.

- (E) *On-sale intoxicating liquor licenses*, May be issued to the following establishments as defined by Minn. Stat. § 340A.101, as it may be amended from time to time, and this Ordinance: hotels, restaurants, bowling centers, theaters, clubs or congressionally chartered veterans organizations, theaters and exclusive liquor stores.
- (F) *Club license*. May be issued only with the approval of the Commissioner of Public Safety. The fee for club licenses established by the Board under Section 7 of this Ordinance shall not exceed the amounts provided for in Minn. Stat. § 340A.408, subd. 2(b) as it may be amended from time to time. The Board may, in its discretion, authorize a retail on-sale licensee to dispense intoxicating liquor off the licensed premises at a community festival held within the County under the provisions of Minn. Stat. § 340A.404, subd. 4(b) as it may be amended from time to time.
- (G) *Sunday on-sale intoxicating liquor licenses*. May be issued by the County after authorization to do so by voter approval at a general or special election as provided by Minn. Stat. § 340A.504, subd. 3, as it may be amended from time to time. Sunday on-sale intoxicating liquor licenses may be issued only to a restaurant as defined in Section 3 of this Ordinance, club, bowling center, or hotel which has a seating capacity of at least 30 persons, which holds an on-sale intoxicating liquor license, and which serves liquor only in conjunction with the service of food. The maximum fee for this license, which shall be established by the Board under the provisions of Section 7 of this Ordinance, shall not exceed \$200, or the maximum amount provided by Minn. Stat. § 340A.504, subd. 3(c) as it may be amended from time to time.
- I) *Temporary on-sale intoxicating liquor licenses*, May be issued with the approval of the Commissioner of Public Safety, which may be issued only in connection with a social event sponsored by a club, charitable, religious, or other nonprofit corporation that has existed for at least three years; a political committee registered under state law; or a state university. No license shall be for longer than four consecutive days, and the County shall issue no more than 12 days' worth of temporary licenses to any one organization in one calendar year.
- (J) *On-sale wine licenses*. May be issued by the County with the approval of the Commissioner of Public Safety to:
1. restaurants that have facilities for seating at least 25 guests at one time and meet the criteria of Minn. Stat. § 340A.404, subd. 5, as it may be amended from time to time, and which meet the definition of restaurant in Section 3;
  2. to licensed bed and breakfast facilities which meet the criteria in Minn. Stat. § 340A.4011, subd. 1, as it may be amended from time to time and to theaters that meet the criteria of Minn. Stat. § 340A.404, subd. 1(b) as it may be amended from time to time.
  3. The fee for an on-sale wine license established by the Board under the Fee Schedule, shall not exceed one-half of the license fee charged for an on-sale intoxicating liquor license. The holder of an on-sale wine license who also holds an

on-sale 3.2 percent malt liquor license is authorized to sell malt liquor with a content over 3.2 percent (strong beer) without an additional license.

- (K) Consumption and display permits. Permit may be issued by the Commissioner of Public Safety, and requires the approval of the Board. The maximum amount of the additional fee which may be imposed by the Board on a person who has been issued a consumption and display permit under the provisions of Section 7 of this Ordinance shall not exceed \$300, or the maximum amount permitted by Minn. Stat. § 340A.414, subd. 6, as it may be amended from time to time. Consumption and display permits shall expire on March 31 of each year.

#### **SECTION 8. LICENSE FEES; PRO RATA.**

(A) No license or other fee established by the County shall exceed any limit established by Minn. Stat. Ch. 340A, as it may be amended from time to time, for a liquor license.

(B) The Board may establish from time to time in the Ordinance Establishing Fees and Charges the fee for any of the liquor licenses it is authorized to issue. The license fee may not exceed the cost of issuing the license and other costs directly related to the enforcement of the liquor laws and this Ordinance. No liquor license fee shall be increased without providing mailed notice of a hearing on the proposed increase to all affected licensees at least 30 days before the hearing.

(C) The fee for all licenses, except temporary licenses, granted after the commencement of the license year shall be prorated on a quarterly basis.

(D) All license fees shall be paid in full at the time the application is filed with the County. If the application is denied, the license fee shall be returned to the applicant.

(E) A refund of a pro rata share of an annual license fee may occur only if authorized by Minn. Stat. § 340A.408, subd. 5, as it may be amended from time to time.

