

**WASHINGTON COUNTY**  
**ALCOHOL LICENSING ENFORCEMENT**  
**ORDINANCE NO. 158**

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## **Section 1 Purpose and Scope**

- 1.1** Purpose. Washington County as a license issuing authority under Minn. Stat. Chap. § 340A recognizes many persons under the age of twenty-one (21) attempt to purchase or otherwise obtain, posses and use alcohol. In order to more strictly enforce the prohibitions against the Sale of alcohol to underage persons, Washington County, pursuant to the authority contained in Minn. Stat. § 340A.415 and 340A.509 enacts this Ordinance imposing civil penalties on Licensees and establishing license suspension and revocation procedures for violations of the prohibitions contained in this Ordinance. The prohibitions created and sanctions imposed by this Ordinance are not exclusive and are in addition to any other sanctions available to the County under any other statute, rule or Ordinance.
- 1.2** Scope. This ordinance applies to any establishment licensed by Washington County under the authority contained in Minn. Stat. Chap. § 340A.

## **Section 2 Definitions and Interpretation**

For purposes of this ordinance, the following terms have the meanings given them.

- 2.1** Alcoholic Beverage. "Alcoholic beverage" is any beverage containing more than one-half of one percent alcohol by volume including but not limited to intoxicating liquor, malt liquor, 3.2 % malt liquor, wine, table or sparkling wine as those terms are defined in Minn. Stat. § 340A.101
- 2.2** Minor. A "minor" is a person under the age of eighteen (18) years.
- 2.3** Retail. "Retail" is Sale for consumption.
- 2.4** Licensed Premises. "Licensed premises" is the premises described in the approved license application, subject to the provision of Minn. Stat. § 340A.410 Subd. 7, as amended. In the case of a restaurant, club or exclusive liquor store licensed for on-Sale of alcoholic located on a golf course, "licensed premises" means the entire golf course except for areas motor vehicles are regularly parked or operated.
- 2.5** Licensee. "Licensee" is any person, individual, firm, corporation, partnership, association, limited liability company, government agency,

club or organization of any kind licensed by Washington County under the authority contained in Minn. Stat. Chap § 340A.

- 2.6** Licensed Establishment. “Licensed establishment” any place of business where Alcoholic Beverages are available for sale to the general public. Licensed establishments shall include but not be limited to bars, restaurants and clubs.
- 2.7** Licensing Authority. “Licensing Authority” means Washington County, Minnesota.
- 2.8** Sale. “Sale” means any transfer for money, trade, barter or other consideration.
- 2.9** Underage Person. “Underage person” means a person under the age of twenty-one (21) years.
- 2.10** Washington County Administrative Ordinance. “Washington County Administrative Ordinance” means Washington County Administrative Ordinance No. 149.

### **Section 3 Responsibility of Licensees**

- 3.1 Responsibility of Licensee.** Every Licensee is responsible for the conduct in the Licensed Establishment and any Sale of Alcoholic Beverage by any employee authorized to sell Alcoholic Beverages in the establishment is the act of the Licensee.

### **Section 4 Offenses involving Underage Persons**

- 4.1 Consumption.** It is unlawful for any Licensee to permit any person less than 21 years of age to consume Alcoholic Beverages on the Licensed Premises.
- 4.2 Sale.** It is unlawful for any Licensee:
- (1) To sell, barter, furnish, or give Alcoholic Beverages to a person less than 21 years of age.
- 4.3 Entering License Establishment.** No person less than 21 years of age may enter a Licensed Establishment for the purpose of purchasing or having served or delivered any alcoholic beverage except; persons 18, 19 or 20 years old may enter a Licensed Establishment to:

Perform work for the establishment, including the serving of Alcoholic Beverages, unless otherwise prohibited by Minn. Stat. § 340A.412, subd 10;

Consume meals; and

Attend social functions that are held in a portion of the establishment where liquor is not sold.

