

**Sherburne County
Liquor License Regulations Ordinance
ORD - 230**

The Sherburne County Board of Commissioners hereby ordains a Liquor License Regulations Ordinance. This Ordinance incorporates the provision of Minnesota Statutes Chapter 340A and codifies common law as it relates to sales of liquor in the unincorporated areas of the County and those incorporated areas that do not regulate liquor licensing. It sets forth (1) the process for license applications; (2) the criteria for issuing a license and causes for denial; (3) regulations for all license holders and associates; (4) violations and potential penalties or sanctions; and (4) the appeal process. This Ordinance is effective on the date of publication. This is a summary of the Ordinance. The full Ordinance is on file with the Sherburne County Administrator, 13880 Business Center Drive NW, Elk River, MN 55330 (M-F; 8-4:30).

This Ordinance was passed by the Sherburne County Board of Commissioners on the 21st day of August, 2018, and duly filed with the Sherburne County Auditor.

Steve Taylor, Sherburne County Administrator and
Clerk to County Board



Emily Schmaus 8/21/18

Drafted by the
Sherburne County Attorney's Office
Sherburne County Government Center

Office of the County Recorder
Sherburne County, MN
Doc. No. 861773

Certified, filed, and or recorded on
September 6, 2018 4:15 PM

Michelle Ashe, County Recorder
By SD Deputy
Fees: \$0.00



861773

SHERBURNE COUNTY

ORDINANCE NUMBER 230

AN ORDINANCE RELATING TO LICENSING AND REGULATING THE SALE OF ALCOHOLIC BEVERAGES, INTOXICATING LIQUOR, MALT LIQUOR, 3.2 PERCENT MALT LIQUOR, AND WINE IN THE UNORGANIZED AREAS OF SHERBURNE COUNTY, MINNESOTA

Adopted by the Sherburne County Board of Commissioners on the 21st day of August, 2018.

SHERBURNE COUNTY LIQUOR LICENSE REGULATIONS

AN ORDINANCE RELATING TO LICENSING AND REGULATING THE SALE OF ALCOHOLIC BEVERAGES, INTOXICATING LIQUOR, MALT LIQUOR, 3.2 PERCENT MALT LIQUOR, AND WINE IN THE UNORGANIZED AREAS OF SHERBURNE COUNTY, MINNESOTA

The Board of Commissioners for the County of Sherburne, State of Minnesota, does hereby ordain and adopt this Ordinance establishing requirements and restrictions regarding the licensing for the sale of alcoholic beverages, intoxicating liquor, malt liquor, 3.2 percent malt liquor, and wine.

SECTION 1 – TITLE

This Ordinance shall be known as, and may be cited and referenced as, the “Sherburne County Liquor License Ordinance;” and, when referenced herein, shall be referenced as “this Ordinance.”

SECTION 2 – INCORPORATION

The provisions of Minnesota Statutes Chapter 340A, as amended, relating to the definition of terms, as well as the regulation, licensing, sales, distribution, and consumption of alcoholic beverages, intoxicating liquor, malt liquor, 3.2 percent malt liquor, or wine; are adopted, incorporated into, and made a part of this Ordinance as if set out in full herein.

Definitions are those that are found in Minnesota Statutes Chapter 340A; unless otherwise specified in this Ordinance.

SECTION 3 – INTERPRETATION

The provisions of this Ordinance shall be controlling pursuant to Minnesota Statute 340A.509, unless a provision provided under Minnesota State Statutes or other ordinance, rule, or regulation imposes more stringent requirements in which case the more stringent requirement shall be controlling. Words and phrases contained within this Ordinance are to be construed according to the rules of grammar and common and ordinary usage. Singular words include the plural, and the plural include the singular.

SECTION 4 - VALIDITY

All sections and provisions of this Ordinance are deemed severable in nature. Should a court of competent jurisdiction declare any section or provision of this Ordinance to be void, invalid, unenforceable 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 void, invalid, unenforceable, or unconstitutional.

SECTION 5 – JURISDICTION

This Ordinance shall apply to all unincorporated areas within the County of Sherburne, State of Minnesota, and those incorporated areas that do not regulate liquor licensing.

