

ORDINANCE NO. 22

WINONA COUNTY

LIQUOR ORDINANCE

An Ordinance providing for hours when intoxicating liquor and/or non-intoxicating malt liquor cannot be consumed on premises licensed to sell intoxicating liquor and/or non-intoxicating malt liquors; for hours during which no person other than employees of a licensee can remain in any premises licensed to sell intoxicating liquor and/or non-intoxicating malt liquor; for authority for law enforcement officials to enter premises to check for violations; for penalties for licensees who allow persons to remain on licensed premises during any time prohibited by this Ordinance; providing for penalty for failure to allow a law enforcement official to enter a licensed premises to check for violations; and providing repeal of a prior ordinance and a prior resolution dealing with the same subject.

THE COUNTY BOARD OF WINONA COUNTY ORDAINS:

1.00. DEFINITIONS. The following words and phrases when used in this ordinance, unless the context clearly indicates otherwise, shall have the meanings herein ascribed to them.

1.01. "County" shall mean County of Winona.

1.02. "Intoxicating Liquor" as defined in Minn. Stat. 340A.101, Subd. 14.

1.03. "License" shall mean those licenses issued by the County of Winona to allow for the sale of intoxicating liquor and/or non-intoxicating malt liquor by a licensee on the premises available to the licensee for the sale of intoxicating liquor and/or non-intoxicating malt liquor.

1.04. "Licensee" shall mean any person who is issued a license by the County of Winona to allow for the sale of intoxicating liquor and/or non-intoxicating malt liquor by the person on the premises licensed by the County of Winona.

1.05. "Non-intoxicating Malt Liquor" as defined by Minn. Stat. 340A.101, Subd. 19.

1.06. "Person" shall mean individual, partnership or corporation.

1.07. "Premises" is the land area and/or building licensed by the County of Winona upon which the licensee can conduct his business. It does not include living quarters.

1.08. "Off-Sale" shall mean the sale of intoxicating liquor and/or non-intoxicating malt liquor in original packages for consumption off the licensed premises only.

1.09. "On-Sale" shall mean the sale of intoxicating liquor and/or non-malt intoxicating/liquor for consumption on the licensed premises only.

1.10. "Club" as defined in Minn. Stat. 340A.101, Subd. 7.

2.00. APPLICATION PROCESS

2.01. An application for a license under this Ordinance shall be made on the forms prescribed by the County and the State of Minnesota.

2.02. Before issuing any license under this Ordinance, the Board of County Commissioners shall consider, among other things, the following:

- a) the application;
- b) the written recommendations from the Winona County Sheriff and the Winona County Attorney;
- c) the character and reputation of the person making the application;
- d) the nature of the business being or to be conducted;
- e) the physical set up of the premises;
- f) the propriety of the location of the premises;
- g) compliance with County ordinances and state law including, but not limited to: parking, zoning, sanitation, food service facilities, provisions for security against theft or misuse of products, subdivision regulations, building, fire, electrical and plumbing codes;
- h) any files of the County regarding the person making the application and/or the premises.

3.00. FEES

3.01. The license fees for the licenses issued under this Ordinance shall be those as set by resolution of the Winona County Board of Commissioners.

3.02. The license fee shall not be refundable.

3.03. A person applying to the County for a license under this Ordinance shall pay to the County a processing fee as set by resolution of the Winona County Board of Commissioners.

3.04. The processing fee shall not be refunded nor credited against the license fee.

4.00. TEMPORARY ON-SALE LICENSES FOR NON-INTOXICATING MALT LIQUOR

4.01. The County may, following proper application, issue a temporary on-sale license for the sale of non-intoxicating malt liquor to a club or charitable, religious or non-profit organization.

4.02. The premises for which a temporary license is issued may include public property owned by the County.

4.03. In the event the premises used are public property owned by the County, the licensee shall deposit with the Winona County Auditor not less than \$100 in cash to guarantee that the premises will be cleaned up after the expiration of the temporary license, and to guarantee against property damage to the property owned by the County. This cash deposit shall be refundable only if the premises used are cleaned to the satisfaction of the County Auditor or designated representative.

4.04. A temporary license shall not be issued for the use of public property owned by the County unless the licensee files with the Winona County Auditor a liability and property damage insurance policy protecting the licensee

and County with limits of at least \$100,000.00 per person; at least \$300,000.00 per occurrence and property damage of at least \$10,000.00.

5.00. TEMPORARY ON-SALE LICENSES FOR INTOXICATING LIQUOR

5.01. The County may issue a temporary on-sale license for the sale of intoxicating liquor to a club or charitable, religious, or other non-profit organization in existence for at least three years for the on-sale of intoxicating liquor in connection with a social event sponsored by the licensee.

5.02. The temporary license under this section shall be issued for not more than three (3) consecutive days.

5.03. The premises for which a temporary license is issued may include public property owned by the County.

5.04. In the event the premises used are public property owned by the County, the licensee shall deposit with the Winona County Auditor not less than \$100 in cash to guarantee that the premises will be cleaned up after the expiration of the temporary license, and to guarantee against property damage to the property owned by the County. This cash deposit shall be refundable only if the premises used are cleaned to the satisfaction of the County Auditor or designated representative.

5.05. A temporary license shall not^{be} issued for the use of public property owned by the County unless the licensee files with the Winona County Auditor a liability and property damage insurance policy protecting the licensee and County with limits of at least \$100,000.00 per person; at least \$300,000.00 per occurrence and property damage of at least \$10,000.00.

