

ORDINANCE NO. 14

AN ORDINANCE PROVIDING REGULATIONS GOVERNING COUNTY LIQUOR
LICENSES AND LIQUOR ESTABLISHMENTS AS AUTHORIZED BY
MINNESOTA STATUTES, CHAPTER 340A

The Lake County Board of Commissioners Ordains:

Section 1. INTRODUCTION AND REPEALER

1.01. The purpose of this ordinance is to provide a comprehensive statement of all regulations concerning the sale of liquor in Lake County. All prior resolutions regarding this subject are repealed.

1.02. The provisions of Minnesota Statutes, Chapter 340A, as amended from time to time, are hereby adopted and made a part hereof as if fully set forth herein. Definitions of terms contained in said statutes are applicable to terms in this ordinance, and it is recognized that all of the regulations and penalties are fully applicable to activities in Lake County.

Section 2. GENERAL PROVISIONS

2.01. License Period. There shall be two types of licenses in each license category: regular and seasonal. Unless otherwise provided for, licenses issued hereunder shall be issued for the following periods:

Regular - January 1 to December 31

Seasonal - Nine consecutive months or shorter consecutive monthly periods within.

2.02. Application and Fee Payment. Each applicant for new or renewal license hereunder shall make application on forms provided and approved by the County Board. Fees for renewal licenses shall be paid each year on or before December 1st for regular licenses and at least 30 days before issuance of seasonal licenses. The license fee for seasonal licenses shall be one-twelfth of the annual fee per month to the highest \$5.00 dollar increment. Failure to make timely application or payment of fees for renewal of an existing license shall result in automatic revocation of said license. Reinstatement may be considered by the County Board upon proper application and payment of the normal fee plus a penalty of 10 percent of that license fee for each month, or portion thereof, that the license application or fee is delinquent. Applicants for new licenses shall pay a fee equal to the remaining months in the licensing period times one-twelfth of the annual fee.

2.03 Surety Bond and Insurance. Applications for new or renewal licenses shall be accompanied by appropriate surety bond and or liability insurance as specified herein. Failure to maintain the insurance required shall result in automatic suspension of license. A suspended license shall not be reinstated except by Resolution of the County Board. If, after sixty days from suspension the licensee has not requested a hearing, the license shall automatically be revoked.

2.04. Compliance With Regulations. Each licensed premise shall conform with all County Zoning, Sewer, and Health Regulations. Each application for a license hereunder shall be submitted annually for County Zoning and County Health certifications of compliance. No license shall be issued without these certifications.

2.05. License Refunds and Transfers. Licenseholders who cease ownership or operation of the licensed business during the license year shall be entitled to refund of license fees as described in Minnesota Statutes, but shall not be entitled to a refund in any other circumstances. Sale or transfer of ownership of the licensed business shall result in termination of the license, for which the new owner will have to reapply as per Section 2.02 last sentence. For purposes of this section, following actions shall be treated as a sale or transfer of the licensed business: Transfer of more than 10 percent of the outstanding stock of a corporate licenseholder; addition or subtraction of a partner with a partnership licenseholder; or incorporation of the licenseholder. In the case of all intoxicating liquor licenses a corporate licenseholder shall file with its license application the names of its shareholders, directors, officers, local managers and local managing agents.

2.09. Hours of Sale. Hours of sale shall be as allowed by statute including Sunday on-sale beginning at 10:00 a.m. in conjunction with the sale of food. No licensee or his agent shall allow patrons to remain in the licensed premises beyond the period twenty minutes after sales are to be ceased by law.

SECTION 3. INTOXICATING LIQUOR

3.01. On-Sale.

a) Annual license fee shall be \$1,000.00

b) A surety bond or cash in the sum of Three Thousand and no/100 (\$3,000.00) Dollars shall be filed pursuant to Minnesota Statutes. Each applicant shall also file a liability insurance policy pursuant to Minnesota Statutes, with coverages of at least Fifty Thousand and no/100 (\$50,000.00) Dollars per occurrence because of bodily injury to one person or loss of means of support for any one person, and One Hundred Thousand and no/100 (\$100,000.00) per occurrence for bodily injury to two or more persons or loss of means of support of two or more persons.