SECTION 6 - LICENSES

Subsection 1: License Required

- (1) No person may directly or indirectly deal in, sell, barter, exchange, give away, or keep for sale any alcoholic beverage, intoxicating liquor, malt liquor, 3.2 percent malt liquor, or wine without having obtained a license from Sherburne County and the State of Minnesota. Any exceptions to this requirement for a State license or permit as set forth in Minnesota Statute Chapter 340A shall also apply as an exception to the requirement for a license or permit from Sherburne County.
- (2) The License shall be posted in a conspicuous place in the licensed establishment at all times, which is viewable by the public.
- (3) The Sherburne County Auditor-Treasurer is designated as the License Authority for all licenses applied for, issued, or renewed under this Ordinance.

Subsection 2: License Availability

- (1) The provisions relating to availability of licenses for on-sale and off-sale licenses, including those for microdistilleries, brew pubs, brewer taprooms, small brewers, and farm wineries, for the sale, consumption, or display of alcoholic beverages, intoxicating liquor, malt liquor, 3.2 percent malt liquor, or wine, as found in Minnesota Statutes 340A.22 to 340A.28, 340A.315, 340A.401 to 340A.407, and 340A.414 as amended, are adopted, incorporated into, and made a part of this Ordinance as if set out in full herein.
- (2) The County Board may also with the approval of the Commissioner of Public Safety issue up to ten seasonal on-sale licenses to restaurants and clubs for the sale of intoxicating liquor within the area of the county that is unorganized or unincorporated. Notwithstanding Minnesota Statute 340A.412, subdivision 8, a seasonal license is valid for a period specified by the board, not to exceed nine months. Not more than one license may be issued for any one premises during any consecutive 12-month period.

Subsection 3: License Restrictions

- (1) Restrictions: The provisions relating to license restrictions for on-sale and off-sale licenses for the sale of alcoholic beverages, intoxicating liquor, malt liquor, 3.2 percent malt liquor, or wine, as found in Minnesota Statutes 340A.410 to 340A.414,

as amended, are adopted, incorporated into, and made a part of this Ordinance as if set out in full herein.

- (2) Hours: The hours and days of sale of alcoholic beverages, intoxicating liquor, malt liquor, 3.2 percent malt liquor, or wine, shall be the same as those set forth in Minnesota Statutes Section 340A.504, or those as set forth in the Township or City in which the premises are located, whichever is more stringent.

Subsection 4: Licensee Responsibility

The act of any employee of the licensed premises authorized to sell or serve alcoholic beverages, intoxicating liquor, malt liquor, 3.2 percent malt liquor, or wine shall be deemed the act of the licensee as well, and the licensee shall be liable for all penalties provided by the Ordinance.

SECTION 7 – LICENSE APPLICATION

Subsection 1: Application requirements

- (1) The application for either on- or off-sale of alcoholic beverages, intoxicating liquor, malt liquor, wine, and/or 3.2 percent malt liquor shall be obtained from the License Authority, and shall consist of an Application to Sell, License Application Information Form, Minnesota Worker's Compensation Form, and certificate of liability insurance required pursuant to Section 11 of this Ordinance. Failure to provide any required form or information is a basis for automatic denial of the license application.
- (2) At the time of filing an application for either an initial or renewed license the applicant shall submit the completed application, all required forms, authorization for a background study for each owner/principal for the applicant, and shall pay an investigation background fee and all other applicable fees as set by the County Board, and limited by Minnesota Statute 340A.408(3). All fees are considered the minimum amounts necessary to reimburse the County for costs incurred in processing the application and investigating the applicant and the proposed premises and are, therefore, non-refundable.

A county sheriff is responsible for the background checks prior to the county issuing a retail liquor license for a premise in the unincorporated areas within the County, and for those incorporated areas without a liquor license ordinance or those cities that do not have a police department. The commissioner is responsible for the background checks prior to the state issuing a retail liquor license.

The appropriate authority shall conduct the background check as set forth in Minnesota Statute 340A.402.

