

**ORDINANCE NO. 27**  
**KANABEC COUNTY LIQUOR ORDINANCE**

An Ordinance providing for hours when intoxicating liquor cannot be consumed on premises licensed to sell intoxicating liquor; for hours during which no person other than employees of a licensee can remain in any premises licensed to sell intoxicating liquor; for authority of law enforcement officials to enter premises to check for violations; for penalties for licensees who allow persons to remain on licensed premises during any time prohibited by this ordinance; providing for penalty for failure to allow a law enforcement official to enter a licensed premises to check for violations; and providing repeal of a prior ordinance and a prior resolution dealing with the same subject.

THE COUNTY BOARD OF KANABEC COUNTY ORDAINS:

- 1.0 DEFINITIONS.** The following words and phrases when used in the ordinance, unless the context clearly indicates otherwise, shall have the meanings herein ascribed to them.
- 1.01** “County” shall mean County of Kanabec.
- 1.02** “Final decision” shall mean any decision made by the County after a hearing under Section 9.0, or any determination made by the County Auditor that is not challenged at a hearing under Section 9.0 within 10 days of the mailing of the notice required by Section 9.01.
- 1.03** “Intoxicating Liquor” as defined in Minn. Stat. § 340A.101, Subd. 14.
- 1.04** “License” shall mean those licenses issued by the County of Kanabec to allow for the sale of intoxicating liquor by a licensee on the premises available to the licensee for the sale of intoxicating liquor.
- 1.05** “Licensee” shall mean any person who is issued a license by the County of Kanabec to allow for the sale of intoxicating liquor by the person on the premises licensed by the County of Kanabec.
- 1.06** “Person” shall mean an individual, partnership or corporation.
- 1.07** “Premises” is the premises described in the approved license application, subject to the provisions in Minn. Stat. §340A.410, subd 7. In the case of a restaurant, club, or exclusive liquor store licensed for on-sales of alcoholic beverages and located on a golf course, “licensed premises” means the entire golf course except for areas where motor vehicles are regularly parked or operated.
- 1.08** “Off-Sale” shall mean the sale of intoxicating liquor in original packages for consumption off the licensed premises only.
- 1.09** “On-Sale” shall mean the sale of intoxicating liquor for consumption on the licensed premises only.

**1.10** “Club” as defined in Minnesota Statute 340A.101, Subd. 7

## **2.0 APPLICATION PROCESS**

**2.01** An application for a license under this ordinance shall be made on the forms prescribed by the County and the State of Minnesota

**2.02** Before issuing any license under this ordinance, the Board of Commissioners shall consider, among other things, the following:

(a) the application;

(b) township approval;

(c) the written recommendations from the Kanabec County Sheriff and Kanabec County Attorney;

(d) the character and reputation of the person making the application;

(e) the nature of the business being or to be conducted;

(f) the physical set up of the premises;

(g) the propriety of the location of the premises;

(h) compliance with County ordinances and state law including, but not limited to: parking, zoning, sanitation, food service facilities, provisions for security against theft or misuse of products, subdivision regulations, building, fire, electrical and plumbing codes;

(i) any files of the County regarding the person making the application and/or premises.

**2.03** A licensee must require that all of its employees or agents who serve alcoholic beverages at the establishment successfully complete an annual program of responsible beverage server training. The County shall provide a list of dates, locations and times of County-approved responsible beverage server training programs. Certificates of attendance indicating proof of such training shall be maintained on the premises of the licensed establishment and a copy provided to the County at the time of application for renewal of license. Any renewal application not containing the certificates of training attendance shall be incomplete. Attendance at the training session does not alleviate applicants from civil and/or criminal penalties for a violation of this chapter.

## **3.0 FEES – NEW LICENSEES AND RENEWALS**

**3.01** The license fees for the licenses issued under this ordinance shall be those as set by resolution of the Kanabec County Board of Commissioners. Any resolution of the Board regarding license fees must comply with the provisions of Minn. Stat. §340A.408 (2005), and any amendment or recodification thereto.

**3.02** Licenses are annual and expire June 30<sup>th</sup> of each year. License fees are non-refundable.

**3.03** Renewal fees are due with the license renewal application. No license shall be

issued until license fees are paid in full.

- 3.04 Any licensee paying license fees by business or personal check that is returned due to insufficient funds or a closed account, will not be issued their license until payment by certified cashier's check or cash is received by the Kanabec County Auditor's office.
- 3.05 The Kanabec County Auditor's office reserves the right to require license renewal fees be paid by certified cashier's check or cash in subsequent years should a licensee violate section 3.04.
- 3.06 No license for the sale of intoxicating liquor will be issued to anyone for sales to be made on premises upon which delinquent property taxes exist.

#### 4.0 HOURS OF SALE OF ON-SALE INTOXICATING LIQUOR

- 4.01 No sale of intoxicating liquor for consumption on the licensed premises may be made:
  - (a) between 1:00 a.m. and 8:00 a.m. on the days of Monday through Saturday;
  - (b) between 1:00 a.m. and 10:00 am on Sundays;.
- 4.02 No licensee licensed to sell intoxicating liquor shall permit any person to consume intoxicating liquor in the licensed premises later than 1/2 hour after this ordinance allows for the sale of intoxicating liquor.
- 4.03 No licensee shall permit any consumer or person whomever, except employees of the licensee, to remain on the licensed premises later than 1/2 hour after this ordinance allows for the sale of intoxicating liquor.

