

ORDINANCE NO. 28

AN ORDINANCE PROVIDING RULES AND REGULATIONS
GOVERNING COUNTY LIQUOR LICENSES
AS AUTHORIZED BY MINNESOTA STATUTES,
CHAPTER 340A, AND ALL ACTS AMENDATORY THEREOF

AMENDED 2017

Enacted by the St. Louis County Board
by Resolution No. 867, adopted on the 8th day of November, 1994

Amended by the St. Louis County Board
by Resolution No. 353, adopted on the 6th day of June, 2006

Amended by the St. Louis County Board
by Resolution No. 259, adopted on the 2nd day of June, 2009

Amended by the St. Louis County Board
By Resolution No. 17-420, adopted 27th day of June 2017

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The St. Louis County Board of Commissioners ordains:

Section 1 - PREFACE

This Ordinance shall encompass all rules and regulations to be applied by the St. Louis County Board in administering its liquor licenses throughout the County and is promulgated pursuant to and in conjunction with the law and regulations of Minnesota Statute Chapter 340A.

Section 2 - REPEAL OF PRIOR REGULATIONS

The liquor license regulations known as Resolution No. 686, dated December 21, 1972, as amended by Resolution No. 363, dated June 19, 1973; Resolution No. 390, dated June 25, 1973; Resolutions No. 460 and No. 461, dated July 19, 1973; Resolution No. 269, dated May 6, 1974; Resolution No. 599, dated August 25, 1975; and Resolution No. 212, dated March 22, 1976, be and the same are, hereby repealed.

Section 3 - DEFINITIONS

- 3.01 For the purpose of this Ordinance, except where the context otherwise requires, the terms defined in this section shall have the meanings given them.
- 3.02 **Liquor.** "Liquor" shall mean all alcoholic beverages, including 3.2 percent malt liquor and intoxicating liquor, which are distilled, fermented, spirituous, vinous, and malt beverages containing a .5% or more of ethyl alcohol by weight which are potable for consumption by human beings.
- 3.03 **Sale, Sell and Sold.** "Sale" and "sell" and "sold" means all barter and all manners or means of furnishing liquor. Such terms shall include all such transactions, whether for cash, credit, or other considerations.
- 3.04 **Person.** "Person" may be extended to include bodies politic and corporate, and to partnerships and other unincorporated associations.
- 3.05 **Health Officer.** "Health Officer" shall mean a Sanitarian employed by the Minnesota Department of Health, or other authorized representative of the Minnesota Department of Health.

- 3.06 **Club.** "Club" means any corporation duly organized under the laws of the State for civic, fraternal, social, or business purposes or for intellectual improvement, or for the promotion of sports, or a congressionally chartered veterans' organization, which shall have more than thirty (30) members, and which shall, for more than a year, have owned, hired, or leased a building or space in a building of such extent and character as may be suitable and adequate for the reasonable and comfortable accommodation of its members, and whose affairs and management are conducted by a board of directors, executive committee, or other similar body chosen by the members at a meeting held for that purpose, none of whose members, officers, agents, or employees are paid directly or indirectly any compensation by way of profit from the distribution or sale of beverages to the members of the club, or to its guests, beyond the amount of such reasonable salary or wages as may be fixed and voted each year by the directors or other governing body.
- 3.07 **Exclusive Liquor Store.** "Exclusive liquor store" is an establishment used exclusively for the sale of intoxicating liquor at retail and under the control of an individual owner or manager and as an incident thereof may also sell cigars, cigarettes, ice, all forms of tobacco, and soft drinks at retail.
- 3.08 **Restaurant.** "Restaurant" means any establishment having in good standing a food and beverage service establishment license issued by the Minnesota Department of Health and under control of a proprietor or manager, having appropriate facilities for the seating and serving at tables or booths of meals, where meals are regularly prepared on the premises and where, in consideration of payment therefor, meals are regularly served to the general public. Seating space requirements shall meet Minnesota Statutes, the specifications of the Uniform Building Code, State Building Code, and State Fire Marshal. Each establishment shall employ an adequate staff to provide the usual suitable service to guests.
- 3.09 **Minnesota Department of Health Issued License.** "Minnesota Department of Health issued license" shall mean all licenses identified in, and issued by the Minnesota Department of Health, pursuant to Minnesota Statutes Chapter 157.
- 3.10 **Seasonal, Sunday Seasonal.** "Seasonal," "Sunday seasonal" licenses mean licenses which are issued for the time period of May 1 through October 31 or November 1 through April 30.

- 3.11 **Liquor Licensing Committee.** "Liquor Licensing Committee" shall mean the subcommittee appointed by the St. Louis County Board of Commissioners authorized to review, investigate, and make recommendations to the County Board in matters relating to applications and licenses issued pursuant to this Ordinance.
- 3.12 **Liquor License Fee Schedule.** "Liquor License Fee Schedule" shall mean the schedule of fees set annually by resolution by the County Board for designated licenses.