- (3) Applicant must submit as part of the application for either an initial or renewed license Town Board or City Board comments on the issuance of a license from the Town Board in which the proposed license premise is to be located.
- (4) Every applicant, at the time of filing an application for a license, shall also submit a drawing of the property on which the premise is located, showing and identifying all adjacent streets, buildings and residences, parking, road accesses, and entry and exit into the building; as well as a floor plan of the interior of the premise and any outdoor areas in which the applicant intends to serve alcoholic beverages, intoxicating liquor, malt liquor, 3.2 percent malt liquor, or wine. No outdoor on-sales or service is permitted unless the applicant clearly indicates on an application for a new or renewed license of the intent to conduct outdoor on-sales. *For additional requirements, see Section 12 below.*
- (5) Applicant must provide documentation that the premises are lawfully zoned for the type of liquor license sought or the premises is "grandfathered" in.

NOTE: The submittal of an application for a liquor license IS NOT considered an application for the purposes of the applicable jurisdiction's Zoning Ordinance.

- (6) An application is not considered submitted unless completed in full; all required forms, attachments and/or additional information is attached or otherwise provided in a form acceptable to the Licensing Authority; the certificate or binder for liability insurance is provided; and all required fees are paid in full.
- (7) The applicant shall also sign a verification, under oath, attesting that all information set forth on the application is true and correct. No person shall knowingly make a false statement in any application. Any knowing false statement or information shall be grounds for rejection of an initial application, rejection of an application for license renewal, revocation of an existing license, and/or criminal prosecution.
- (8) A completed application for a renewed license must be presented at least 60 days prior to the expiration date of the current license. Late renewal applications for existing licenses shall pay an additional late fee as determined by the County Board, which must accompany the completed application. Late renewal applications may result in a period of time when the applicant may not display, provide, or sell alcoholic beverages if their current license expires and a renewal license has not yet been issued.

Subsection 2: Consideration

- (1) The Licensing Authority must obtain the written comments of the County Sheriff or applicable Chief Law Enforcement Officer, the County Attorney, Sherburne County Health and Human Services, Sherburne County Public Works, the township or city, and the Zoning Authority with regards to the application. This requirement pertains to both original and renewal applications. The comments of the County Sheriff and Health and Human Services Department should include the applicant's performance

with regards to past law enforcement activities and alcohol sales compliance checks. The Zoning Authority's comments should include whether the proposed or continued use of the premises is a permitted, non-permitted, or conditional or interim use with regards to the designated zoning and land use restrictions for the property.

- (2) All applications for liquor licenses will be considered by the County Board. The County Board shall decide whether to deny or grant an application. The County Board may, as a condition of granting a license application, impose reasonable restrictions on the nature and/or operation of the business. These restrictions, with regards to conducting on-sales in outdoor areas adjacent to the licensed premise include, without limitation, reasonable restrictions on parking, lighting, noise abatement, restroom facilities, hours of operation, and whether amplified entertainment is permitted.
- (3) The County Board must consider an application within sixty (60) days after a completed application is considered submitted. The License Authority may extend this period by an additional thirty (30) days provided the applicant is notified, in writing, of the reason for the extension. The applicant may also consent to an extension of this period, in writing, for any period as agreed to by the applicant and the License Authority.
- (4) Hearing: When a public hearing is required by Minnesota Statute Chapter 340A, no license may be issued under this Ordinance unless a public hearing is held on the issuance of the license.
- (5) Notice: When required by Minnesota Statute Chapter 340A, notice must be given to all property owners within a half-mile radius of the premises, and to any city located within three miles of the premises proposed to be licensed.
- (6) The State of Minnesota may issue the license if the application is approved by the County Board and all other State requirements are satisfied.
- (7) The License Authority shall notify the Minnesota Commissioner of Public Safety within 10 days of the issuance of a County liquor license, or a license transfer, cancellation, suspension, or revocation.

Subsection 3: Criterion

In deciding whether to grant a particular license, the County Board shall consider all relevant factors bearing on both the applicant and the premises including but not limited to:

- (1) All eligibility requirements set forth in Minnesota Statute 340A.402.
- (2) Provision of required liability insurance.

