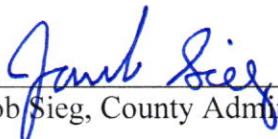


ten (10) days and an opportunity afforded to the license or permit holder to file exceptions and present argument to a majority of members of the County Board.

- (e) Default. If the license or permit holder has been provided notice of the violation and if no request for a hearing is filed within the ten (10) day period, then the suspension or revocation imposed pursuant to this Ordinance shall take immediate effect by default.
- (f) Appeals. Any appeal of the decision of the County Board must be in compliance with applicable law.

ADOPTION OF ORDINANCE

Passed and approved by the Board of County Commissioners, Lac qui Parle County, Minnesota, this 7th day of June, 2022.


Jacob Sieg, County Administrator

- (b) No minor who participates in a compliance check may attempt to use a false identification misrepresenting that person's age.
- (c) Nothing in this section shall prohibit other 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 15. Penalties

Subdivision 1. Any violations of this Ordinance or Minn. Stat. 340A shall be subject to the penalties provided therein including suspension and/or revocation of a license.

Subdivision 2. Nothing in this section shall prohibit the County Attorney from seeking prosecution for any violation of this Ordinance, or from enforcing any other applicable state or federal law or regulation in addition to or instead of any civil enforcement remedy that may be sought under this Ordinance.

Section 16. Hearing and Appeals

Subdivision 1.

- (a) Generally. Following receipt of notice of suspension of license or a notice of revocation of license, a license or permit holder may request a hearing before an appointed hearing officer by the County Board. A request for a hearing shall be made by the license or permit holder in writing and filed with Lac qui Parle County Auditor/Treasurer within ten (10) days of the mailing of the notice of suspension or revocation of license. Following receipt of a written request for hearing, the license or permit holder shall be afforded an opportunity before the hearing officer.
- (b) Hearings. If a license or permit holder so requests, a hearing shall be scheduled, the time and place of which shall be published and provided to the license or permit holder. The hearing shall be conducted in accordance with Minn. Stat. §14.57 to 14.69, the Administrative Procedure Act.
- (c) Findings. The hearing officer shall prepare written findings to the County Board stating whether a violation occurred and the recommended penalty to be imposed, a copy of which shall be provided to the license or permit holder. If the hearing officer finds that no violation occurred or finds grounds for not imposing any penalty, such findings and recommendation shall be submitted to the County Board and a copy provided to the license or permit holder.
- (d) Decision. Before the County Board renders its final decision, the written findings of the hearing officer shall be made available to the license or permit holder for at least

Subdivision 3: Sales after 1:00 a.m. License Fee.

No Licensee may sell intoxicating liquor, wine, malt liquor or 3.2% malt liquor on-sale between the hours of 1:00 a.m. and 2:00 a.m. unless the Licensee has obtained a permit from the Commissioner. Application for the permit must be on a form the Commissioner prescribes. Permits are effective for one year from the date of issuance. Applicants shall pay the fee for this special permit set forth in Minn. Stat. § 340A.504.

Subdivision 4. 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 8:00a.m. or after 10:00 pm on Monday through Saturday; or
- (c) Otherwise as prohibited by law.

Section 12. Liability Insurance

No retail license may be issued, maintained or renewed unless the applicant demonstrates proof of insurance as required by Minn. Stat. § 340A or otherwise required by Lac qui Parle County Board.

Section 13. Fees

Fees will be assessed in accordance with the schedule approved by the County Board.

Section 14. Compliance Checks and Inspections

Subdivision 1. All licensed premises shall be open to inspection during regular business hours.

During this time, any law enforcement officer, or other county employee designated by the County Board, may conduct compliance checks to ensure licensed premises are in compliance with the provisions of this Ordinance or regulation.

Subdivision 2.

- (a) In order to conduct a compliance check, a law enforcement officer or other employee designated by the County Board shall engage minors to enter the licensed premises to purchase alcoholic beverages, intoxicating liquors, wine, malt liquor or 3.2% malt liquors. Minors engaging in compliance checks shall be supervised by designated law enforcement officers or other county employees. Minors who participate in compliance checks shall not be guilty of the unlawful purchase, attempted purchase, or the unlawful possession of alcoholic beverages, intoxicating liquors, wine, malt liquor, or 3.2% malt liquor, when such items are obtained in conjunction with a compliance check.

display of alcoholic beverages or knowingly serve any liquid for the purpose of mixing with intoxicating liquor without first having obtained a permit from the Commissioner.

Section 9. Intoxicating Liquor: Sunday On-Sale

The County Board may issue an intoxicating liquor Sunday on-sale license to a restaurant, club, bowling center or hotel with a seating capacity for at least 30 persons and which holds an on-sale intoxicating liquor license but only if authorized to do so by the voters of the town at an election held on the day of the annual election of township officers or at such other times/manner as allowed by law. .

