

# SIBLEY COUNTY

## Article 550 “Liquor Ordinance” of the Code of Ordinances of the County of Sibley

**ARTICLE 550. LIQUOR ORDINANCE**

SECTION 550.1 Provisions of State Law Adopted

SECTION 550.2 Intoxicating Liquor Licensing

- SUBD. 550.2.1 License Required
- SUBD. 550.2.2 Application for Licenses
- SUBD. 550.2.3 License Fees
- SUBD. 550.2.4 Granting of Licenses
- SUBD. 550.2.5 Persons Ineligible for Licenses
- SUBD. 550.2.6 Places Ineligible for License
- SUBD. 550.2.7 Conditions of License
- SUBD. 550.2.8 Restrictions on Purchase and Consumption

SECTION 550.3 3.2 Percent Malt Liquor Licensing

- SUBD. 550.3.1 License Required
- SUBD. 550.3.2 Application for Licenses
- SUBD. 550.3.3 License Fees
- SUBD. 550.3.4 Granting of Licenses
- SUBD. 550.3.5 Persons Ineligible for License
- SUBD. 550.3.6 Places Ineligible for License
- SUBD. 550.3.7 Conditions of License

SECTION 550.4 Consumption and Display Permits

SECTION 550.5 Administrative

## **ARTICLE 550 LIQUOR ORDINANCE**

### **SECTION 550.1 PROVISIONS OF STATE LAW ADOPTED**

SUBD. 550.1.1 The provisions of Minnesota Statutes, Chapter 340A, as amended relating to the definition of terms, licensing, other matters pertaining to the retail sale, distribution, and consumption of intoxicating liquor and 3.2 percent malt liquor are adopted and made a part of this ordinance as if set out in full.

### **SECTION 550.2 INTOXICATING LIQUOR LICENSING**

#### **SUBD. 550.2.1 License Required**

550.2.1.1 General Requirements. 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 the county, any intoxicating liquor without a license to do so as provided in this ordinance. Licenses shall be of four kinds: on-sale licenses, off-sale licenses, seasonal on-sale licenses, and temporary on-sale licenses.

550.2.1.2 On-Sale Licenses. “On-sale” licenses shall be issued only to hotels, clubs, restaurants, and bowling centers and shall permit “on-sale” of liquor only, with the approval of the commissioner.

550.2.1.3 Off-Sale Licenses. “Off-sale” licenses shall be issued only to exclusive liquor stores and shall permit “off-sale” of liquor only with the approval of the commissioner.

550.2.1.4 Seasonal On-Sale. “Seasonal on-sale” licenses shall be issued by the county board to clubs or to restaurants and shall permit “on-sale” of liquor only for a period specified by the county board, not to exceed nine months.

550.2.1.5 Temporary Licenses. Temporary licenses shall be issued only to clubs, charitable, religious, or nonprofit organizations in existence for at least three years and shall permit the “on-sale” of intoxicating liquor in connection with a social event within the county sponsored by the licensee for not more than four consecutive days.

#### **SUBD. 550.2.2 Application For Licenses**

550.2.2.1 Form. Every application for a license to sell liquor shall state the name of the applicant, his/her age, representations as to his/her character, with such

references as the board may require, his/her citizenship, the type of license applied for, the business in connection with which the proposed license will operate and its location, whether the applicant is owner and operator of the business, how long he/she has been in that business at that place, and such other information as the board may require from time to time. For a temporary or seasonal license, the applications shall also state the designated dates of sale, the premises where the sale will take place, with whom the licensee will be contracting for intoxicating liquor catering service, if any; and such other information as the board may require from time to time. In addition to containing such information, the application shall be in the form prescribed by the Commissioner of Public Safety and shall be verified and filed with the county auditor. No person shall make a false statement in the application.

550.2.2.2 Liability Insurance. Prior to the issuance of a liquor license, except for a temporary license, the applicant shall file with the Commissioner of Public Safety and County Auditor a certificate of liquor liability insurance (dram shop) in an amount of coverage that complies with the provisions of Minnesota Statutes §340A.409 relating to liability insurance policies.

550.2.2.3 Approval Of Security. The security offered under Paragraph 550.2.2.2 shall be approved by the county board and, in the case of applicants for “off-sale” licenses, by the Commissioner of Public Safety. Liability insurance policies shall be approved as to form by the county attorney. Operation of a licensed business without having on file with the county at all times effective security as required is a cause for revocation of the license.