- (3) Conviction of the applicant for a felony level crime, or crime of dishonesty within the preceding 10 years.
- (4) Any evidence of illegal activities occurring on the premises, including but not limited to controlled substance crimes, assaults, or prostitution.
- (5) Any Dram Shop actions against the applicant or the premises.
- (6) The written comments of the Town Board; the Sherburne County Sheriff, Director of Sherburne County Health and Human Services, Public Health Administrator, Zoning Authority, and County Attorney.
- (7) Past record of compliance, including sale compliance checks, or past violations, if the application is for a license renewal.
- (8) Compatibility of the premises with surrounding land uses, including but not limited to whether the establishment is a prohibited, conditional, interim, or permitted use under current zoning restrictions.
- (9) Characteristics of the proposed licensed premises, including but not limited to size, setbacks, parking, screening, lighting, security, garbage removal, access, and rest room facilities.
- (10) Verification of applicant's compliance with all Department of Revenue requirements.
- (11) Any testimony and exhibits presented by interested parties at the public hearing.

Subsection 4: Delinquent taxes and fees

No on- or off-sale license shall be granted or renewed for any premises on which Federal, State, County, or local taxes, assessments, or other financial claims of any kind are delinquent and unpaid by the license applicant, including any administrative penalty fees.

Subsection 5: License Denials

- (1) The County Board may deny a license for a premise in an area where such a land use is prohibited by zoning ordinances or other land use controls, except licenses may be issued in areas which were restricted against commercial uses after the establishment of the restaurant.
- (2) The County Board may deny any application on the sole basis the applicant failed to comply with any provision of this Ordinance, State statutes, or other applicable ordinance, law, rule or regulation in the application process including but not limited to the failure to pay past administrative penalties.

- (3) If a license is denied, the License Authority shall send written notice to the license applicant within 10 days of the determination. Any person denied either an original or renewed license may request reconsideration by the County Board or its designee by serving, within 15 days of the date of the denial, a written request for reconsideration upon the License Authority. The Board, or its designee, shall then hear the request within 45 days after the License Authority is served with the request for reconsideration. The Applicant and the License Authority may be represented by counsel, and both may submit all relevant evidence or arguments. The County Board or the Board's designee shall make written findings within a reasonable time after the close of said hearing. If a designee hears the matter, the findings shall be forwarded to the County Board for consideration at its next meeting. If the Board reconsiders the applicant and again denies it, the Applicant may appeal to the Court of Appeals pursuant to a writ of certiorari.

SECTION 8 – LICENSE PERIOD

All license applications, if approved, are for a period not to exceed one (1) year. A license may be issued subject to a shorter expiration date if issued for the purpose of coordinating a common expiration date of multiple licenses, in which case a *pro rata* license fee may be assessed. The license period for 3.2 percent malt liquor licenses shall be January 1 through December 31 of the same calendar year, and for all alcoholic beverages, intoxicating liquor, malt liquor or wine shall be August 19 through August 18 of the subsequent calendar year.

SECTION 9 - FEES

The fees for licenses shall be established by the County Board pursuant to Minnesota Statutes 340A.22, 340A.26, 340A.28, 340A.408, and 373.41.

A fee for a license may only be increased after notice and hearing on the proposed increase; which must be mailed to all affected licensees at least 15 days before the date set for the hearing.

SECTION 10 - TRANSFERABILITY

Any license issued under this Ordinance is granted solely to the applicant and the business entity named in the application, and for the premises named in the license application. No license of any sort granted pursuant to this Ordinance is transferable to any other person or premises. If a change of ownership, control, or location of any licensed premises occurs, whether pursuant to move, sale, transfer, assignment, or otherwise, the owner or proposed new owner must complete a new application subject to approval pursuant to this Ordinance. A change of ownership or control includes, but is not limited to:

- (1) The sale of all or substantially all of the company assets;

- (2) Sale or acquisition of forty (40) percent or more of the controlling interest (voting) stock if the company stock is publicly traded;
- (3) Sale of fifty-one (51) percent of the voting stock if a non—publicly traded stock or closely held corporation;
- (4) Execution of a management agreement; or
- (5) The change of any officer or majority stockholder if the company is a closely-held corporation.

SECTION 11 – INSURANCE

Subsection 1: Requirement

- (1) Prior to the issuance or renewal of any license for the on- or off-sale sale of alcoholic beverage, intoxicating liquor, malt liquor, 3.2 percent malt liquor, or wine, the applicant shall file with the Licensing Authority a certificate for a liability insurance policy that meets all requirements as set forth in Minnesota Statute 340A.409, and which covers the license period.
- (2) For outdoor on-sale, the license holder's liability insurance shall specifically include the outdoor area where sales will take place.
- (3) A certificate of liability insurance is not required for those licensees who are exempt pursuant to Minnesota Statute 340A.409, subd. 4.

