



Mille Lacs County, as a licensing authority, enacts this ordinance regarding the issuance and enforcement of liquor licenses in the unorganized or unincorporated areas of Mille Lacs County. Furthermore, this ordinance rescinds "The Alcohol Licensing and Compliance Enforcement Ordinance" section of the Mille Lacs County Development Code adopted in 2005. All provisions of Minnesota Statute Chapter 340A, and all amendments thereof, are herein incorporated and made part of this ordinance. The enactment of this ordinance imposes civil penalties on licensees, and establishes license suspension and revocation procedures for violations of the prohibitions contained in this ordinance. The prohibitions created and sanctions imposed by this ordinance are not exclusive and are in addition to any other sanctions available to the County under any other statute, rule, or ordinance

THE BOARD OF COMMISSIONERS OF MILLE LACS COUNTY ORDAINS:

Section 2. Definitions

When used in this ordinance, the following words and phrases shall have the meanings given them in this section, unless the content clearly indicates otherwise.

- 2.01 "Alcoholic beverage" is any beverage containing more than one-half of one percent alcohol by volume including, but not limited to, intoxicating liquor, malt liquor, 3.2 % malt liquor, wine, and table or sparkling wine as defined in MN Statute 340A.101
- 2.02 "County" shall mean County of Mille Lacs.
- 2.03 "Licensed premises" is the premises described in the approved license application, subject to the provision of MN Statute 340A.410, Subd. 7, as amended. In the case of a restaurant, club, or exclusive liquor store licensed for on-sale of alcoholic beverages located on a golf course, "licensed premises" means the entire golf course, except for areas where motor vehicles are regularly parked or operated.
- 2.04 "Licensee" is any person, individual, firm, corporation, partnership, association, limited liability company, government agency, club, or organization of any kind licensed by Mille Lacs County under the authority contained in MN Statute 340A.
- 2.05 "Licensed establishment" is any place of business where alcoholic beverages are available for sale to the general public. Licensed establishments shall include, but not be limited to, bars, restaurants, and clubs.
- 2.06 "Licensing Authority" means Mille Lacs County, Minnesota.
- 2.07 "Sale" means any transfer for money, trade, barter, or other consideration.
- 2.08 "Underage person" means a person under twenty-one (21) years of age.

Section 3. License Required

No person, except a wholesaler or manufacturer to the extent authorized under state license, shall directly or indirectly deal in, sell, or keep for sale in any township or unorganized area of the County, any alcoholic beverages or malt liquor without a license to do so as provided in this ordinance.

Section 4. License Application and Renewal Process

- 4.01 An application for a license under this ordinance shall be made on the forms prescribed by the State of Minnesota and Mille Lacs County. Forms and information on other required items are available from the Mille Lacs County Auditor-Treasurer's office. All applications are to be filed with the Auditor-Treasurer's office, which is responsible for the processing of applications. Processing includes, but is not limited to, recommendations from the County Sheriff and the County Attorney, township approval, and County Board approval.
- 4.02 Before issuing any license under this ordinance, the Board of Commissioners shall consider, among other things, the following:
- the application
 - township approval
 - written recommendations from the Mille Lacs County Sheriff and County Attorney
 - the character and reputation of the person making the application
 - the nature of the business being or to be conducted
 - the physical set-up of the premises
 - the propriety of the location of the premises
 - 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
 - any files of the County regarding the person and/or premises making the application
- 4.03 Except for temporary licenses and Consumption and Display licenses, each license shall be issued for a period of one year and expire on June 30 of each year. Licenses are not transferable. If application is made during the license year, a license may be issued for the remainder of the year for a pro rata fee, with any unexpired fraction of a month being counted as one month. The minimum license fee shall be one-fourth of the annual license fee.
- 4.04 Any renewal must be presented, with all requirements met, 30 days prior to the effective date. In most circumstances, the renewal due date will be May 31, since licenses expire June 30. Applications received after that date must include an additional \$100 late fee.
- 4.05 License fees for the licenses issued under this ordinance shall be those as set by resolution of the Mille Lacs County Board of Commissioners, subject to restriction imposed by MN Statute 340A.408. License fees are not refundable.

- 4.06 Any licensee whose fees were paid by a check that was returned unpaid will not be issued their license until payment by cashier's check or cash is received by the Auditor-Treasurer's Office. Mille Lacs County reserves the right to require licensees whose check has been returned unpaid in the past to pay future license renewal fees by cashier's check or cash.
- 4.07 No license for the sale of alcoholic beverages will be issued to anyone for sales to be made on premises upon which property taxes or assessments are delinquent and unpaid.
- 4.08 Failure to comply with existing County Ordinances shall result in the automatic denial, or revocation, of the license.
- 4.09 Required with the application is a certificate of liquor liability insurance in the amount of coverage that complies with the provisions of MN Statute 340A.409. Lapse of required liquor liability insurance shall result in immediate suspension of any license issued pursuant to this ordinance.