- 4.4 Proof of Age.** Proof of age for purchasing or consuming Alcoholic Beverages may be established only by a valid driver's license or state identification card, a valid military identification card issued by the United States Department of Defense, or in the case of a foreign national by a valid passport.

## **Section 5 Inspection and Compliance Checks**

To ensure that alcohol is not sold to Underage Persons, law enforcement officers or other designated employees of the County shall periodically perform inspections and compliance checks. Additional inspections and compliance checks may be performed as a result of failed inspections or failed compliance checks.

- 5.1 Inspections.** All Licensed Premises shall be open to inspection by any law enforcement officer, or other designated officer or employee of the County, at any time there are persons within the Licensed Premises. The Licensing Authority shall perform a minimum of two compliance checks each calendar year to determine if retailers are in compliance with Minnesota Statute and local ordinance.
- 5.2 Compliance Checks.** The Licensing Authority shall conduct compliance checks by using Underage Persons over the age of 18 years to enter the licensed premise to attempt to purchase alcohol. Designated law enforcement personnel shall supervise underage Persons used for compliance checks. Underage Persons used for compliance checks shall not be guilty of the unlawful purchase or attempted purchase, nor the unlawful possession of alcohol when such alcohol is obtained or attempted to be obtained as part of the compliance check. No Underage Person used in the compliance check shall attempt to use a false identification misrepresenting the Underage Person's age and all Underage Persons lawfully engaged in a compliance check shall answer all questions about the Underage Person's age asked by the Licensee or his or her employee and shall produce any identification, if any exists, for which he or she is asked. Nothing in this section shall prohibit 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 6 Enforcement and Penalties**

- 6.1 Enforcement.** Violations of the prescriptions established in this Ordinance may be enforced through criminal and/or civil sanctions. The Administrative penalty provisions of this Ordinance shall be enforced pursuant to the Washington County Administrative Ordinance.
- 6.2 Criminal Prosecution.** Violation of this Ordinance is a misdemeanor. In addition nothing in this Ordinance limits Washington County in seeking criminal prosecution under Minnesota Statutes for violations of other statutes, rules or ordinances.
- 6.3 Administrative Penalties.** The Licensing Authority or their designee may issue the following administrative penalties for violations of this ordinance:
- 6.3.1 First violation.** Any Licensee found to have violated this ordinance shall be charged an administrative penalty of five hundred dollars (\$500.00); the sum of \$250 will be waived if all employees attend Alcohol Awareness Training within 3 months of the violation.
- 6.3.2 Second violation.** Any Licensee found to have violated this ordinance two (2) times within a twenty-four (24) month period will be subject to a one thousand dollar (\$1000.00) administrative penalty.
- 6.3.3 Third violation.** Any Licensee found to have violated this ordinance three (3) times within a twenty-four (24) month period will be subject to a two thousand dollar (\$2000.00) administrative penalty. In addition, a one (1) day suspension of the liquor license shall be imposed.
- 6.3.4 Fourth violation.** Any Licensee found to have violated this ordinance four (4) times within a twenty-four (24) month period will be subject to a two thousand dollar (\$2000.00) administrative penalty. In addition, a ten (10) day suspension of the liquor license shall be imposed.
- 6.3.5 Fifth violation.** Any Licensee found to have violated this ordinance five (5) times within a twenty-four (24) month period shall have their liquor license revoked.

- 6.4** The Licensee shall appeal the imposition of an administrative penalty pursuant to the Washington County Administrative Ordinance, Number 149.
- 6.5** A Licensee may appeal a suspension or revocation of a License to the Washington County Board pursuant to sections 14.57 to 14.69 of the Minnesota Administrative Procedures Act. No suspension or revocation shall take effect until the time for appeal has run; or, if appeal is brought, until the County Board has rendered a decision.