6.00. GENERAL PROVISIONS

6.01. No licensee licensed to sell intoxicating liquor on-sale shall permit any person to consume intoxicating liquor in the licensed premises later than 1/2 hour after which Minnesota Statutes allow for the sale of intoxicating liquor and before the hour on which Minnesota Statutes allow for the sale of intoxicating

liquor to resume. No licensee shall permit any consumer or person whomever, except employees of the licensee, to remain on the licensed premises later than 1/2 hour after which Minnesota Statutes allow for the sale of intoxicating liquor and before opening for the next normal business day.

6.02. No person licensed to sell non-intoxicating malt liquor shall permit any person to consume non-intoxicating malt liquor on the licensed premises later than 1/2 hour after which Minnesota Statutes allow for the sale of non-intoxicating malt liquor and before the hour on which Minnesota Statutes allow for the sale of non-intoxicating malt liquor to resume. No licensee shall permit any consumer or person whomever, except employees of the licensee, to remain on the licensed premises later than 1/2 hour after which Minnesota Statutes allow for the sale of non-intoxicating malt liquor and before opening for the next normal business day.

6.03. The hours during which the sale of intoxicating liquor and non-intoxicating malt liquor shall be allowed are controlled by Minnesota Statutes.

6.04. A licensee shall allow any law enforcement official to enter the premises for the purpose of investigating possible violations of this ordinance, other ordinances, and Minnesota Statutes.

6.05. Any license issued under this Ordinance shall be posted in a conspicuous place on the premises for which it is issued.

6.06. A license issued under this Ordinance shall not be transferable either to another person or premises.

6.07. A licensee shall comply with all laws, rules and regulations of the state and federal governments in operation on the premises, and shall insure compliance therewith by each of his/her partners, employees, agents, and customers.

6.08. A licensee shall make every sale in full view of the public.

6.09. A licensee shall immediately stop sales when ordered to do so by the Sheriff of Winona County or his deputy.

7.00. PENALTIES

7.01. Any violation of Sections 6.01 or 6.02 is a misdemeanor, and additionally shall be cause for revocation, or suspension for up to 60 days, of the license of the offender.

7.02. Any violation of Section 6.04 shall be cause for revocation or suspension for up to 60 days of the license of the offender.

8.00. EFFECTIVE DATE

8.01. This Ordinance shall be effective Jan 1, 1991.

8.02. This Ordinance hereby repeals and supercedes Winona County Ordinance No. 17, Liquor Ordinance, enacted November 1, 1983, and Resolution No. 222 adopted May 5, 1975.

DATED: 12-4-90

Lee Suebbe
Chairperson,
Winona County Board of Commissioners

ATTEST:

Patricia Blawie
County Coordinator

Pub. Wed. Oct. 31, 1990
**NOTICE OF INTENTION
 TO ENACT A LIQUOR
 ORDINANCE**

Please take notice that the Winona County Board of Commissioners shall meet on November 20, 1990 at 10:30 o'clock A.M. in the Commissioners' Room of the Winona County Court-house, Winona, Minnesota; to consider enacting a Liquor Ordinance.

The general purpose of the Ordinance is: To provide for hours when intoxicating liquor and/or non-intoxicating malt liquors; to provide for hours during which no person other than employees of a licensee can remain in any premises licensed to sell intoxicating liquor and/or non-intoxicating malt liquor; for authority for law enforcement officials to enter premises to check for violations; for penalties for licensees who allow persons to remain on licensed premises during any time prohibited by this Ordinance; to provide for penalty for failure to allow a law enforcement officer to enter a licensed premises to check for violations; and to provide for repeal of a prior Ordinance and a prior Resolution dealing with this same subject.

Dated October 23, 1990
 Patricia Blaisdell
 Winona County
 Coordinator
 83

**WINONA DAILY NEWS
 PUBLIC NOTICE
 AFFIDAVIT OF PUBLICATION**

ST)
 CC)
 of)
 fac)
 ifie)
 ar)

being duly sworn, on oath says that he is the authorized agent and employee of the newspaper known as Winona Daily News, and has full knowledge of the facts set forth below:

has complied with all of the requirements constituting qualification as a qualified agent as provided by Minnesota Statute 331A.02, 331A.07, and other applicable laws, as follows:

Notice of Intent to Enact a Liquor Ordinance

cut from the columns of said newspaper, and was printed and published on the 31st day of October, 1990; a copy of the lower case alphabet from A to Z, both inclusive, which is hereby certified to be the size and kind of type used in the composition and publication of the

wh
 an
 ac
 no

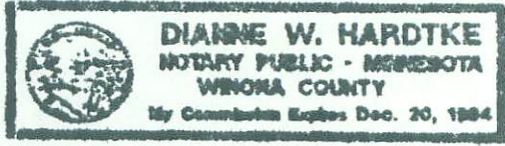
abcdefghijklmnopqrstuvwxy

BY: [Signature]
 Advertising Manager

Subscribed and sworn to before me on this 31st day of October

1990
[Signature]

Notary Public



RATE INFORMATION

- (1) Lowest Classified rate paid by commercial users for comparable space \$.324
Line rate
- ((2) Maximum rate allowed by law for the above matter \$.324
Line rate
- (3) Rate actually charged for the above matter \$.150
Line rate