Section 4 - GENERAL PROVISIONS

- 4.01 **Auditor.** The St. Louis County Auditor shall supervise the issuance of licenses and all operations under this ordinance, and those responsibilities shall include the following:
- (a) The Auditor shall have on file applications for all licenses.
 - (b) The Auditor shall prepare forms for applications for licenses hereunder and obtain for the County Board the necessary reports and signatures from the Environmental Services, Planning and Development, and Sheriff Departments, and the County Attorney's Office, and any necessary verification of compliance from the Minnesota Department of Health.
 - (c) The Auditor shall continually monitor each applicant and licensee for compliance with the Ordinance, and may require an applicant and licensee to provide documentation to the liquor licensing clerk as needed to verify compliance.
- 4.02 **Eligibility of Applicants.** No licenses 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 holder of more than five percent of the capital stock of a corporation licensee, as a partner or otherwise, in the premises or in the business conducted thereon, or to a corporation, partnership, association, enterprise, business, or firm in which any such person is in any manner interested.

In addition, no new 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 a federal or state law or local ordinance governing the manufacture, sale, distribution, or possession for sale or distribution of an alcoholic beverage.

4.03 **License Duration.** All annual licenses permitted under the authority of this Ordinance shall be issued on an annual basis as follows:

(a) full year licenses shall be issued beginning July 1 through June 30 of the following year.

(b) seasonal and Sunday seasonal licenses shall be issued from May 1 through October 31 or November 1 through April 30 of the following year.

(c) permits for consumption and display of intoxicating liquor shall be issued from April 1 through March 31 of the following year.

Application and fees for any temporary license or special event license issued under this Ordinance, may be made at any time during the year; but at least forty-five (45) days in advance of the requested license date.

4.04 **Fee Payments.** All applications and fees for renewal of annual licenses shall be submitted to the County Auditor not later than the first day of May of each year in order to insure receipt of the license by July 1. All applications and fees for renewal of permits for consumption and display of intoxicating liquor shall be submitted to the County Auditor not later than the first day of March to insure receipt of the license by April 1.

Applications and fees for seasonal and Sunday seasonal licenses shall be submitted not later than the first day of April for licenses issued May 1 through October 31 and not later than the first day of October for licenses issued November 1 through April 30 of each year.

Annual payment of license fees shall be payable to the County Auditor. Fees shall be in amounts as designated annually in the "Liquor License Fee Schedule" authorized by resolution of the County Board. A late fee of five percent (5%) of the license fee in addition to the license fee shall be charged to annual license holders for all fees not received by the Auditor by May 31. A late fee of five percent (5%) of the license fee in addition to the license fee shall be charged to seasonal license holders for fees not received by the Auditor by April 1 for licenses issued May 1 to October 31

and October 1 for licenses issued November 1 to April 30. A late fee of five percent (5%) of the license fee shall be added to applications for permits for the consumption and display of intoxicating liquor not received by the Auditor by March 1.

4.05 **Zoning, Septic and Parking Requirements**. Notwithstanding any local ordinance, all licensed premises shall be in compliance with the County Zoning, Septic and Septic Loan Ordinances, including up to date septic loan payments. Each application for a new license under any of the provisions of this Ordinance, including 3.2 percent malt liquor, shall be reviewed by the Environmental Services and Planning and Development Departments for compliance with applicable zoning, septic and septic loan requirements and the availability of required parking upon the premises. Any remodeling, additions, or alterations to the licensed premises shall conform to the County Zoning and Septic Ordinances where applicable, and to the township zoning regulations, where applicable.

4.06 **Health Code Regulations**. Each applicant shall abide by all regulations of the Minnesota Department of Health. Applicant shall provide County with verification from the Minnesota Department of Health that an establishment meets the requirements of law and, in the case of an on-sale intoxicating liquor establishment, has the proper facilities to qualify and be licensed as a restaurant under this Ordinance.

When a restaurant, licensed for the sale of intoxicating liquor, is hereafter constructed or remodeled, or when an existing structure is converted for use as a restaurant, properly prepared plans and specifications for such construction, remodeling, or alteration shall be approved by the St. Louis County Environmental Services and Planning and Development Departments and the Minnesota Department of Health, as required to insure that the establishment will meet local and state standards for restaurants.

4.07 **License Fee, Refunds**. If, during the term of any liquor license, the place of business of any licensee shall be destroyed or so damaged by fire or otherwise, that the licensee shall cease to carry on the licensed business, or in case the business of the licensee shall cease by reason of the licensee's illness or death, or if it shall become unlawful for the licensee to carry on the licensed business under the license, except when such license is revoked, the County Board may refund to the licensee or to the estate such part of the license fee paid by the licensee as corresponds to the time such license had yet to run. In case of the death of any licensee, the licensee's personal representative is hereby authorized to continue

operation of such business for not more than ninety (90) days after the death of such licensee. If a license holder sells the licensed place of business, the County Board, at its discretion, may, after an investigation, transfer the license to a new owner.