### **Section 7 Alcohol Awareness Training**

- 7.1 Alcohol Awareness Training.** License holders are encouraged to train all employees authorized to serve or sell Alcoholic Beverages on the Licensed Premises through an alcohol awareness program approved by the Licensing Authority or their designee.
- 7.2 Alcohol Awareness Checklist.** Every employee authorized to serve or sell Alcoholic Beverages is encouraged to use an Alcohol Awareness Checklist. Alcohol Awareness Checklists are available through the Licensing Authority.

### **Section 8 Severability and Savings Clause**

If any section or portion of this ordinance shall be found unconstitutional or otherwise invalid or unenforceable by a court of competent jurisdiction, that finding shall not serve to invalidate or effect the validity or ability to enforce any other section or provision of this ordinance.

### **Section 9 Effective Date**

This ordinance shall become effective upon its passage and publication according to law.

### **Section 10 State law adopted**

Relevant provisions of Minnesota Statutes chapter 340A, are adopted by reference as if set out at length in this Ordinance. In the event that the other provisions in this Ordinance are more stringent than the provisions of Minnesota Statutes chapter 340A, such other provisions shall be controlling.

**BOARD OF COUNTY COMMISSIONERS  
WASHINGTON COUNTY, MINNESOTA**

**Resolution No. 2002-005**

**DATE** January 8, 2002

**DEPARTMENT** Land Management/Land Survey

**MOTION BY COMMISSIONER** Abrahamson

**SECONDED BY COMMISSIONER** Peterson

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**Resolution Adopting Washington County Alcohol  
Licensing Enforcement Ordinance No. 158**

**WHEREAS**, MINN. STAT. CHAPT. 340A regulates the licensing and regulation of intoxicating liquors within the State of Minnesota; and

**WHEREAS**, Washington County is a liquor license issuing authority under MINN. STAT. CHAPT. 340A; and

**WHEREAS**, the Minnesota Department of Public Safety's Division of Alcohol and Gambling has requested that the local alcohol licensing authorities enact local ordinances for administrative penalties, suspensions, and revocation of liquor license to promote the consistencies of enforcement on a local level; and

**WHEREAS**, MINN. STAT.§ 340A.509 provides that counties may impose restrictions and regulations greater than those imposed by MINN. STAT. CHAPT. 340A on the sale and possession of alcoholic beverages within their limits; and

**WHEREAS**, MINN. STAT.§ 340A.415 authorizes the County to enact local ordinances relating to alcoholic beverages to impose civil penalties up to \$2,000 for each violation by license holders, in addition to the sanctions of revoking and suspending a liquor license; and

**WHEREAS**, on December 24, 2001, the Notice of Intent to adopt an Alcohol Licensing Enforcement Ordinance was published in the Stillwater Gazette, the official newspaper of Washington County; and

**WHEREAS**, on January 8, 2002, the Washington County Board of Commissioners held a public hearing on the proposed ordinance; and

**WHEREAS**, Washington County seeks to promote public safety by regulating access to alcohol and reducing the availability of alcohol to persons under the legal age of consumption; and

**WHEREAS**, the implementation of administrative fees, license suspension and revocation procedures for violations of the statutes and ordinance along with alcohol awareness training will promote greater compliance with the requirements related to alcohol sales to underage persons.

**NOW, THEREFORE, BE IT RESOLVED**, that the Washington County Board of Commissioners hereby adopts the Washington County Alcohol Licensing Enforcement Ordinance, Ordinance No. 158.

**BE IT FURTHER RESOLVED**, that the Washington County Alcohol Licensing Enforcement Ordinance attached hereto shall be effective upon and after the publication of this ordinance according to law.

ATTEST:

James R. Schug  
COUNTY ADMINISTRATOR  
  
Bill Pulkrabek  
CHAIRMAN, COUNTY BOARD

	YES	NO
PETERSON	X	
PULKRABEK	X	
HEGBERG	X	
ABRAHAMSON	X	
STAFFORD	X	