Section 5. Hours of Sale of On-Sale Alcoholic Beverages or 3.2% Malt Liquor

On-sale licenses shall be granted to clubs, restaurants, hotels, bowling alleys, and golf courses where food is served at tables, and where a minimum of 30 people can be served at one time.

- 5.01 No sales of alcoholic beverages for consumption on a 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 a.m. on Sundays.
- 5.02 No sales of 3.2% malt liquor for consumption on a 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 a.m. on Sundays.
- 5.03 No licensee licensed to sell alcoholic beverages and/or 3.2% malt liquor shall permit any person to consume alcoholic beverages and/or 3.2% malt liquor in a licensed premises later than ½ hour after this ordinance allows for the sale of intoxicating and/or 3.2% malt liquor.
- 5.04 No licensee shall permit any consumer or any other person, except employees of the licensee, to remain on the licensed premises later than ½ hour after this ordinance allows for the sale of intoxicating and/or 3.2% malt liquor.

Section 6. Hours of Sale of Off-Sale Alcoholic Beverages or 3.2% Malt Liquor

- 6.01 No sales of off-sale alcoholic beverages may be made:
 - a. between 10:00 p.m. and 8:00 a.m. on the days of Monday through Saturday;
 - b. on Sundays;
 - c. on Thanksgiving, Christmas Day (12/25) or Christmas Eve (12/24 after 8:00 p.m.)
- 6.02 No sales of off-sale 3.2% malt liquor 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 a.m. on Sundays.

Section 7. Temporary On-Sale Licenses for Alcoholic Beverages or 3.2% Malt Liquor

- 7.01 The County may issue a temporary on-sale license for the sale of intoxicating and/or 3.2% malt liquor to a club or charitable, religious, or other non-profit organization in existence for at least three (3) years in connection with a social event sponsored by the licensee.
- 7.02 The temporary license under this section shall be issued for not more than four (4) consecutive days.
- 7.03 In the event the premises for which a temporary license is issued is public property owned by the County, necessary deposit fees, insurance requirements, and other arrangement details will be established by the Mille Lacs County Board of Commissioners at that time.

Section 8. Consumption & Display License (setup)

- 8.01 No business establishment or club which does not hold an on-sale alcoholic beverages license may directly or indirectly allow the consumption and display of alcoholic beverages, or knowingly serve any liquid for the purpose of mixing with alcoholic beverages, without first having obtained a permit from the Minnesota Alcoholic and Gambling Enforcement. A permit issued under this section authorizes the establishment to permit the consumption and display of alcoholic beverages on the premises. This permit does not authorize the sale of intoxicating liquor.
- 8.02 Only those eligible under MN Statute 340A.414, Subd. 2, shall be entitled to apply for a permit. Refer to Minnesota statutes for other provisions.
- 8.03 All permits issued under this section expire on March 31 of each year.

Section 9. Wine License

- 9.01 A wine license may be issued only to restaurants meeting the qualifications of MN Statute 340A.101, Subd. 25, and shall permit only the sale of wine as defined in MN Statute 340A.101, Subd. 29, for consumption on the licensed premises only, in conjunction with the sale of food.

Section 10. Club License

- 10.01 A "club" is an incorporated organization organized under the laws of the state for civic, fraternal, social, or business purposes; for intellectual improvement; the promotion of sports; or a congressionally chartered veterans' organization, which:
 - a. has more than 30 members;
 - b. 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;

- c. is directed by a board of directors, executive committee, or other similar body chosen by the members at a meeting held for that purpose. No member, officer, agent, or employee shall receive any profit from the distribution or sale of beverages to the members of the club, or their guests, beyond a reasonable salary or wages fixed and voted each year by the governing body.

10.02 Refer to Minnesota Statutes for additional provisions.

Section 11. General Provisions

11.01 A licensee shall make every sale in full view of the public.

11.02 Any license issued under this ordinance shall be posted in a conspicuous place on the premises for which it is issued.

11.03 The licensee shall comply with all the 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. Every licensee is **responsible** for the conduct in the licensed establishment, and any sale of an alcoholic beverage by an employee authorized to sell alcoholic beverages in the establishment is the act of the licensee.

11.04 A licensee shall immediately stop sales when ordered to do so by the Sheriff of Mille Lacs County or his deputies.

11.05 No alcoholic beverages or 3.2% malt liquor shall be consumed by any person in the parking area adjacent to any licensed premises at any time.

Section 12. Offenses Involving Underage Persons

12.01 It is unlawful for any licensee to permit any person less than 21 years of age to consume alcoholic beverages on the licensed premises.

12.02 It is unlawful for any licensee to sell, barter, furnish, or give alcoholic beverages to a person less than 21 years of age.