4.08 **Corporations.** A corporation shall file with its license application the names of its shareholders, directors, officers, local managers, and local managing agents. The County Auditor shall be notified of the transfer, sale, pledge, or assignment of the record or equitable ownership of any stock of a corporate license holder to new or different shareholders, or the election or appointment of new or different directors, officers, local managers, or local managing agents by a corporate license holder within ten (10) days of the transfer or other action. The failure of the corporate license holder to comply with this provision shall be grounds for revocation of the license held. This paragraph does not apply to clerks, or to corporations whose stock is publicly held and listed and traded by the public on a recognized stock exchange, except with respect to those provisions dealing with local managers and local managing agents.

4.09 **Combinations of Licenses.** The following licenses shall not be approved:

(a) No bottle club permit shall be approved for an establishment that has been issued an on-sale or a combination on-and-off sale intoxicating liquor license.

(b) No on-sale 3.2 percent malt liquor license is necessary if an establishment has been issued an on-sale or a combination on-and-off sale intoxicating liquor license or an on-sale intoxicating malt liquor license.

(c) No off-sale 3.2 percent malt liquor license is necessary if an establishment has been issued an off-sale or a combination on-and-off sale intoxicating liquor license.

(d) No seasonal off-sale intoxicating liquor license shall be approved.

(e) No wine license is necessary if an establishment has been issued an on-sale intoxicating liquor license.

4.10 **Inspection of Licensed Premises.** All premises licensed under the provisions of this Ordinance shall be open to inspection by any law enforcement or health officer or any other properly designated officer or

employee of the County or State at any time during which the place so licensed shall be open to the public for business or shall appear to be operating in violation of law.

- 4.11 **Employment of Minors.** No establishment having an on-sale license shall employ any person under eighteen (18) years of age in any of the rooms constituting the place in which liquor is sold, except that persons under eighteen (18) years of age may be employed as musicians or to perform the duties of a busser or dishwashing services in restaurants serving food where alcohol is sold, provided further that no such person under eighteen (18) years of age shall be permitted to perform any services behind a bar. Persons under eighteen (18) years of age may be employed as waiters or waitresses in places defined as a restaurant to serve food in rooms in which only wine is sold on-sale, provided they shall not be permitted to serve or sell wine.
- 4.12 **Liability of Licensee.** Any sale of liquor in or from any place licensed under this Ordinance or any other act that violates this Ordinance by any clerk, barkeeper or other employee in such place shall be deemed the act of the employer as well as that of the person actually making the sale or committing the act. The licensee shall be liable for all penalties provided by this Ordinance for such sale equally with the person actually making the sale.
- 4.13 **Liability Insurance.** Every person licensed to sell liquor at on-sale or off-sale shall demonstrate proof of financial responsibility for the license period, with regard to liability imposed by Minnesota Statute § 340A.801 as a condition of the issuance or renewal of a liquor license, provided that this subdivision does not apply to licensees who by affidavit establish that they are on-sale 3.2 percent malt liquor licensees with sales of less than \$10,000 of 3.2 percent malt liquor for the preceding year or off-sale 3.2 percent malt liquor licensees with sales of less than \$20,000 of 3.2 percent malt liquor for the preceding year, or holders of on-sale wine licenses with sales of less than \$10,000 of wine for the preceding year. Proof of financial responsibility for the license period as required by Minnesota Statute § 340A.409, or an exemption affidavit must be submitted with a license application or renewal.
- 4.14 **Failure to Maintain Liability Insurance.** Failure to maintain the insurance required by Minnesota Statute § 340A.409 shall result in automatic suspension of a liquor license pending reinstatement of insurance and demonstration of proof of financial responsibility with regard to liability pursuant to Minnesota Statute § 340A.801. A licensee who has

been suspended pursuant to this subdivision may request a hearing before the County Board, and Sections 13.02, 13.03, and 13.04 shall apply to the hearing. A hearing requested under this subdivision shall be held within thirty (30) days of a written request for hearing. A license suspended under this subdivision shall not be reinstated except by Resolution of the County Board. If after sixty (60) days from suspension the licensee has not requested a hearing, the license shall automatically be revoked. If proof of insurance is presented to the County Board within sixty (60) days of suspension, the County Board may reinstate the license privileges without a hearing.

4.15 **Taxes.** Past due or delinquent real or personal property taxes assessed to the licensed premises must be paid in full at the time of application and thereafter must be paid when due. Failure to pay real estate or personal property taxes when due shall result in suspension of any liquor license until such time as the taxes are paid or the license expires or revocation.

4.16 **License Posting.** No liquor establishment shall serve or sell liquor unless its license is posted within the establishment as required by law.