3.02 Off-Sale.

a) Annual license fee shall be \$250.00.

b) A surety bond or cash in the sum of One Thousand and no/100 (\$1,00.00) Dollars shall be filed pursuant to Minnesota Statutes. Each applicant shall also file a liability insurance policy pursuant to Minnesota Statutes, with coverages of at least Fifty Thousand and no/100 (\$50,000.00) Dollars per occurrence because of bodily injury to one person or loss of means of support for any one person, and One Hundred Thousand and no/100 (\$100,000.00) Dollars per occurrence for bodily injury to two or more persons or loss of means of support of two or more persons.

3.03. Special Sunday On-Sale.

a) Annual license fee shall be \$100.00.

b) Insurance requirement shall be the same as for regular on-sale.

c) Hours of sale shall be as allowed by statute including Sunday on-sale beginning at 10:00 a.m. in conjunction with the sale of food.

Section 4. ON-SALE WINE

4.01. Annual license fee shall be \$250.00.

4.02. Each applicant shall file a surety bond as described by statute for on-sale intoxicating liquor licenses in the amount of Three Thousand and no/100 (\$3,000.00) Dollars. Each applicant shall also file a liability insurance policy pursuant to Minnesota Statutes, with coverages of at least Fifty Thousand and no/100 (\$50,000.00) Dollars per occurrence because of bodily injury to one person or loss of means of support for any one person, and One Hundred Thousand and no/100 (\$100,000.00) Dollars per occurrence for bodily injury to two or more persons or loss of means of support of two or more persons. Provided, that, filing of said insurance policy shall not be required if the applicant has sales of less than Ten Thousand and no/100 Dollars of wine per year.

4.03 A wine license shall not be required by establishments possessing an on-sale liquor license.

Section 5. CONSUMPTION and DISPLAY

5.01. Any application to the Commissioner of Public Safety for a permit to serve Consumption and Display pursuant to statute shall be first approved by a majority of the County Board and shall be accompanied by an annual fee of \$25.00 payable to the Lake County Auditor, in addition to any fee payable to the State of Minnesota. No bond or insurance required.

Section 6. BOTTLE CLUBS

6.01. Any application to the Commissioner of Public Safety for a bottle club permit pursuant to statute shall be first approved by a majority of the County Board and shall be accompanied by an annual fee

of \$50.00, in addition to any fee payable to the State of Minnesota. No bond or insurance required.

Section 7. VIOLATIONS.

7.01. Violations. Violation of the provisions of this ordinance and the statutes incorporated hereunder shall be a misdemeanor, unless such violation is made a gross misdemeanor or felony by statute.

7.02. Revocation or Suspension. The County Board may revoke or suspend any license issued hereunder for violation of this ordinance and the statutes incorporated hereunder. Prior to any revocation or suspension, the licenseholder shall be given at least ten (10) days written notice, by mail or personal service, of the charges against the licenseholder, and a hearing shall be conducted at which time witnesses and arguments shall be heard on the questions. The County Board shall make written findings upon the close of said hearing.

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

7.04. Effective Date. This ordinance shall be in full force and effect immediately upon passage.

LAKE COUNTY BOARD OF COMMISSIONERS

By *Arrene J. Dahl*

Chairman

Date *Aug 6 1987*

Arthur G. Gjel

Clerk of the Board

L.C. NO. 19 072

OFFICE OF REGISTRAR OF TITLES

STATE OF MINNESOTA,

County of Lake

SS.

I hereby certify that the within instrument was filed in this office at 11:35 day of January 1987 at 4:35 M. and was duly registered in Book _____ of Register of Titles page _____

Edward J. Miller
Registrar of Titles

By _____ Deputy

DOC NO. 114374

OFFICE OF COUNTY RECORDER

STATE OF MINNESOTA,

COUNTY OF LAKE

SS.

I hereby certify that the within instrument was filed for record in this office on the 11th day of January 1987 at 4:35 o'clock P.M., and was duly recorded in Book _____ of Misc records page 468

Edward J. Miller
County Recorder

By _____ Deputy