

**ORDINANCE NO. 2003-06**

**LIQUOR LICENSE REGULATIONS  
FOR  
CASS COUNTY, MINNESOTA**

**EFFECTIVE DATE: September 17, 2003**

**Amendments of August 5, 2003 incorporated**

**ORDINANCE NO. 2003-06**

**CASS COUNTY LIQUOR LICENSE REGULATIONS**

**AN ORDINANCE RELATING TO LICENSING AND REGULATING THE SALE OF INTOXICATING LIQUOR IN ANY TOWNSHIP AND THE UNORGANIZED AREA OF CASS COUNTY, MINNESOTA**

The Board of County Commissioners for the County of Cass, Minnesota, does hereby ordain as follows:

**PROVISIONS OF STATE LAW ADOPTED** The provisions of Minnesota Statutes, Chapter 340A, relating to the definition of terms, licensing, consumption, sales, distribution, and consumption of intoxicating liquor are adopted and made a part of this Ordinance as if set out in full.

**LICENSES REQUIRED** No person, except a wholesaler, manufacturer to the extent authorized under state license, shall directly or indirectly deal in, sell or keep for sale in any township or unorganized area in the county any intoxicating liquor or malt liquor without a license to do so as provided in this Ordinance.

On-sale intoxicating liquor licenses may be granted in such number and to such establishments as qualify under state liquor laws as restaurants. A restaurant is an establishment other than a hotel, under the control of a single proprietor or manager, where meals are regularly prepared on the premises and served at tables to the general public, but shall permit consumption of liquor on the licensed premises only.

Off-sale intoxicating liquor licenses may be issued only to exclusive liquor stores and shall permit off-sales of liquor only.

An on-sale intoxicating liquor license if issued authorizes sales on Sundays in conjunction with the serving of food by any restaurant or club located in a township in which Sunday liquor has been approved by the voters of the township and which has facilities for serving at least thirty (30) guests at one time.

A wine license may be issued only to restaurants meeting the qualifications of Minnesota Statutes, Section 340.A101 Subd. 25, and shall permit only the sale of wine as defined in Minnesota Statutes 340A101, Subd. 29, for consumption on the licensed premises only, in conjunction with the sale of food.

Non-intoxicating malt liquor on and off sale licenses may be issued. A temporary on-sale license may be issued to a charitable, religious or non-profit organization for a period not to exceed three (3) days.

**APPLICATION FOR A LICENSE** An application for a license to sell intoxicating or malt liquor shall be obtained from the County Auditor-Treasurer, and the completed application shall be verified and filed with the County Auditor-Treasurer. No person shall make a false statement in an application. The applicant must obtain the written approval of their Town Board, the County Sheriff, and the County Attorney prior to submitting the application to the County Board. Any request for a new license must be presented at least 60 days prior to the requested effective date and any renewal must be presented with all requirements met, 30 days prior to the effective date. Late renewals for intoxicating on and off-sale liquor shall pay a \$100.00 late fee which must accompany the completed application. If a special meeting of the County Board is required for action on a late application, the applicant shall be responsible for all costs related to that meeting.

In deciding whether to grant a particular license, the County Board shall consider the following factors:

- Compatibility of the establishment with surrounding land uses , including but not limited to parking areas and adequate screening.
- Statutory requirement of financial investigation for initial applications and, responsibility, moral character and reputation of the applicant.

The County Board may deny a license in an area where restricted against commercial use through zoning ordinances and other proceedings or legal process regularly had for that purpose, except licenses may be issued to restaurants in areas which were restricted against commercial uses after the establishment of the restaurant.

No license shall be granted for operation on any premises on which federal, state, or local taxes, assessments, or other financial claims are delinquent and unpaid.

**FEES** The fees for liquor licenses shall be established by resolution of the County Board pursuant to Minnesota Statutes 340A.408:

**LICENSE NOT TRANSFERABLE** No license granted for intoxicating liquor, non-intoxicating malt liquor or wine is transferable.

A monthly pro rata share of the annual license fee for an on-sale intoxicating liquor license less \$500, may be refunded to the licensee or to the licensee's estate, if: (1) the business ceases to

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operate because of destruction or damage; (2) the licensee dies; (3) the business ceases to be lawful for a reason other than a license revocation; or (4) the licensee ceases to carry on the licensed business under the license.

**INSURANCE** Prior to the approval of an intoxicating liquor license, or a wine license, the applicant shall file with the County Auditor-Treasurer a certificate for a liquor liability insurance policy in the amounts outlined in Minnesota Statutes 340A.409. Lapse of required dram shop insurance shall result in an immediate suspension of any license issued, pursuant to this ordinance without further action of the county board.

**HOURS** Sales are prohibited between 1:00 a.m. and 8:00 a.m. on the days of Monday through Saturday. Sunday on-sale hours of sale shall be between the hours of 10:00 a.m. on Sundays and 1:00 a.m. on Mondays in conjunction with the sale of food, and provided that the licensee is in conformance with the Minnesota Clean Air Act.

It will be unlawful for any person to enter or remain on the licensed premises after 1:30 a.m. except the licensee, or any employee of the licensee who is actually working and preparing to open or close the licensed premises and any law enforcement person.

**GENERAL** No intoxicating liquors or non-intoxicating malt liquor shall be consumed by any person in the parking area adjacent to any licensed premises at any time.

No licensee shall permit any lewd conduct of public nudity or strip tease act or exotic dancing or any other similar conduct on the premises.

For any license the sale of liquor shall be incidental and subordinate to restaurant sales.

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

**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.

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 license holder shall be given at least 10 days written notice, by mail or personal service, of the charges against the license holder, 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.

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**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 that part found to be invalid or unconstitutional.

Effective Date: This Ordinance shall be in effect on \_\_\_\_\_ 2003.

Passed by the Cass County Board of Commissioners this 5TH Day of AUGUST, 2003.

County of Cass, Minnesota

By: \_\_\_\_\_

Chair  
Cass County Board of Commissioners

Attest: \_\_\_\_\_

Robert H. Yochum, Cass County Administrator