Section 5 - APPLICANT INVESTIGATION

5.01 **Duties of Sheriff.** It shall be the responsibility of the Sheriff to investigate each and every applicant and to continuously monitor licensees to determine whether or not an individual has a criminal record. The Sheriff shall also routinely investigate each and every site where a license has been issued to make sure that it meets the requirements of state law and provisions in this Ordinance.

5.02 **Background and Financial Investigation.** A preliminary background and financial investigation of an applicant shall be made upon initial application for an on-sale license or upon application for a transfer of an existing license. If the St. Louis County Board of Commissioners or the Minnesota Bureau of Criminal Apprehension, on its own initiative, shall determine that a comprehensive background and investigation of the applicant is necessary, the County may conduct the investigation itself, or contract with the Bureau of Criminal Apprehension for the completion of a comprehensive investigation. In addition, an investigation may be required prior to renewal of the existing on-sale license when the St. Louis County Board of Commissioners deems it to be in the public interest to do so.

- 5.03 **Investigation Fees.** Investigation cost shall be charged to all on-sale license applicants for any investigation conducted within the State. If the investigation is required by the County Board outside the State, the applicant shall be charged the actual costs of the investigation, not to exceed \$10,000.
- 5.04 **Issuance of Licenses.** No license shall be issued, transferred or renewed if the results of the investigation show to the satisfaction of the County Board that the issuance, transfer, or renewal would not be in the public interest.

Section 6 - INTOXICATING LIQUOR LICENSES

- 6.01 **On-Sale/Off-Sale.** For the purposes of this section, "on-sale" means the sale of liquor by the glass or by the drink for consumption on the premises only. "Off-sale" shall mean the sale of liquor in original packages in retail stores for consumption off or away from the premises where sold.
- 6.02 **New Applications.** All new applicants for intoxicating liquor licenses must personally appear before the Liquor Licensing Committee before a license is granted. No on-sale intoxicating liquor license shall be approved unless the establishment also has a valid food and beverage service establishment license issued by the Minnesota Department of Health.
- 6.03 **On-Sale Intoxicating Liquor Licenses**
- 6.03.01 **Eligibility.** On-Sale intoxicating liquor licenses shall be issued only to holders of a food and beverage service establishment license issued by the Minnesota Department of Health or hotels. "Restaurant" shall mean an establishment meeting the requirements set out in Section 3.08 and having a seating capacity of at least thirty (30) guests. "Hotel" is an establishment where food and lodging are regularly furnished to transients and which has a dining room serving the general public at tables and having facilities for seating at least thirty (30) guests at one time and has guest rooms in the following numbers: in first class cities, fifty (50); in second class cities, twenty-five (25); in all other cities and unincorporated areas, ten (10). Failure to maintain the Minnesota Department of Health issued license of an establishment at any time shall result in automatic suspension of the intoxicating liquor license. A licensee who has been suspended pursuant to this subdivision may request a hearing before the County Board. Sections 13.02, 13.03, and 13.04 of this ordinance shall apply to the hearing. A hearing requested under this subdivision shall be held within thirty (30) days of a written request for hearing. A license

suspended under this subdivision shall not be reinstated except by Resolution of the County Board. If after sixty (60) days from suspension the licensee has not requested a hearing, the license shall automatically be revoked. If proof that the Minnesota Department of Health issued license has been reinstated is presented to the County Board, by the licensee, with sixty (60) days of suspension, the County Board may reinstate the liquor license privileges without a hearing.

6.03.02 **Seasonal.** In addition to annual on-sale intoxicating liquor licenses, the County Board may issue seasonal on-sale licenses which shall not exceed six (6) months in duration.

6.03.03 **On-Sale Area Divisions.** On-sale intoxicating liquor licenses shall be issued by areas. The County shall be divided into three areas known as Area One (1), Area Two (2), and Area Three (3):

(a) Area One (1) shall be comprised of the following townships: Towns of Canosia, Duluth, Grand Lake, Lakewood, Midway, Rice Lake, Solway.

(b) Area Two (2) shall be comprised of the following townships: Towns of Balkan, Biwabik, Cherry, Clinton, Embarrass, Fayal, Great Scott, Pike, Sandy, Waasa, White, Wuori, Unorganized towns of S ½ of T 61-R 12, S ½ of T 61-R 13, T 57-R 14, Sections 25 through 36 of T 58-R 14, T 57-R 16, T 59-R 16, N ½ of T 59-R 18, T 60-R 18, T 59-R 21.