#### **SECTION 9. BOARD DISCRETION TO GRANT OR DENY A LICENSE.**

The Board in its discretion may either grant or deny the application for any license or for the transfer or renewal of any license. No applicant is entitled to a license under this Ordinance, simply based upon the submission of an application to the Auditor-Treasurer-Treasure

#### **SECTION 10. APPLICATION FOR LICENSE.**

(A) *FORM.* Every application for a license issued under this Ordinance shall be on a form provided by the County.

- a. Every application shall state the name of the applicant, the applicant's age, representations as to the applicant's character, with references as the Board may require, the type of license applied for, the business in connection with which the proposed license will operate and its location, a description of the premises, whether the applicant is owner and operator of the business, how long the applicant has been in that business at that place, and other information as the Board may require from time to time.
- b. An application for an on-sale intoxicating liquor license shall be in the form prescribed by the Commissioner of Public Safety and shall also contain the information required in this section. The form shall be verified and filed with the County.

- c. No person shall make a false statement in an application. False statements or intentional misrepresentations of information may result in the denial of an application or, if identified after issuance of the license may result in suspension or revocation of the license.
- (B) *ELIGIBILITY OF APPLICANT*. No license shall be issued to:
- a. Any person not of a good moral character or repute;
  - b. Any person not of legal age to consume liquor;
  - c. A person who has had an intoxicating liquor or 3.2 percent malt liquor license revoked within five years of the license application, or to any person who at the time of the violation owns any interest, whether as a licensee, as a partner, investor or otherwise, in the premises or in the business conducted thereon or in, or to a corporation, partnership, association, enterprise, business, or firm in which any such person is in any manner interested.
  - d. No retail license may be issued to, and the County Board may refuse to renew the license of a person who within five years of the license application has been convicted of a felony or willful violation of federal or state law or local Ordinance governing the manufacture, sale distribution or possession for sale or distribution of an alcoholic beverage.
  - e.
- (C) *FINANCIAL RESPONSIBILITY*. Prior to the issuance of any license under this Ordinance, the applicant shall demonstrate proof of financial responsibility as defined in Minn. Stat. § 340A.409, as it may be amended from time to time, with regard to liability under Minn. Stat. § 340A.801, as it may be amended from time to time.
- a. This proof will be filed with the County and the Commissioner of Public Safety. Any liability insurance policy filed as proof of financial responsibility under this section shall conform to Minn. Stat. § 340A.409, as it may be amended from time to time.
  - b. Operation of a business which is required to be licensed by this Ordinance without having on file with the County at all times effective proof of financial responsibility is a cause for revocation of the license.
- (D) *DESCRIPTION OF PREMISES*. The application shall specifically describe the compact and contiguous premises within which liquor may be dispensed and consumed. The description may not include any parking lot or sidewalk.
- (E). *INVESTIGATION*.
- (1) *Preliminary background and financial investigation*.
    - (a) On an initial application for a license, on an application for transfer of a license and, in the sound discretion of the Board that it is in the public interest to do so, on an application for renewal of a license, the County shall conduct a preliminary background and financial investigation of the applicant or it may contract with the Commissioner of Public Safety for the investigation.
    - (b) The applicant shall pay with the application an investigation fee that is amended from time to time by County Ordinance which shall be in addition to any license fee.

- (c) The results of the preliminary investigation shall be sent to the Commissioner of Public Safety if the application is for an on-sale intoxicating liquor license or an on-sale wine license.
- (2) *Comprehensive background and financial investigation.*
  - (a) If the results of a preliminary investigation warrant, in the sound discretion of the Board, a comprehensive background and financial investigation, the Board may either conduct the investigation by assigning the investigation to the Auditor-Treasurer or the Chisago County Sheriff, or contract with the Commissioner of Public Safety for the investigation.
  - (b) The applicant shall pay with the application an investigation fee that is amended from time to time by County Ordinance which shall be in addition to any license fee.
  - (c) The fee shall be paid in advance of any investigation and the amount actually expended on the investigation shall not be refundable in the event the application is denied.  
The results of the comprehensive investigation shall be sent to the Commissioner of Public Safety if the application is for an on-sale intoxicating liquor license or an on-sale wine license.