12.03 No person less than 21 years of age may enter a licensed establishment for the purpose of purchasing or having served or delivered any alcoholic beverage. However, persons 18, 19 or 20 years old may enter a licensed establishment to perform work for the establishment, including the serving of alcoholic beverages, unless otherwise prohibited by MN Statute 340A.412, Subd. 10; consume meals; and attend social functions that are held in a portion of the establishment where liquor is not sold.

12.04 Proof of age for purchasing or consuming alcoholic beverages may be established only by a valid driver's license or state identification card, a valid military identification card issued by the United States Department of Defense, or, in the case of a foreign national, by a valid passport.

Section 13. Inspection and Compliance Checks

To ensure that alcohol is not sold to underage persons, law enforcement officers or other designated employees of the County shall periodically perform inspections and compliance checks. Additional inspections and compliance checks may be performed as a result of failed inspections or failed compliance checks.

- 13.01 All licensed premises shall be open to inspection by any law enforcement officer, or other designated officer or employee of the County, at any time there are persons within the licensed premises. The licensing authority may perform compliance checks each calendar year to determine if retailers are in compliance with Minnesota Statute and local ordinance.
- 13.02 Compliance checks shall be conducted by the licensing authority by using underage persons over the age of 18 years to enter the licensed premise to attempt to purchase alcohol. Designated law enforcement personnel shall supervise underage persons used for compliance checks. Underage persons used for compliance checks shall not be guilty of the unlawful purchase or attempted purchase, nor the unlawful possession of alcohol when such alcohol is obtained or attempted to be obtained as part of the compliance check. No underage person used in the compliance check shall attempt to use a false identification misrepresenting the underage person's age and all underage persons lawfully engaged in a compliance check shall answer all questions about the Underage Person's age asked by the Licensee or his or her employee. Nothing in this section shall prohibit compliance checks authorized by State or Federal laws for educational, research or training purposes, or required for the enforcement of a particular State or Federal law.

Section 14. Enforcement and Penalties

- 14.01 Violations of the prescriptions established in this Ordinance may be enforced through criminal and/or civil sanctions.
- 14.02 Any person who violates any of the provisions of this ordinance, or who fails or refuses to comply with the provisions of this ordinance shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of \$1,000 or by imprisonment for up to 90 days, or both. In addition, nothing in this Ordinance limits Mille Lacs County in seeking criminal prosecution under Minnesota Statutes for violations of other statutes, rules or ordinances.
- 14.03 The Licensing Authority or their designee may issue the following administrative penalties for violations of this ordinance:
 - a. First violation
Any Licensee found to have violated this ordinance shall be charged an administrative penalty of five hundred dollars (\$500.00); the sum of \$250 will be waived if all employees attend Alcohol Awareness Training within 3 months of the violation or as soon as it is reasonably available from the County.
 - b. Second violation
Any Licensee found to have violated this ordinance two (2) times within a twenty-four (24) month period will be subject to a one thousand dollar (\$1,000.00) administrative penalty. In

addition, the liquor license may be subject to revocation or suspension during the annual license review by the County board.

c. Third violation

Any Licensee found to have violated this ordinance three (3) times within a twenty-four (24) month period will be subject to a two thousand dollar (\$2,000.00) administrative penalty. In addition, a one (1) day suspension of the liquor license shall be imposed, the date thereof to be determined by the County Board. In addition, the liquor license may be subject to revocation during the annual license review by the County board.

d. Fourth violation

Any Licensee found to have violated this ordinance four (4) times within a twenty-four (24) month period will be subject to a two thousand dollar (\$2,000.00) administrative penalty. In addition, a ten (10) day suspension of the liquor license shall be imposed, the date(s) thereof to be determined by the County Board. In addition, the liquor license may be subject to revocation during the annual license review by the County board.

e. Fifth violation

Any Licensee found to have violated this ordinance five (5) times within a twenty-four (24) month period shall have their liquor license revoked.

14.04 The licensee shall appeal the imposition of an administrative penalty pursuant to the Minnesota Administrative Procedures Act (Minnesota Statute 14.57 to 14.69).

14.05 A licensee may appeal a suspension or revocation of a license to the Mille Lacs County Board pursuant to sections 14.57 to 14.69 of the Minnesota Statutes. No suspension or revocation shall take effect until the time for appeal has run; or, if appeal is brought, until the County Board has rendered a decision.

Section 15. Alcohol Awareness Training

License holders are encouraged to train all employees authorized to serve or sell alcoholic beverages on the licensed premises through an alcohol awareness program approved by the licensing authority or their designee.

Section 16. Severability

Should any section or provision of this ordinance be declared invalid or unconstitutional, such finds shall not affect the validity of the ordinance as a whole, or any part thereof, other than that part found to be invalid or unconstitutional.

Section 17. Effective Date

17.01 This ordinance shall become effective January 1, 2010.

17.02 Passed by the Mille Lacs County Board of Commissioners this 15th day of December, 2009.