(c) Area Three (3) shall be comprised of the following townships:

Towns of Alango, Alborn, Alden, Angora, Arrowhead, Ault, Bassett, Beatty, Breitung, Brevator, Camp 5, Cedar Valley, Colvin, Cotton, Crane Lake, Culver, Eagles Nest, Ellsburg, Elmer, Fairbanks, Field, Fine Lakes, Floodwood, Fredenberg, French, Gnesen, Greenwood, Halden, Industrial, Kabetogama, Kelsey, Kugler, Lavell, Leiding, Linden Grove, McDavitt, Meadowlands, Morcom, Morse, Ness, New Independence, Normanna, North Star, Northland, Owens, Pequaywan, Portage, Prairie Lake, Stoney Brook, Sturgeon, Toivola, Van Buren, Vermilion Lake, Willow Valley, Unorganized towns of: N ½ of T 61-R 12, T 64-R 12, T 65-R 12, T 66-R 12, T 54-R 13, N ½ of T 61-R 13, T 64-R 13, T 65-R 13, T 66-R 13, T 67-R 13, T 68-R 13, T 54-R 14, T 55-R 14, T 56-R 14, T 61-R 14, T 63-R 14, T 64-R 14, T 65-R 14, T 66-R 14, T 67-R 14, T 68-R 14, T 53-R 15, T 54-R 15, T 55-R 15, T 63-R 15, T 64-R 15, T 65-R 15, T 66-R 15, T 68-R 15, T 53-R 16, T 56-R 16, T 64-R 16, T 65-R 16, T 66-R 16, T 56-R 17, T 61-R 17, T 62-R 17, T 63-R 17, T 64-R 17, T 69-R 17, T 67-R 18, T 68-R 18, T 69-R 18, T 70-R 18, Sections 1 through 30 of T 60-R 19, N ½ of T 63-R

19, T 67-R 19, T 68-R 19, T 69-R 19, T 70-R 19, T 60-R 20, T 66-R 20, T 67-R 20, T 68-R 20, T 69-R 20, T 70-R 20, T71-R20, T 52-R 21, T 55-R 21, T 62-R 21, T 63-R 21, T 64-R 21, T 65-R 21, T 66-R 21, T 67-R 21, T 68-R 21, T 70-R 21, T 71-R 21.

6.03.04 **Temporary On-Sale Intoxicating Liquor Licenses.** A club or charitable, religious, or other nonprofit organization in existence for at least three years, or committee registered under Minnesota Statute § 10A.14, may apply for a temporary license for the on-sale of intoxicating liquor in connection with a social event or a wine-tasting event pursuant to the terms of Minnesota Statute § 340A.418 within St. Louis County. The County Board may authorize a temporary license for not more than four (4) consecutive days and may authorize on-sales on premises other than premises the licensee owns or permanently occupies. The license may provide that the licensee may contract for intoxicating liquor catering services with the holder of a full-year on-sale intoxicating liquor license issued by any municipality. No temporary intoxicating liquor license shall be issued unless the applicant has received prior approval from the Minnesota Department of Health as required. The license shall be subject to any terms imposed by the County Board and to the fee as designated in the Liquor License Fee Schedule established by the County Board.

The County Board may issue to a brewer who manufactures fewer than 3,500 barrels of malt liquor in a year a temporary license for the on-sale of intoxicating liquor in connection with a social event within the County sponsored by the brewer. The terms and conditions specified for temporary licenses under Minnesota Statutes § 340A.404, Subdivision 10(a) and (b) shall apply to a license issued under this paragraph, except that the requirements of Minnesota Statute § 340A.409, Subdivision 10 to 3a, shall apply to the license.

6.03.05 **Temporary Off-Sale Wine License.** The County Board may issue a temporary license for the off-sale of wine at an auction. A license issued under this section authorizes the sale of only a vintage wine of a brand and vintage that is not commonly being offered for sale by any wholesaler in Minnesota. The license may authorize the off-sale of wine for not more than three (3) consecutive days provided not more than 600 cases of wine are sold at any auction. Vintage wine means bottled wine that is at least five (5) years old.

6.04 **Combination On-Sale and Off-Sale.** An establishment located in a town may be licensed for both an on-sale and off-sale intoxicating liquor license. Off-sale sales shall be made only in accordance with Minnesota

Statute § 340A.504. No license may be issued under this paragraph unless the town board adopts a resolution supporting issuance of the license. No combination license shall be issued to an establishment which is located less than one (1) mile by the most direct route from the boundary of any statutory or home rule city that had established a municipal liquor store before August 1, 1991. No new license shall be issued for an establishment located less than three miles by the most direct route from the boundary of a city that has a population over 5,000 according to the most recent decennial census and had established a municipal liquor store before August 1, 1991. Fees for the on-sale and off-sale licenses shall be separately charged in the amounts as indicated. The town board may impose an additional license fee in the amount not to exceed twenty percent (20%) of the County license fee.