#### 5.0 TEMPORARY ON-SALE LICENSES FOR INTOXICATING LIQUOR

- 5.01 The County may issue a temporary on-sale license for the sale of intoxicating liquor to a club or charitable, religious, or other non-profit organization in existence for at least three (3) years for the on-sale of intoxicating liquor in connection with a social event sponsored by the licensee.
- 5.02 The temporary license under this section shall be issued for not more than three (3) consecutive days.
- 5.03 The premises for which a temporary license is issued may include public property owned by the County.
- 5.04 In the event the premises used are public property owned by the County, the

licensee shall deposit with the Kanabec County Auditor, a \$1,500 refundable cash deposit to guarantee that the premises will be cleaned up after the expiration of the temporary license, and to guarantee against property damage to the property owned by the County.

- 5.05** A temporary license shall not be issued for the use of public property owned by the County unless the licensee files with the Kanabec County Auditor a liability and property damage insurance policy protecting the licensee and County with the limits of at least \$100,000 per person; at least \$300,000 per occurrence and property damage of at least \$10,000.

## **6.0 GENERAL PROVISIONS**

- 6.01** A licensee shall allow any law enforcement official to enter the premises at any time, for the purpose of investigating possible violations of this ordinance, other ordinances, and Minnesota Statutes.
- 6.02** A licensee shall immediately stop sales when ordered to do so by the Sheriff of Kanabec County or their deputies.
- 6.03** A licensee shall make every sale in full view of the public.
- 6.04** Any license issued under this ordinance shall be posted in a conspicuous place on the premises for which it is issued.
- 6.05** Any license issued under this ordinance shall not be transferred to any other person, organization or premises.
- 6.06** The licensee shall comply with all laws, rules and regulations of the state and federal governments in operation on the premises, and shall ensure compliance therewith by each of their partners, employees, agents and customers.

## **7.0 PENALTIES**

- 7.01** Any violation of Sections 4.02 or 4.03 is a misdemeanor, and additionally shall be cause for revocation, or suspension for up to 60 days of the license of the offender and/or up to a \$2000 fine.
- 7.02** Any violation of Section 6.01 shall be cause for revocation , or suspension for up to 60 days of the license of the offender and/or up to a \$2000 fine.
- 7.03** Any violation of Minnesota Chapter 340A shall be cause for revocation, or suspension for up to 60 days of the license of the offender and/or up to a \$2000 fine.
- 7.04** Upon a determination by the County Auditor that a violation of this ordinance or Minnesota Chapter 340A has occurred, the following minimum penalties shall

apply:

- a.** First violation: \$1000 fine
- b.** Second violation within 36 months of any prior violation: \$2000 fine
- c.** Third violation within 36 months of any prior violations: \$2000 fine and a 14-day license suspension
- d.** Upon a fourth violation occurring within 36 months of any prior violations, the licensee's license will be revoked.

**7.05** Payment of all fines assessed must be made within 90 days of the date that written notice of the violation was provided to the licensee. Unpaid fines shall constitute a basis to deny renewal of a liquor license when renewal is due.

**7.06** Violations are counted per licensee. In the event of a change in the licensee, upon the first violation occurring after the change, penalties will be assessed as a first offense.

## **8.0 NOTICE AND HEARING**

**8.01** If the County Auditor makes a determination to suspend or revoke a license granted under this ordinance, or to impose a fine on the licensee, the County Auditor must provide written notice of the specific civil penalty to the licensee.

**8.02** Written notice from the County Auditor must inform the licensee of the following:

- (a)** The reason for the Auditor's determination;
- (b)** The proposed consequences that the County intends to impose on the licensee;
- (c)** The licensee's right to request a hearing prior to the determination becoming final; and
- (d)** The consequences of the licensee's failure to request a hearing within 10 days of mailing of written notice.

**8.03** A hearing must be requested within 10 days of the date the notice was mailed via certified mail. If a licensee does not request a hearing within that time period, the determination of the County Auditor will be the final decision. Requests for a hearing must be submitted in writing to the County Coordinator.

**8.04** If the licensee requests a hearing, the hearing will be conducted in accordance with Minn. Stat. §340A.415 and Sections 14.57 to 14.69 of the Administrative Procedures Act ("APA"), and any amendment or recodification thereto.

**8.05** The County Board must select an independent hearing officer to conduct a hearing and make a report and recommendations pursuant to the provisions of the APA.

**8.06** The County must consider the hearing officer's recommendations and issue its decision on the suspension or revocation based on that recommendation pursuant to provisions of the APA. This decision will be the County's final decision.

**9.0 EFFECTIVE DATE**

This ordinance shall be effective July 1, 2015.

| Passed by the Kanabec County Board of Commissioners this 24<sup>th</sup> day of June, 2015.

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Kanabec County Chairperson

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County Coordinator