#### SUBD. 550.2.3 License Fees

550.2.3.1 Fee. The annual fees for liquor license shall be set by the county board from time to time by resolution, subject to the restrictions imposed by Minnesota Statutes §340A.408.

550.2.3.2 Payment. Each application for a license shall be accompanied by a receipt from the county treasurer for payment in full of the license fee and the fixed investigation fee required under this ordinance, if any. All fees shall be paid into the general fund. If an application for a license is rejected, the treasurer shall refund the amount paid as the license fee.

550.2.3.3 Term Pro Rata Fee. Except for temporary or seasonal licenses, each license shall be issued for a period of one year, except that if the 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, provided that the minimum license fee shall be one-fourth of the annual license fee. Every license shall expire on the last day of June.

550.2.3.4 Refunds. No refund of any fee shall be made, except as authorized by statute.

SUBD. 550.2.4 Granting Of Licenses

550.2.4.1 Investigation And Issuance. The county shall investigate all facts set out in the application. Opportunity shall be given to any person to be heard for or against the granting of a license. After the investigation and hearing the board shall, in its discretion, grant or refuse the application. No “off-sale” license shall become effective until a hearing as provided by Minnesota Statutes §340A.405, Subd. 2 (d) has been held. No license shall become effective until it has been approved by the Commissioner of Public Safety, if required by statute.

550.2.4.2 Person And Premises Licensed; Transfer. Each license shall be issued only to the applicant and for the premises described in the application. No license may be transferred to another person or place without the county board’s approval. Any transfer of stock of a corporate licensee is deemed transfer of the license and a transfer of stock without prior board approval is a ground for revocation of license.

SUBD. 550.2.5 Persons Ineligible for License. No license shall be granted to a person made ineligible for such license by state law.

SUBD. 550.2.6 Places Ineligible For License.

550.2.6.1 General Prohibition. No license shall be issued for any place or business ineligible for such license under state law.

550.2.6.2 Delinquent Taxes And Charges. No license shall be granted for operation on any premises on which taxes, assessments, or other financial claims of the county are delinquent and unpaid.

SUBD. 550.2.7 Conditions Of License.

550.2.7.1 In General. Every license is subject to the conditions of the following paragraphs and all other provisions of this ordinance and of any other applicable ordinance, state law, or regulation.

- 550.2.7.2 Licensee’s Responsibility. Every licensee is responsible for the conduct of his/her place of business and the conditions of sobriety and order in it. The act of any employee on the licensed premises authorized to sell intoxicating liquor there is deemed the act of the licensee as well, and the licensee shall be liable to all penalties provided by this ordinance and the law equally with the employee.
- 550.2.7.3 Inspections. Every licensee shall allow any peace officer, health officer, or properly designated officer or employee of the county to enter, inspect, and search the premises of the licensee during business hours, without a warrant.
- 550.2.7.4 Display During Prohibited Hours. No “on-sale” establishment shall display to the public during hours when the sale of liquor is prohibited.
- 550.2.7.5 Insurance. Compliance with financial responsibility requirements of state law and of this ordinance is a continuing condition of any license granted pursuant to this ordinance.

SUBD. 550.2.8 Restrictions On Purchase And Consumption.

- 550.2.8.1 Liquor In Unlicensed Places. Except as to temporary licenses, no person shall mix or prepare liquor for consumption in any public place or place of business unless it has a license to sell liquor “on-sale” under Minnesota Statutes, and no person shall consume liquor in any such place.
- 550.2.8.2 Consumption In Public Places. Except as to temporary licenses, no person shall consume liquor in a public park, or other public place.
- 550.2.8.3 Temporary License Restrictions. A holder of a temporary license may mix or prepare liquor for consumption in a public place, such as a public highway, (street dances, block parties, etc.), public park or other public place, if approved by the county board. The board may place such restrictions or terms on the purchase and consumption as it deems necessary.

**SECTION 550.3 3.2 PERCENT MALT LIQUOR LICENSING**

SUBD. 550.3.1 License Required.

- 550.3.1.1 Licenses. No person, except wholesalers and manufacturers to the extent authorized by law, shall directly or indirectly deal in, or sell, dispose of by

gift, or otherwise, or keep for sale, any 3.2 percent malt liquor without first having received a license as hereinafter provided. Licenses shall be of three kinds: 1) on-sale license; 2) temporary on-sale license; and 3) off-sale license.