6.05 **Exclusive Liquor Store Off-Sale Licenses.** An exclusive liquor store, as defined in Section 3.07, located in an unorganized area or an organized township may be issued an off-sale intoxicating liquor license. Said establishment shall be subject to the laws concerning intoxicating liquor with the exception that the license fee shall be as designated in the Liquor License Fee Schedule or as specified by any special law. No off-sale license shall be issued to an establishment which is located less than one (1) mile by the most direct route from the boundary of any statutory or home rule city that had established a municipal liquor store before August 1, 1991, and may not be issued to a person for an establishment located less than three miles by the most direct route from the boundary of a city that has a population over 5,000 according to the most recent federal decennial census and had established a municipal liquor store before August 1, 1991.

6.06 **Notice and Hearing.** No license may be issued for off-sale unless a public hearing is held on the issuance of the license pursuant to Minnesota Statute § 340A.405, Subdivision 2 (d).

6.07 **Fees.** License fees shall be as designated by geographic area in the Liquor License Fee Schedule.

Section 7 - ON-SALE WINE LICENSES

7.01 **Eligibility.** An on-sale wine license may be issued to an establishment meeting the requirements set out in Section 3.08. The on-sale wine license shall authorize the sale of wine not exceeding 14 percent alcohol by volume for sale in conjunction with the sale of food. Failure to maintain

the Minnesota Department of Health issued license of an establishment shall result in automatic suspension of the on-sale wine license.

- 7.02 **Permit for Consumption and Display.** A permit for consumption and display of intoxicating liquor may be issued to an establishment licensed for the on-sale of wine.
- 7.03 **Intoxicating Malt Liquor.** The holder of an on-sale wine license, who is also licensed to sell 3.2 percent malt liquor at on-sale, and whose gross receipts are at least 60 percent attributable to the sale of food is authorized to sell intoxicating malt liquor, at on-sale, without an additional license.
- 7.04 **Fees.** An on-sale wine license fee shall be as designated in the Liquor License Fee Schedule.

Section 8 - 3.2 PERCENT MALT LIQUOR LICENSES

- 8.01 **Eligibility.** 3.2 percent malt liquor licenses may be issued to establishments selling malt liquor (beer) containing not less than one-half of one percent alcohol by volume nor more than 3.2 percent alcohol by weight and is fermented malt beverage for the purpose of Minnesota Statute § 297C.01.
- 8.02 **On-Sale, Off-Sale.** For the purposes of this section, on-sale shall mean any sale of 3.2 percent malt liquor to be consumed on the licensed premises. Off-sale shall mean any sale of 3.2 percent malt liquor in packages to be consumed off the premises.
- 8.03 **Temporary 3.2 Percent Malt Liquor License.** A club or charitable, religious, or nonprofit organization may apply for a temporary license for the on-sale of 3.2 percent malt liquor. The County Board may authorize a temporary license for not more than four (4) consecutive days and the temporary license may authorize the sale of 3.2 percent malt liquor in any school or school building. No temporary 3.2 percent malt liquor license shall be issued unless the applicant demonstrates that they have obtained any required permit or license from the Minnesota Department of Health. The license shall be subject to any terms imposed by the County Board and to the fee as designated in the Liquor License Fee Schedule established by the County Board.

- 8.04 **New Applicants.** All new applicants for on-sale 3.2 percent malt liquor licenses must personally appear before the Liquor Licensing Committee before a license is granted.
- 8.05 **Fees.** On-Sale 3.2 percent malt liquor license, Off-Sale 3.2 percent malt liquor license, or On/Off-Sale 3.2 percent malt liquor license fees shall be as designated in the Liquor License Fee Schedule.
- 8.06 **Automatic Suspension.** Failure to maintain any required Minnesota Department of Health license or permit for an establishment with an on-sale 3.2 percent malt liquor license at any time shall result in automatic suspension of the on-sale 3.2 percent malt liquor license. A licensee who has been suspended pursuant to this subdivision may request a hearing before the County Board. Sections 13.02, 13.03, and 13.04 of this Ordinance shall apply to the hearing. A hearing requested under this subdivision shall be held within 30 days of a written request for hearing. A license suspended under this subdivision shall not be reinstated except by resolution of the County Board. If, after 60 days from suspension, a licensee has not requested a hearing, the license shall automatically be revoked. If the licensee provides proof that any required license issued by the Minnesota Department of Health has been obtained or reinstated to the County Board within 60 days of suspension, the County Board may reinstate the liquor license privileges without a hearing.

Section 9 - PERMIT FOR CONSUMPTION & DISPLAY OF INTOXICATING LIQUOR

- 9.01 **Definition.** A permit issued under this section authorizes an establishment which has an on-sale or on/off-sale 3.2 percent malt liquor license or wine license to permit the consumption and display of intoxicating liquor on the premises. The permit does not authorize the sale of intoxicating liquor.
- 9.02 **Permit Required.** It is unlawful for any business establishment, directly or indirectly, or upon any pretense or by any device, to allow the consumption or display of intoxicating liquor or the serving of any liquid for the purpose of mixing of intoxicating liquor without having first obtained a permit therefor. No establishment licensed under this section may permit a person to consume or display intoxicating liquor, and no person may consume or display intoxicating liquor between 1 a.m. and 8 a.m. on Sundays, and between 1 a.m. and 8 a.m. on Monday through Saturday.
- 9.03 **Fees.** Application for a permit for consumption and display of intoxicating liquor must be approved by the County Board before issuance by the

Commissioner of Public Safety. The fee for the permit shall be designated in the Liquor License Fee Schedule.