(F) *APPLICATIONS FOR RENEWAL.*

Approximately 60 days before a license issued under this Ordinance is to be renewed, an application for renewal shall be filed with the county. The decision whether or not to renew a license rests within the sound discretion of the Board. No licensee has a right to have the license renewed.

(G) *TRANSFER OF LICENSE.*

No license issued under this Ordinance may be transferred without the approval of the Board. Any transfer of stock of a corporate licensee is deemed to be a transfer of the license, and a transfer of stock without prior Board approval is a ground for revocation of the license. An application to transfer a license shall be treated the same as an application for a new license, and all of the provisions of this code applying to applications for a license shall apply.

**SECTION 11. RESTRICTIONS ON ISSUANCE.**

- (A) Each license shall be issued only to the applicant for the premises described in the application.
- (B) Not more than one license shall be directly or indirectly issued within the County to any one person.
- (C) No license shall be granted or renewed for operation on any premises on which taxes, assessments, utility charges, service charges, or other financial claims of the County are delinquent and unpaid.
- (D) No license shall be issued for any place or any business ineligible for a license under state law.
- (E) No license shall be granted within 500 feet of any school or church. The distance is to be measured from the closest side of the church to the closest side of the structure on the premises within which liquor is to be sold.



## **SECTION 12. CONDITIONS OF LICENSE.**

The failure of a licensee to meet any one of the conditions of the license specified below shall result in a suspension of the license until the condition is met or revocation of the license if the licensee has violated the conditions or terms of the license four or more times.

(A) Every licensee is responsible for the conduct of the place of business and the conditions of sobriety and order in the business or at the establishment, including sidewalks, parking areas or other outdoor spaces. The act of any employee on the licensed premises is deemed the act of the licensee, and the licensee shall be liable to all penalties provided by this Ordinance as to any employee, partner, associate or person under the control of the licensee.

(B) Every licensee shall allow any peace officer, health officer, County employee, or any other person designated by the Board to conduct compliance checks and to otherwise enter, inspect, and search the premises of the licensee during business hours and after business hours during the time when customers remain on the premises without a warrant.

(C) No on-sale establishment shall display liquor to the public during hours when the sale of liquor is prohibited.

(D) Compliance with financial responsibility requirements of state and federal law and of this Ordinance is a continuing condition of any license.

## **SECTION 13. HOURS AND DAYS OF SALE.**

(A) The hours of operation and days of sale shall be those set by Minn. Stat. § 340A.504, as it may be amended from time to time, except that the Board may, by resolution or Ordinance, provide for more restrictive hours than state law allows. Sale of intoxicating liquor between the hours of 1 a.m. and 2 a.m. is only allowed after obtaining a permit from the Commissioner of Public Safety.

(B) No person shall consume, nor shall any on-sale licensee permit any consumption of intoxicating liquor or 3.2 percent malt liquor in an on-sale licensed premises more than 30 minutes after the time when a sale can legally occur.

(C) No on-sale licensee shall permit any glass, bottle, or other container containing intoxicating liquor or 3.2 percent malt liquor to remain upon any table, bar, stool, or other place where customers are served, more than 30 minutes after the time when a sale can legally occur.

(D) No person, other than the licensee and any employee, shall remain on the on-sale licensed premises more than 30 minutes after the time when a sale can legally occur.

(E) Any violation of any condition of this section may be grounds for revocation or suspension of the license.

## **SECTION 14. MINORS ON PREMISES.**

(A) No person under the age of 18 years shall be employed in any rooms constituting the place in which intoxicating liquors or 3.2 percent malt liquor are sold at retail on sale, except that persons under the age of 18 may be employed as musicians or to perform the duties of a bus person, host or dishwashing services in places defined as a restaurant, hotel, motel or other multi-

purpose building serving food in rooms in which intoxicating liquors or 3.2 percent malt liquor are sold at retail on sale.

(B) No person under the age of 21 years may enter a licensed establishment except to work, consume meals on premises that qualify as a restaurant, or attend social functions that are held in a portion of the premises where liquor is not sold.

#### **SECTION 15. RESTRICTIONS ON PURCHASE AND CONSUMPTION.**

No person shall mix or prepare liquor for consumption in any public place of business unless it has a license to sell on-sale, or a permit from the Commissioner of Public Safety under the provisions of Minn. Stat. § 340A.414, as it may be amended from time to time, which has been approved by the Board, and no person shall consume liquor in any such place.