Subsection 2: Lapse

Lapse, cancellation, or the failure to renew a policy of the insurance required pursuant to Subsection 1 of this Section shall result in an immediate suspension of any license issued pursuant to this Ordinance, without further action of the County Board.

SECTION 12 - GENERAL

- (1) No alcoholic beverage, intoxicating liquor, malt liquor, 3.2 percent malt liquor, or wine shall be consumed by any person in the outdoor areas adjacent to any licensed premises at any time unless outdoor on-sales was included in the permit application.
- (2) Any outdoor area in which the Licensee shall conduct on-sales shall be enclosed by a physical barrier that provides reasonable security sufficient to control access to and from the area of sale. If the outdoor area is used more than 10 days throughout the license period, then a permanent fence shall be required which must be a minimum of four feet in height, and such area and fence shall be identified on the applicant's license application.

- (3) Any applicant or license holder wanting to add an outdoor area must, in addition to complying with all other requirements, obtain all required permits and approvals from the Zoning Authority.
- (4) No Licensee shall knowingly cause or permit any public nudity or sexual conduct on the premises. In this regard, "sexual conduct" is defined as any act of masturbation, sexual intercourse, or physical contact with a person's clothed or unclothed genitals, pubic area, buttock, or, if such person be female, her breast and includes any of the following acts:
 - a) the touching by a person of another's intimate parts; or
 - b) the touching of the clothing covering the immediate area of intimate parts; or
 - c) sexual intercourse, cunnilingus, fellatio, or anal intercourse; or
 - d) any intrusion, however slight, into the genital or anal openings; or
 - e) of a person's body by any part of another's body or any object used by a person for this purpose.
- (5) No Licensee shall allow or permit any violation of Minnesota Statute Section 340A.503, Illegal Acts for Persons Under 21.
- (6) No Licensee shall allow or permit any alcoholic beverage to be sold, given, furnished, or in any way procured for the use of an obviously intoxicated person, in violation of Minnesota Statute Section 340A.502.
- (7) A Licensee shall allow any law enforcement official, Auditor/Treasurer or Health and Human Services designee to enter the premises for the purpose of investigating possible violations of this Ordinance, Minnesota Statute Chapter 340A, and/or any other applicable law, regulation, or ordinance

SECTION 13 - ENFORCEMENT

Subsection 1: Enforcement

The applicable law enforcement agency and/or their designees, and/or any state or federal law enforcement or administrative agency, may conduct inspections as needed to ensure compliance with the terms of this Ordinance, state law, state administrative rules, federal law, other regulations, as well as the terms and conditions of individual licenses. All premises that are licensed shall be open to inspection by any law enforcement officer or other designated office or employee of the County, at any time there are persons within the Licensed Premises.

Violations of the Ordinance may be enforced through criminal, civil, and/or administrative sanctions.

Subsection 2: Penalty

Any person, firm, organization, partnership or corporation who violates any provision of this Ordinance, fails to comply with any provision of this Ordinance, or who makes a knowing false statement in any application hereunder, shall be guilty of a misdemeanor and, upon conviction, shall be punished according to law.

A violation of state law under Minnesota Statute Chapter 340A is deemed a violation for purposes of license suspension, revocation, civil penalty, criminal sanction, or other civil actions.

A separate offense shall be deemed committed upon each day during or on which any violation occurs or continues.