Section 10 - BOTTLE CLUB

10.01 **Definition.** For the purposes of this section, a bottle club is a club as defined in Section 3.06, or an unincorporated society which meets the requirements of a club which is not licensed for the sale of intoxicating liquor, either on-sale or off-sale, or both, but is licensed for the sale of 3.2 percent malt liquor or wine.

10.02 **Permit Required.** It is unlawful for any bottle club, directly or indirectly, or upon any pretense or by any device, to allow the consumption or display of intoxicating liquor or the serving of any liquid for the purpose of mixing of intoxicating liquor without having first obtained a permit therefor. A bottle club may allow members to bring and keep a personal supply of intoxicating liquors in lockers assigned to such members. Every bottle, container, or other receptacle containing intoxicating liquor stored by members shall have attached to it a label signed by the member of the club. All liquor on the premises of the club shall be labeled as herein required, and any not being actually used or consumed by the owner thereof shall be kept in a locker designated for the use of such member.

It shall be unlawful for any club member not of legal age to consume liquor, to be assigned a locker for the storage of intoxicating liquor, or to consume or display or be permitted to consume or display intoxicating liquor on any premises owned or controlled by such club. No establishment licensed under this section may permit a person to consume or display intoxicating liquor between 1 a.m. and 12 noon, on Sundays, and between 1 a.m. and 8 a.m. on Monday through Saturday.

10.03 **Fees.** Application for a permit for consumption and display of intoxicating liquor must be approved by the County Board before issuance by the Commissioner of Public Safety. The fee for the permit shall be as designated in the Liquor License Fee Schedule.

Section 11 - HOURS, DAYS AND LOCATION OF SALES

11.01 **3.2 Percent Malt Liquor.** No sale of 3.2 percent malt liquor shall be made between the hours of 1 a.m. and 8 a.m. on any weekday Monday through Saturday, inclusive; nor shall any sale of such liquor be made on any Sunday between the hours of 1 a.m. and 10 a.m.

- 11.02 **Intoxicating Liquor; On-Sale.** No sale of intoxicating liquor for consumption on the licensed premises may be made:
- (a) between 1 a.m. and 8 a.m. on the days of Monday through Saturday;
 - (b) after 1 a.m. on Sundays;
 - (c) after 8 p.m. on December 24;
 - (d) notwithstanding the above provisions, a restaurant may obtain a license to serve intoxicating liquor between the hours of 10 a.m. on Sundays and 1 a.m. on Mondays in conjunction with the serving of food.
- 11.03 **Intoxicating Liquor; Off-Sale.** No sale of intoxicating liquor may be made by an off-sale licensee:
- (a) on Sundays, except between the hours of 11:00 a.m. and 6:00 p.m.;
 - (b) before 8 a.m. on Monday through Saturday;
 - (c) after 10 p.m. on Monday through Saturday;
 - (d) on Thanksgiving Day;
 - (e) on Christmas Day, December 25; or
 - (f) after 8 p.m. on Christmas Eve, December 24.
- 11.04 **General Provisions.** On any licensed premises, no sale of liquor shall occur after the time required by law to cease sales of liquor. No licensee or his agent shall allow another person to consume liquor on a licensed premises from the period of twenty (20) minutes after the sales are to be ceased by law until the next time sales are allowed to begin. A person in charge of a licensed premises shall not allow alcoholic beverages in glasses, cups or other containers used for drinking or in opened and uncorked cans or bottles on such licensed premises during such times when consumption of liquor on such premises is prohibited by law. For the purposes of this Ordinance, open bottles of intoxicating liquor stored behind the bar with pouring spout stoppers shall be considered corked bottles.

11.05 **Patrons in Licensed Premises.** No licensee or his agent shall allow patrons to remain in the licensed premises beyond the period twenty (20) minutes after sales are to be ceased by law.

11.06 **Location of Sales or Service.** No liquor license shall be effective beyond the compact and contiguous space named therein for which the license was granted. No sale or service shall take place outside the designated service areas approved by the County Board in the licensing procedure unless such sale or service is authorized on a temporary basis for a special event by County Board Resolution. Sale or service outside the designated serving areas shall be subject to any conditions and limitations deemed appropriate by the County Board. Before any expanded service area is authorized, the licensee shall make application at least forty-five (45) days in advance of the requested license date (accompanied by a fee as set by the Liquor License Fee schedule and including a diagram of the proposed area, the time and date of the event, and health and security measures to be taken) to the liquor licensing clerk of the St. Louis County Auditor's Office for a special event license. Thereafter, the Liquor Licensing Committee of the County Board shall review the matter and make any recommendations it deems appropriate to the County Board.