#### **SECTION 16. SUSPENSION AND REVOCATION.**

(A) The County Board shall either suspend for a period not to exceed 90 days or revoke any liquor license upon finding that the licensee has failed to comply with any applicable statute, regulation, or provision of this Ordinance relating to liquor. Except in cases of lapse of proof of financial responsibility, no suspension or revocation shall take effect until the licensee has been afforded an opportunity for a hearing pursuant to the Administrative Procedures Act, Minn. Stat. §§ 14.57 to 14.70, as it may be amended from time to time. The Board may at its discretion, act as the hearing body under that act, appoint another hearing officer to preside over a hearing, or it may contract with the Office of Administrative Hearings for a hearing officer to preside and render a recommendation to the Board.

(B) The following are the minimum periods of suspension or revocation which shall be imposed by the Board for violations of the provisions of this Ordinance or Minn. Stat. Ch. 340A, as it may be amended from time to time or any rules promulgated under that chapter as they may be amended from time to time:

(1) For commission of a felony related to the licensed activity, sale of alcoholic beverages while the license is under suspension or sale of intoxicating liquor where the only license is for 3.2 percent malt liquor the license shall be revoked.

(2) The license shall be suspended by the Board after a finding under division (A) that the licensee has failed to comply with any applicable statute, rule, or provision of this Ordinance for at least the minimum periods as follows:

(a) For the first violation within any three-year period, at least one day suspension in addition to any criminal or civil penalties which may be imposed.

(b) For a second violation within any three-year period, at least three consecutive days suspension in addition to any criminal or civil penalties which may be imposed.

(c) For the third violation within any three-year period, at least seven consecutive days suspension in addition to any criminal or civil penalties which may be imposed.

(d) For a fourth violation within any three-year period, the license shall be revoked.

(3) The Board shall select the day or days during which the license will be suspended.

(C) Lapse of required proof of financial responsibility shall effect an immediate suspension of any license issued pursuant to this Ordinance or state law without further action of the Board. Notice of cancellation or lapse of a current liquor liability policy shall also constitute notice to

the licensee of the impending suspension of the license. The holder of a license who has received notice of lapse of required insurance or of suspension or revocation of a license may request a hearing thereon and, if a request is made in writing to the Auditor-Treasurer-Treasurer, a hearing before the Board shall be granted within ten days. Any suspension under this division (B) shall continue until the Board determines that the financial responsibility requirements of state law and this Ordinance have again been met.

(D) The provisions of Section 20 pertaining to administrative penalty may be imposed in addition to or in lieu of any suspension or revocation under this Ordinance.

### **SECTION 17. PENALTIES.**

(A) Any person violating the provisions of this Ordinance or Minn. Stat. Ch. 340A as it may be amended from time to time or any rules promulgated under that chapter as they may be amended from time to time is guilty of a misdemeanor and upon conviction shall be punished as provided by law.

(B) The Board shall impose a civil penalty of up to \$2,000 for each violation of Minn. Stat. Ch. 340A, as it may be amended from time to time, and of this Ordinance. Conviction of a violation in a court of law is not required in order for the Council to impose the civil penalty. A hearing under the Administrative Procedures Act, Minn. Stat. §§ 14.57 to 14.70, as it may be amended from time to time, is not required before the penalty is imposed, but the Board shall hold a hearing on the proposed violation and the proposed penalty and hear any person who wishes to speak. Non-payment of the penalty is grounds for suspension or revocation of the license. The following is the minimum schedule of presumptive civil penalties which must be imposed in addition to any suspension unless the license is revoked:

- (1) For the first violation within any three-year period, \$500.
- (2) For the second violation within any three-year period, \$1,000.
- (3) For the third and subsequent violations within any three-year period, \$2,000.

(C) The term “violation” as used in Section 20 includes any and all violations of the provisions in this section, or of Minn. Stat. Ch. 340A, as it may be amended from time to time or any rules promulgated under that chapter as they may be amended from time to time. The number of violations shall be determined on the basis of the history of violations for the preceding three-year period. Revocation shall occur within 60 days following a violation for which revocation is imposed.