Subsection 3: License Suspension or Revocation

- (1) The County Board may revoke a license, suspend a license for up to 60 days, or impose a civil penalty up to \$2,000 for each violation, or any combination of these sanctions may be imposed under this Ordinance pursuant to Minnesota Statute 340A.415. No suspension or revocation takes effect until the license or permit holder has been given an opportunity for a hearing under sections 14.57 to 14.69 of the Administrative Procedure Act; except the County is not required to conduct the hearing before the Office of Administrative Hearings.
- (2) Notice: The License Authority shall send written notice of a suspension, revocation, or civil penalty, by mail to the license holder at the address provided in the license application, or personally serve the license holder. A suspension or revocation will be implemented on the 16th day after the date the notice was issued, and the Licensing Authority shall identify the dates of closure. The written notice shall identify the alleged violation, presumed sanction and advise the recipient of their appeal rights.
- (3) Appeal Rights: A license holder who received notice of a suspension or revocation of their license, or a civil penalty, must submit a request for a hearing to challenge the allegation within 15 days of the date of the notice. Failure to submit a timely request for a hearing shall result in a waiver of all appeal rights, and the suspension, revocation, or civil penalty will be implemented 16 days after the date the notice was issued. If there is a timely request for a hearing the suspension, revocation, or civil penalty shall be stayed pending the resolution of the appeal process.
- (4) Appeal Hearing: A person accused of violating this Ordinance may request a hearing on the alleged violation within 15 days of the date of the notice. If a person timely requests a hearing, a hearing shall be scheduled, the time and place of which shall be provided to the person requesting the hearing. The hearing shall be held within 45 days of the date the request for hearing was received, when practicable.

- a) The records of the County, any police reports relating to the violation, and all reliable hearsay shall be admissible for consideration by the hearing officer without further foundation.
- b) The County may be represented by the Sherburne County Attorney's Office. The alleged violator may be represented by private legal counsel. The alleged violator does not have the right to an attorney at public expense.
- c) At the hearing, both the alleged violator and the County may present the testimony of witnesses, cross-examine witnesses, and present documentary evidence.
- d) The burden of proof shall be upon the County. The standard of proof shall be a preponderance of the evidence.
- e) The scope of the hearing may include whether violation(s) occurred and the appropriate sanction.

(5) Hearing Officer: The County Board shall appoint a Hearing Officer.

(6) Decision: The Hearing Officer shall prepare written findings and submit them to the County Board within 30 days of the close of the hearing stating whether or not a violation occurred and what, if any, recommended penalty is to be imposed under this Ordinance, including the identification of dates of closure. The findings shall be served by mail on the license holder and the License Authority. The County Board must offer the license holder an opportunity to file exceptions and present argument to a majority of members of the County Board at the next available County Board meeting after the findings are served. The County Board must then issue a final decision in writing within 5 working days, and serve a copy on the license holder by mail, and serve a copy on the License Authority.

(7) Appeals: Appeals of any decision made by the County Board shall be filed by a petition for a writ of certiorari to the Court of Appeals and served on all parties not more than 30 days after the date of the final decision.

Subsection 4: Criminal Prosecution

Nothing in this Section shall prohibit the County from seeking a criminal prosecution for any violation of this Ordinance, or from enforcing any other applicant state or federal law or regulation in addition to or instead of any civil enforcement remedy that may be sought under this Ordinance.

Subsection 5: Presumptive Civil Penalties

This subsection establishes standards by which the County Board may determine appropriate penalties, including fines, suspensions, and revocations, for violations of this Ordinance or other laws or regulations. The standards set forth herein shall apply to all licenses granted under this Ordinance. The penalties set forth herein are presumed to be appropriate for every case; however, the Board may deviate from these penalties in

any case in which the Board finds compelling reasons for such a deviation. Any penalty as set forth herein may be reduced on proactive measures undertaken by the license holder in response to a violation, including but not limited to requiring employees complete appropriate alcohol service training or if the server working for the Licensee has been charged and convicted of violation of state laws on service of alcohol. The Board shall provide written findings in support of every penalty imposed.

- (1) The following minimum penalties shall be presumed appropriate:
- a) The license may be revoked upon a finding that the Licensee has committed one of the following violations:
 - (i) Commission of a felony-level criminal offense related to the licensed activities;
 - (ii) Sale of any alcoholic beverage, intoxicating liquor, malt liquor, 3.2 percent malt liquor, or wine while an existing license is under suspension;
 - (iii) Sale of any alcoholic beverages, intoxicating liquor, or malt liquor where the license is restricted to sales of only 3.2 percent malt liquor; or
 - (iv) Four (4) violations of this Ordinance or Minnesota Statute Chapter 340A within any 24-month period.
 - b) Other violations of this Ordinance or of Minnesota Statute Chapter 340A shall presumptively be penalized according to the violation grid below:

<i>Number of violations During any 24-month period</i>	<i>Presumptive Penalty</i>
First violation	\$200.00 civil penalty
Second violation	\$400.00 civil penalty
Third violation	Consecutive 3 working-day suspension and \$600.00 civil penalty to be paid before expiration of suspension
Fourth violation	License revocation

- (2) Prior violations may be used by the County Board when considering subsequent applications.
- (3) Nothing in this Subsection shall restrict the discretion of the Board with regards to determining the appropriate penalty for any violation.

