

COOK COUNTY ALCOHOL ENFORCEMENT ORDINANCE

Ordinance No. 4X 48

An Ordinance relating to the development of an administrative enforcement schedule to insure a swift and consistent response to violations of State Law with respect to the sale of alcoholic beverages within Cook County excepting those areas included in municipalities which license, regulate and control the sale and use of alcohol and that lie within Cook County.

The County Board of Cook County Minnesota ordains:

Section 100. Purpose.

Because Cook County recognizes that persons under the age of 21 purchase or attempt to purchase alcoholic beverage and that that has been shown to be the cause of serious health and social problems and because in many instances it is possible for Law Enforcement to charge individuals with the illegal sale of alcohol yet it is felt to be a more effective and sure way to control the use of alcohol by setting forth an administrative fine schedule for licensed establishments to pay in addition to any criminal enforcement against employees of such establishments. Therefore these administrative fines are in addition to any criminal offenses or charges which may proceed against employees or other individuals involved with the sale or use of alcohol.

Section 200. Compliance checks and inspections.

Licensed premises shall be open to inspection by the Sheriff's Department or other authorized officials during regular business hours. From time to time, the Sheriff's Department shall conduct compliance checks by engaging persons who are over the age of 18 but less than 21 years of age to enter the licensed premises to attempt to purchase alcohol or alcohol products. Such individuals shall be supervised by law enforcement officers or other designated personnel. Persons engaged for compliance checks shall not be guilty of the unlawful purchase or attempted purchases of alcohol when such items are obtained or attempted to be obtained as part of a compliance check. No individual used in compliance checks shall attempt to use a false identification misrepresenting the individual's age. Compliance checks shall be performed annually at both on and off sale premises.

Section 300. Administrative penalties.

The administrative penalty shall be determined on the basis of the history of violations for the preceding 24 month period. There shall be no administrative penalty paid with respect to the first compliance check performed in Cook County subsequent to the enactment of this ordinance. However, violation that occurs during the first compliance check shall count as a violation for any subsequent violation within the 24 month period. It shall be a be an affirmative defense to the payment of any administrative penalty if the licensed premises can demonstrate that the staff person on duty at the of the violation did in fact attend an educational program or class on the subject of legal or illegal sales within the preceding 12 month period.

Type of Violation	First Violation	Second Violation	Third Violation	Fourth Violation
1. Sale of alcoholic beverage to underage person.	\$100.00 Fine	\$500.00 Fine	\$1,000.00 Fine and three (3) day suspension.	Revocation of license.

2. After/before hour sale of alcoholic beverages.	\$100.00 Fine	\$500.00 Fine	\$1,000.00 Fine and three (3) day suspension.	Revocation of license.
3. After hours consumption of alcoholic beverages.	\$100.00 Fine	\$500.00 Fine	\$1,000.00 Fine and three (3) day suspension.	Revocation of license.
4. Illegal gambling or prostitution on premises.	\$100.00 Fine	\$500.00 Fine	\$1,000.00 Fine and three (3) day suspension.	Revocation of license.
5. Failure to take reasonable steps to stop person from leaving premises with alcoholic beverages.	\$100.00 Fine	\$500.00 Fine	\$1,000.00 Fine and three (3) day suspension.	Revocation of license.
6. Sale of alcoholic beverages to obviously intoxicated person.	\$100.00 Fine	\$500.00 Fine	\$1,000.00 Fine and three (3) day suspension.	Revocation of license.
7. Person under 18 years serving liquor.	\$100.00 Fine	\$500.00 Fine	\$1,000.00 Fine and three (3) day suspension.	Revocation of license.

Section 400. Hearings.

If the person or persons holding the license is subject to a fine only, an individual may request a hearing, the time and place of which shall be published and provided to the violator. The County Board shall appoint a Hearing Officer to hear such matters. The initial Hearing Officer shall be Ted Mershon until and unless someone else is appointed by the County Board. If however, the violation involves a suspension or revocation of the license, the suspension or revocation of license shall not take effect unless or until the license or permit holder has been given an opportunity for a hearing as provided by the Administrative Procedures Act as required by M. S. § 340A.415.

Section 500. Effective date.

This Ordinance shall take effect January 1, 2003.

Dated: 7-9-02

Janice Hall
Janice Hall, Chair

Braidy Powers
Braidy Powers, Auditor/Treasurer

SECOND AMENDMENT TO
ORDINANCE NO. 30

AN ORDINANCE PROVIDING REGULATIONS
FOR THE ISSUANCE OF COUNTY LIQUOR
LICENSES AND REGULATING THE OPERATION
OF LIQUOR ESTABLISHMENTS AS
AUTHORIZED BY MINNESOTA STATUTES,
CHAPTER 340A

The Cook 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 county regulations concerning the sale of liquor in Cook County. Prior regulations in the form of ordinances and resolutions are hereby repealed, including Resolutions numbered 45-14, 48-10, 60-10, 60-12, 64-11, 64-16, 65-29, 65-30, 66-37, 66-52, 67-19, 67-25, 67-34, 68-41, 71-60 and 73-28. Ordinance 30 and prior amendments thereto 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 Cook County. To the extent said statutes may be inconsistent with this ordinance, said statutes shall control.