### **SECTION 18. EFFECTIVE DATE**

This Ordinance becomes effective on the date of its publication, or upon the publication of a summary of the Ordinance as provided by Minn. Stat. § 412.191, subd. 4, as it may be amended from time to time, which meets the requirements of Minn. Stat. § 331A.01, subd. 10, as it may be amended from time to time.

### **SECTION 19. SUMMARY APPROVED**

The Board hereby determines that the text of the summary of this Ordinance marked “Official Summary of Ordinance No. \_\_\_\_\_,” and a copy of which is attached to this Ordinance, clearly informs the public of the intent and effect of this Ordinance. The Board further determines that publication of the title and this summary will clearly inform the public of the intent and the effect of this Ordinance. The Clerk of the Board shall file a copy of this Ordinance and the summary in

the Clerk's office which shall be available for inspection by any person during regular office hours.

Passed by the County Board of Chisago County, Minnesota this \_\_\_\_ day of Month, Year.

\_\_\_\_\_  
Chair

Attested:

\_\_\_\_\_  
Clerk

DRAFT

**OFFICIAL SUMMARY OF ORDINANCE NO. \_\_\_\_\_,**

**AN ORDINANCE REGULATING THE POSSESSION, SALE AND CONSUMPTION OF INTOXICATING AND 3.2 PERCENT MALT LIQUOR WITHIN CHISAGO COUNTY, MINNESOTA**

The following is the official summary of Ordinance No. \_\_\_\_\_, which was passed by the County Board on \_\_\_\_\_.

A printed copy of this Ordinance is available for inspection by any person at the office of the Clerk of the Board during normal business hours.

The Ordinance regulating the possession, sale and consumption of intoxicating and 3.2 percent malt liquor within this County contains the following provisions.

Section 1 adopts Minn. Stat. Ch. 340A, as it may be amended from time to time, by reference.

Section 2 permits the County to be more restrictive than state law concerning the sale and possession of alcoholic beverages.

Section 3 defines multiple terms used, including, but not limited to: "liquor" and "restaurant" as those terms are used in the Ordinance.

Section 4 provides that no person shall consume intoxicating liquor or 3.2 percent malt liquor in a public park, on any public street, sidewalk, parking lot or alley, or in any public place other than on the premises of an establishment licensed under this Ordinance, or where the consumption and display of liquor is lawfully permitted.

Section 5 establishes the term and expiration dates for licenses.

Section 6 establishes the kinds of licenses which may be issued:

- 3.2 percent malt liquor on-sale
- 3.2 percent malt liquor off-sale
- Brewer Taproom License
- Temporary 3.2 percent malt liquor
- On-sale intoxicating liquor
- Sunday on-sale intoxicating liquor
- Temporary on-sale intoxicating liquor
- On-sale wine
- Consumption and display

Section 7 authorizes the establishment of license fees by Ordinance or resolution.

Section 8 permits the Board, in its discretion, to grant or deny applications for licenses, or for the transfer or renewal of any license.

Section 9 describes the information required in an application for a license, including the form, eligibility, financial responsibilities, description of the premises, and investigations.

Section 10 provides for restrictions on the issuance of licenses

Section 11 provides conditions of licenses, including the licensee's responsibilities for conduct on the premises and allowing for inspections

Section 12 provides for the hours of sale.

Section 13 prohibits minors on the premises.

Section 14 establishes restrictions on the purchase and consumption, except as provided for by statute.

Section 15 establishes the circumstances and procedures for suspension and revocation of a license. The Board is required to either suspend for a period not to exceed 60 days or revoke any liquor license upon finding that the licensee has failed to comply with any applicable statute, regulation or provision of this Ordinance relating to liquor. Lapse of required proof of financial responsibility shall effect an immediate suspension of any license issued pursuant to this Ordinance or state law without further action of the Board. Notice of cancellation or lapse of a current liquor liability policy shall also constitute notice to the licensee of the impending suspension of the license. A schedule of minimum periods of suspension and for revocation is established.

Section 20 provides for penalties for violating this Ordinance, including a schedule of civil penalties.

Section 21 establishes the effective date of the Ordinance which is the date of the publication of this summary of the Ordinance.

Section 22 approves this summary of the Ordinance.

This summary was approved by the Chisago County Board of Commissioner of Chisago County Minnesota, on \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Chair

Attested:

\_\_\_\_\_  
Clerk of the Board