Section 12 - PROHIBITED ACTS AND CONDUCT

12.01 **Attire and Conduct.** The following acts or conduct on licensed premises are deemed contrary to public welfare and morals and, therefore, shall not be permitted on any premises licensed under this Ordinance:

(1) No holder of a license for on-premises consumption shall suffer or permit:

(a) Any person to appear on the licensed premises in such a manner or attire as to expose to view any portion of the pubic area, anus, cleft of the buttocks, vulva, or genitals, or any simulation thereof, shall not suffer or permit any female to appear in such a manner or attire as to expose to view any portion of the breast below the top of the areola, or any simulation thereof.

(b) Any person to perform acts of or acts which simulate:

(1) Sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation, or any sexual acts which are prohibited by law.

(2) The touching, caressing, or fondling of the breast, buttocks, anus, or genitals.

- 12.02 **Gambling Devices Prohibited**. Every licensee shall be responsible for the conduct of his place of business and for conditions of sobriety and order therein. No licensee shall keep, possess or operate or permit the keeping, possession, or operation of on the licensed premises or in any room adjoining the licensed premises any slot machine, dice or any gambling device or apparatus, nor permit any gambling therein, nor permit the licensed premises or any room in the same or in any adjoining building, directly or indirectly under its control, to be used as a resort for prostitutes or other disorderly persons except that gambling devices may be kept or operated and raffles conducted on licensed premises where such activities are licensed pursuant to Minnesota Statute § 349.11, et seq.
- 12.03 **Video games of Chance**. Video games of chance as defined in Minnesota Statute (1990) § 349.50, Subdivision 8, are prohibited in any establishment licensed for the sale of liquor.
- 12.04 **Severability**. If any provision of this rule, or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the rule which can be given effect without the invalid provision or application, and to this end, the provisions of this rule are severable.

Section 13- SUSPENSION/REVOCAION OF LICENSES

- 13.01 **Cause**. Any liquor license issued pursuant to this Ordinance may be suspended or revoked for up to sixty (60) days, a civil penalty of up to \$2,000 imposed for each violation, or a combination of any of these sanctions may be imposed by the County Board upon cause shown after a hearing. A hearing shall be held pursuant to the provisions of these subdivisions and any other uniform rules for hearings promulgated by the County Board. Cause for revocation or suspension or civil penalty or any combination of these sanctions includes, but is not limited to, the filing of false information on a license application, violation of any liquor laws, regulations or provisions of this Ordinance, or failure to maintain any licenses issued by the Minnesota Department of Health as may be required.
- 13.02 **Procedure for Hearing**. Notice of intent to revoke or suspend a liquor license and a brief statement of the facts upon which said suspension/revocation is based shall be served by mail at the address stated on the licensee's liquor license application. The notice shall further

include the time, place and date of the suspension/revocation hearing before the St. Louis County Board. Public notice of hearing shall be given by publication in the newspaper designated for publication of public notices. A minimum of ten (10) days notice prior to the hearing shall be provided.

The suspension/revocation hearing shall be public. It shall be the duty of the St. Louis County Attorney's Office to present evidence through documents, witnesses sworn on oath, and arguments in support of the alleged factual basis for suspension/revocation. The licensee or someone on his behalf may present evidence, cross-examine any witnesses, and make argument on behalf of the licensee.

13.03 **Findings, Conclusions and Order.** The County Board shall, based upon the record and evidence at the hearing, render findings of fact and conclusions on all material issues no later than twenty-one (21) days after the hearing date. Written findings, conclusions and order shall be filed with the County Auditor and served on the licensee.

13.04 **Informal Disposition.** Resolution of any matter involving suspension/revocation of a license may be handled informally by agreement of the County Board and licensee through stipulation, agreed settlement, consent order or default. Any matter handled by informal disposition shall be included in the licensee's file and record for purposes of future assessment of the licensee's qualifications to be a license holder.

Section 14 - WAIVER OF RESTRICTIONS

Upon application, the St. Louis County Board of Commissioners may consider waiving compliance with any requirement of this Ordinance that is more restrictive than Minnesota law, provided that the applicant shows that the noncompliance will be temporary, that there is a plan for future compliance, and that enforcement of the particular restriction would result in undue hardship.

Section 15 - VALIDITY

Should any section or provision of this ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any part thereof, other than the part so declared to be unconstitutional or invalid, and to this end the provisions of this ordinance are severable.

Section 16 - EFFECTUATION

The amendments to this Ordinance, shall take effect and be in full force on the 27th day of June, 2017.