Section 10. License Restrictions (General)

Subdivision 1. Written Recommendation of Sheriff and County Attorney Required

- (1) The County will not issue or renew a license to sell on-sale or off-sale intoxicating liquor or 3.2% malt liquor until the County Board has received a written recommendation from the Sheriff and County Attorney stating that to the best of their knowledge the applicant is eligible to be licensed under Minn. Stat. § 340A.402 and this Ordinance.
- (2) The County Board shall consider the recommendations of the Sheriff and County Attorney, the character and reputation of the applicant, and the nature and location of the business prior to issuance of any license.

Section 11. Hours and Days of Sale

Subdivision 1. 3.2% Malt Liquor

No sale of 3.2% Malt liquor may be made between 2:00 a.m. and 8:00 a.m. on the days of Monday through Saturday, nor between 2:00 a.m. and 10:00 a.m. on Sunday.

Subdivision 2. Intoxicating Liquor/Wine/Malt Liquor; On-sale

No sale of intoxicating liquor, wine, malt liquor for consumption on the licensed premises may be made:

- (1) Between 2:00 a.m. and 8:00 a.m. on the days of Monday through Saturday;
- (2) After 2:00 a.m. on Sundays, unless licensee has obtained an on-sale Sunday liquor license;
- (3) Before 8:00 a.m. on Sundays or after 2:00 a.m. on Mondays; or
- (4) Otherwise prohibited by law.

- (b) The temporary on-sale license may authorize the sale of 3.2% malt liquor in any school or school buildings.
- (c) Temporary licenses shall be subject to the terms set by the County and may be issued for no more than 1 - 4 consecutive days or as otherwise provided by Minn.Stat. § 340A.

Subdivision 3. Duration of 3.2% Malt Liquor License

All retail 3.2% malt liquor licenses must be issued for one year from date of County Board approval.

Subdivision 4. Exemption

- (a) Any person licensed to sell intoxicating liquor at on-sale shall not be required to obtain an on- sale license under this Ordinance, and may sell 3.2% 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% malt liquor beverages at off-sale without further license.

Section 6. Intoxicating Liquor: ON-SALE LICENSES

Subdivision 1. County Board

The County Board may issue an on-sale intoxicating liquor license to qualified persons within the area of the County that is unorganized or unincorporated, to a restaurant or club with the approval of the Commissioner of Public Safety in accordance with Minn. Stat. §340A.

Subdivision 2. Wine License/Malt Liquor

The County may issue an on-sale wine or malt liquor license with the approval of the Commissioner of Public Safety in accordance with Minn. Stat. § 340A.

Section 7. Intoxicating Liquor: OFF-SALE LICENSE

The County Board may issue an off-sale license with the approval of the Commissioner of Public Safety to exclusive liquor stores located within unorganized territory of the County in accordance with Minn.Stat. § 340A.

Section 8. Consumption and Display Permits

No business establishment or club in Lac qui Parle County which does not hold an on-sale intoxicating liquor license may directly or indirectly allow the consumption and

Section 1. Purpose

The purpose of this Ordinance is to implement Minnesota Statutes, Chapter 340A as it pertains to issuing of on-sale and off-sale licenses by the County for the sale of intoxicating liquor, wine, malt liquor and 3.2% malt liquor.

Section 2. Provisions of State Law Adopted

The provisions of Minn. Stat. Chapter 340A, as amended from time to time, with reference to the definition of terms, application for license, granting of license, conditions of license, restrictions on consumption, provisions on sales conditions of bonds of licenses, hours of sale, and all other matters pertaining to the retail sale, distribution, and consumption of intoxicating liquor, wine, malt liquor and 3.2% malt liquor are hereby adopted and made a part of this Ordinance as if fully set forth herein, except as modified herein.

This Ordinance supersedes all prior County Ordinance regarding the licensing and sale of 3.2% malt liquor, malt liquor, wine and intoxicating liquor (on sale and off sale).

Section 3. License Required

No person may directly or indirectly, on any pretense or by any device, sell, barter, keep for sale, or otherwise dispose of alcoholic beverages as part of a commercial transaction without having obtained a license.

Section 4. Application

Subdivision 1. Any person desiring any of the licenses governed by this Ordinance shall first make an application to the Board of County Commissioners of Lac qui Parle County by filing with the Auditor/Treasurer for presentation to said County Board an application on oath in writing, on forms approved by the County Board.

Subdivision 2. Licenses issued to corporations, associations, partnerships, or other entities shall be valid only so long as there is no change in the officers, charter, articles, by-laws or ownership of the entity unless such change is approved by the County Board, in which event said license shall continue in force until the end of the then current license year.

Section 5. On-Sale and Off-Sale 3.2% Malt Liquor Licenses

Subdivision 1. County Board may issue off-sale, on-sale, or combination licenses for the sale of 3.2% malt liquor within its jurisdiction in accordance with Minn. Stat. § 340A.

Subdivision 2. Temporary On-Sale Licenses.

- (a) A club or charitable, religious, or nonprofit organization may be issued a temporary on-sale license for the sale of 3.2% malt liquor.

Ordinance # 2022-1

LAC QUI PARLE COUNTY ORDINANCE

Regulating the Licensing and Sale of 3.2% Malt Liquor, Malt Liquor, Wine
and Intoxicating Liquor (On Sale and Off Sale)

Adopted June 7, 2022
Effective June 7, 2022