- 550.3.1.2 On-Sale Licenses. “On-sale” licenses shall be granted only to clubs, restaurants, hotels, bowling centers, golf courses, and establishments used exclusively for the sale of 3.2 percent malt liquor incidental to the sale of soft drinks and tobacco.
- 550.3.1.3 Temporary On-Sale Licenses. Temporary “on-sale” licenses shall be granted only to clubs or charitable, religious or non-profit organizations for the sale of 3.2 percent malt liquor. All temporary “on-sale” licenses shall be subject to such terms as the board deems necessary.
- 550.3.1.4 Off-Sale License. “Off-sale” licenses shall be granted only as permitted by statute and shall permit “off-sale” of 3.2 percent malt liquor only.
- 550.3.1.5 Exemptions. The following are exempted from the above license requirement:
- a. Any person licensed to sell intoxicating liquor at on-sale shall not be required to obtain an on-sale license under this section, and may sell 3.2 percent malt liquor beverages at on-sale without further license.
  - b. Any person licensed to sell intoxicating liquor at off-sale shall not be required to obtain an off-sale license under this section, and may sell 3.2 percent malt liquor beverages at off-sale without further license.

SUBD. 550.3.2 Application For Licenses.

- 550.3.2.1 Form. Every application for a license to sell 3.2 percent malt liquor shall state the name of the applicant, his/her age, representations as to his/her character, with such references as the board may require, his/her citizenship, the type of license applied for, the business in connection with which the proposed license will operate and its location, whether the applicant is owner and operator of the business, how long he/she has been in that business at that place, and such other information as the board may require from time to time. For a temporary license, the applications shall also state the designated dates of sale, the premises where the sale will take place, with whom the licensee will be contracting for liquor catering service, if any; and such other information as the board may require from time to time. In addition to containing such information, the application shall be in the form prescribed by the Commissioner of Public Safety and

shall be verified and filed with the county auditor. No person shall make a false statement in the application.

550.3.2.2 Liability Insurance. Prior to the issuance of a liquor license, the applicant shall file with the Commissioner of Public Safety and county auditor a certificate of liquor liability insurance (dram shop) in an amount of coverage that complies with the provisions of Minnesota Statutes §340A.409 relating to liability insurance policies.

550.3.2.3 Approval of Security. The security offered under Paragraph 500.3.2.2 shall be approved by the county board, and the Commissioner of Public Safety, if necessary. Liability insurance policies shall be approved as to form by the county attorney. Operation of a licensed business without having on file with the county at all times effective security as required is a cause for revocation of the license.

SUBD. 550.3.3 License Fees.

500.3.3.1 Fee. The annual fees for liquor license shall be set by the county board from time to time by resolution, subject to the restrictions imposed by Minnesota Statutes §340A.408.

550.3.3.2 Each application for a license shall be accompanied by a receipt from the county treasurer for payment in full of the license fee and the fixed investigation fee required under this ordinance, if any. All fees shall be paid into the general fund. If an application for a license is rejected, the treasurer shall refund the amount paid as the license fee.

550.3.3.3 Term Pro Rata Fee. Except for temporary licenses, each license shall be issued for a period of one year, except that if the 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, provided that the minimum license fee shall be one-fourth of the annual license fee. Every license shall expire on the last day of June.

550.3.3.4 Refunds. No refund of any fee shall be made, except as authorized by statute.

SUBD. 550.3.4 Granting of License.

550.3.4.1 Investigation And Hearing. The county shall investigate all facts set out in the application. Opportunity shall be given to any person to be heard for



or against the granting of the license. After such investigation and hearing, the board shall grant or refuse the application in its discretion.

550.3.4.2 Transfers. Each license shall be issued to the applicant only and shall not be transferable to another holder. Each license shall be issued only for the premises described in the application. No license may be transferred to another place without the approval of the board.

SUBD. 550.3.5 Persons Ineligible For License. No license shall be granted to a person made ineligible for such license by state law.

SUBD. 550.3.6 Places Ineligible For License.

550.3.6.1 General Prohibition. No license shall be issued for any place or business ineligible for such license under state law.

550.3.6.2 Delinquent Taxes And Charges. No license shall be granted for operation on any premises on which taxes, assessments, or other financial claims of the county are delinquent and unpaid.