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 - November 1 to October 31

Seasonal - May 1 to October 31

2.02. Application and Fee Payment. Each applicant for new or renewal license hereunder shall make application on forms provided by the Cook County Auditor-Treasurer and approved by the County Board. Fees for renewal licenses shall be paid each year on or before November 1 for regular licenses and on or before May 1 for seasonal licenses. The license fee for seasonal licenses shall be three-fifths (3/5) of the license fees set for regular licenses. Failure to make timely application or payment of fees for renewal of an existing license shall result in automatic revocation of said license, subject to reinstatement by the Cook County Board upon proper application and payment of the normal fee and a penalty of 10% of the normal annual license fee for each month, portion thereof, that the license application or fee is delinquent. Applicants for new licenses shall pay a pro rata fee in direct proportion to the months or partial months remaining in the license year at the time of issuance of the license by the Cook County Board. One-half of all funds collected by the Auditor-Treasurer under this ordinance, and not required by law to be distributed elsewhere, shall be placed in a special fund and used only to defray costs of programs sponsored by the County dealing with chemical dependency. One-half of the fee received by the County for license to sell non-intoxicating

malt liquors in any town in the County shall be paid to the town board where such business is located. No license shall be issued for any premises on which real or personal property taxes are delinquent.

2.03. Surety Bond and Insurance. Applications for new or renewal licenses shall be accompanied by liability insurance if required by Minnesota Statutes, Section 340A.409, or, a bond if required by Minnesota Statutes, Section 340A.412.

2.04. Zoning Regulations. Each licensed premise shall conform with all Cook County Zoning and Health Regulations. Each application for a new license hereunder shall be submitted to the County Zoning Administrator and the County Sanitarian for certification that the premises are in compliance with County Zoning and Health Regulations.

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, Section 340A.408, subd. 5, 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 and pay a pro-rated fee based on the number of days remaining in the year. For purposes of this section, the following actions shall be treated as a sale or transfer of the licensed business: Transfer of more than 10% 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 and on-sale non-intoxicating malt liquor licenses, a corporate licenseholder shall file with its license application the names of its shareholders, directors, officers, local managers and local managing agents.

2.06. License Combinations. The following licenses shall not be issued:

a) A setup license for an establishment that has an on-sale intoxicating liquor license.

b) An on-sale non-intoxicating malt liquor license for an establishment having an on-sale intoxicating liquor license.

A wine license is not necessary if an establishment has been issued an on-sale intoxicating liquor license.

2.07. Auditor-Treasurer. The Cook County Auditor-Treasurer shall supervise the issuance of licenses and shall prepare and provide the necessary forms for each license type.

2.08. Organized Towns. No license shall be issued by the County Board for a business within any organized town without the prior consent of the governing body of such town.

2.09. License Number and Location. The County Board may issue licenses only in unorganized or unincorporated areas of Cook County, except that, off-sale intoxicating liquor licenses may only be issued in unorganized territory, unless permitted by special legislation. Unless specified below, licenses shall be unlimited in number or geographic location,

provided, however, that the County Board may deny a license in an area which is unsuitable based on principles of sound community planning or when the community health and welfare would be adversely affected. The County Board shall make specific findings on the record for any denial of a license on these grounds.

2.10. On-Sale Closing Hours. No business holding an on-sale license of any kind shall remain open for business each day more than fifteen (15) minutes after the time specified by statute when sales of intoxicating liquor or non-intoxicating malt liquor must cease, and no patron of said business shall remain on the premises after said closing time.

Section 3. INTOXICATING LIQUOR

3.01. On-Sale.

a) Annual license fee shall be \$ 1500.00 .

3.02. Off-Sale.

a) Annual license fee shall be \$ 500.00 .

b) Only one license may be issued for each organized town, if permitted by the legislature. In unorganized territory, there may be only one license issued in each of the three general areas of Cook County described as follows:

1. Gunflint area - lying North of Township Sixty-two (62) North and West of Range Two (2) East.

2. Lutsen area - lying South of Township Sixty-three (63) North and within Ranges Two (2) West and Three (3) West.

3. Hovland-Grand Portage area - lying within Ranges Three (3), Four (4), Five (5), Six (6) and Seven (7) East.

3.03. Special Sunday On-Sale.

a) Annual license fee shall be \$ 100.00 .

Section 4. ON-SALE WINE

4.01. Annual license fee shall be \$ 250.00 .

Section 5. NON-INTOXICATING MALT LIQUOR

5.01. On-Sale.

a) Annual license fee shall be \$ 100.00 .

5.02. Off-Sale

a) Annual license fee shall be \$ 50.00 .

Section 6. SET-UPS

6.01. Any application to the Commissioner of Public Safety for a permit to serve set-ups 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 Cook County, in addition to any fee payable to the State of Minnesota.

Section 7. BOTTLE CLUBS

7.01. 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.

Section 8. ON-SALE - INTOXICATING MALT LIQUOR

A holder of an on-sale wine license issued pursuant to this ordinance who is also licensed to sell non-intoxicating

malt liquors at on-sale, and whose gross receipts are at least attributable to the sale of food, may sell intoxicating malt liquors at on-sale without an additional license.

Section 9. PENALTIES, SEVERABILITY, EFFECTIVE DATE

9.01. 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.

9.02. 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 question. The County Board shall make written findings upon the close of said hearing.

9.03. 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.

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

COOK COUNTY BOARD OF COMMISSIONERS

By Wesley G. Heston
Chairman

Dated: August 11, 1987

and Michael Bruegg
Auditor-Treasurer

STATE OF MINNESOTA)
COUNTY OF COOK) ss.
AUDITOR'S OFFICE)

I, Carol Gresczyk, Auditor of the County of Cook, do hereby certify that I have compared the foregoing with the original filed in said office on the 11th day of August, 1987, and that the same is a true copy thereof, and of the whole of said original. Witness my hand and seal of office at Grand Marais, Minnesota, this 11th day of August, 1987.

Carol Gresczyk
County Auditor
By Edith Hennery
Deputy Auditor