SUBD. 550.3.7 Conditions Of License

550.3.7.1 In General. Every license is subject to the conditions of the following paragraphs and all other provisions of this ordinance and of any other applicable ordinance, state law, or regulation.

550.3.7.2 Licensee's Responsibility. Every licensee is responsible for the conduct of the place of business and the conditions of sobriety and order in it. The act of any employee on the licensed premises authorized to sell 3.2 percent malt liquor there is deemed the act of the licensee as well, and the licensee shall be liable to all penalties provided by this ordinance and the law equally with the employee.

550.3.7.3 Inspections. Every licensee shall allow any peace officer, health officer, or properly designated officer or employee of the county to enter, inspect, and search the premises of the licensee during business hours, without a warrant.

550.3.7.4 Display during Prohibited Hours. No "on-sale" establishment shall display to the public during hours when the sale of 3.2 percent malt liquor is prohibited.

550.3.7.5 Insurance. Compliance with financial responsibility requirements of state law and of this ordinance is a continuing condition of any license granted pursuant to this ordinance.

550.3.7.6 Sales Of Intoxicating Liquor. No licensee, who is not also licensed to sell intoxicating liquor or who does not hold a consumption or display permit, shall sell or permit the consumption and display of intoxicating liquors on the licensed premises or serve any liquids for the purpose of mixing with intoxicating liquor. The presence of intoxicating liquors on the premises of such a licensee shall be prima facie evidence of possession of intoxicating liquors for the purpose of sale; and the serving of any liquid for the purpose of mixing with intoxicating liquor shall be prima facie evidence that intoxicating liquor is being permitted to be consumed or displayed contrary to this ordinance.

## **SECTION 550.4 CONSUMPTION AND DISPLAY PERMITS**

SUBD. 550.4.1 Permit Required. It shall be unlawful for any club or business establishment, directly or indirectly, or upon any pretense or by device, to allow the consumption or display of alcoholic beverages, or the service of any liquid for the purpose of mixing with intoxicating liquor, without first securing a permit from the Commissioner of Public Safety and paying the annual fee, as provided in this ordinance and state law.

SUBD. 550.4.2 Eligibility. Only those eligible under Minnesota Statute §340A.414, Subdivision 2, shall be entitled to apply for a permit. Those eligible shall apply to the Commissioner of Public Safety on forms he provides. No permit issued by the Commissioner of Public Safety is effective until approved by the county board.

SUBD. 550.4.3 Fees. The annual fee for a permit is the fee set by statute payable to the Commissioner of Public Safety and a fee set by the county board from time to time by resolution, subject to the statutory limit. All fees are annual fees and no pro-rating of fees is permitted. All permits expire on March 31 of each year.

SUBD. 550.4.4 Lockers. A club issued a permit under this section may allow members to bring and keep a personal supply of intoxicating liquor in lockers on the club's premises. All bottles kept on the premises must have attached to it a label signed by the member. No person under 21 years of age may keep a supply of intoxicating liquor on club premises.

## **SECTION 550.5 ADMINISTRATIVE**

SUBD. 550.5.1 Suspension And Revocation.

550.5.1.1 The board may either suspend for up to 60 days or revoke any license, or impose a civil fine not to exceed \$2,000.00, for each violation upon a finding that the licensee has failed to comply with any applicable statute, regulation, or ordinance relating to alcoholic beverages. Except in cases of failure of financial responsibility, no suspension or revocation shall take effect until the licensee has been afforded an opportunity for a hearing pursuant to the Minnesota Administrative Procedure Act.

550.5.1.2 Lapse of required dram shop insurance or financial security, shall effect an immediate suspension of any license issued pursuant to this ordinance, without further action of the county board. Notice of cancellation, lapse of a current liquor liability policy or bond, or withdrawal of deposited cash or securities 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 bond, or withdrawal of a required deposit, or of suspension or revocation of a license, may request a hearing thereon, and if such a request is made in writing to the auditor, a hearing shall be granted within 10 days or such longer period as may be requested. Any suspension under this paragraph shall continue until the county board determines that the financial responsibility requirements of this ordinance have again been met.

SUBD. 550.5.2 Penalty. Any person violating any provision of this ordinance is guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than \$1,000.00 or imprisonment in the county jail for not more than 90 days, or both, plus the cost of prosecution in any case.