Subsection 6: Other Civil Actions

In addition to license suspension, revocation, or civil penalty in the event of a violation or threatened violation of this Ordinance, state law, state regulations, or the terms and conditions of any individual license, the Sherburne County Attorney may institute any or all appropriate actions or procedures, in law or equity, to enjoin, prevent, restrain, correct, or abate such violations or threatened violations.

SECTION 14 – DATE OF EFFECT

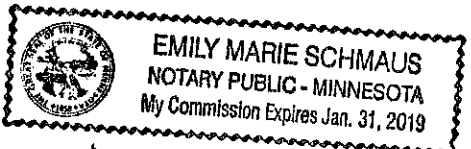
This Ordinance shall be in full force and effect from and after its passage, approval and publication, as provided by law. The effective date of the Ordinance shall be the 1 day of SEPTEMBER, 2018

Passed and approved this 21 day of AUGUST, 2018.

Lia Fobbe
Chair, Sherburne County Board of Commissioners

Attest: [Signature]
Sherburne County Administrator

Effective Date: 9/1/18



Emily Schmaus 8/21/18

AFFIDAVIT OF PUBLICATION

STATE OF MINNESOTA)
COUNTY OF SHERBURNE) ss

Darlene MacPherson being duly sworn on an oath, states or affirms that he/she is the Publisher's Designated Agent of the newspaper(s) known as:

Star News

with the known office of issue being located in the county of:

SHERBURNE

with additional circulation in the counties of: WRIGHT

and has full knowledge of the facts stated below:

- (A) The newspaper has complied with all of the requirements constituting qualification as a qualified newspaper as provided by Minn. Stat. §331A.02.
- (B) This Public Notice was printed and published in said newspaper(s) once each week, for 1 successive week(s); the first insertion being on 09/01/2018 and the last insertion being on 09/01/2018.

MORTGAGE FORECLOSURE NOTICES

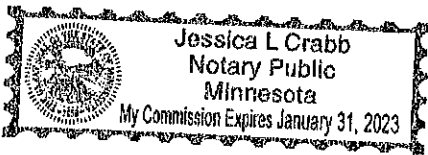
Pursuant to Minnesota Stat. §580.033 relating to the publication of mortgage foreclosure notices: The newspaper complies with the conditions described in §580.033, subd. 1, clause (1) or (2). If the newspaper's known office of issue is located in a county adjoining the county where the mortgaged premises or some part of the mortgaged premises described in the notice are located, a substantial portion of the newspaper's circulation is in the latter county.

By: D MacPherson
Designated Agent

Subscribed and sworn to or affirmed before me on 09/01/2018 by Darlene MacPherson.

JL Crabb

Notary Public



Rate Information:

(1) Lowest classified rate paid by commercial users for comparable space:
\$23.00 per column inch

Ad ID 851184

**SHERBURNE COUNTY
LIQUOR LICENSE
REGULATIONS ORDINANCE
ORD - 230**

The Sherburne County Board of Commissioners hereby ordains a Liquor License Regulations Ordinance. This Ordinance incorporates the provision of Minnesota Statutes Chapter 340A and codifies common law as it relates to sales of liquor in the unincorporated areas of the County and those incorporated areas that do not regulate liquor licensing. It sets forth (1) the process for license applications; (2) the criteria for issuing a license and causes for denial; (3) regulations for all license holders and associates; (4) violations and potential penalties or sanctions; and (4) the appeal process. This Ordinance is effective on the date of publication. This is a summary of the Ordinance. The full Ordinance is on file with the Sherburne County Administrator, 13880 Business Center Drive NW, Elk River, MN 55330 (M-F; 8-4:30).

This Ordinance was passed by the Sherburne County Board of Commissioners on the 21st day of August, 2018, and duly filed with the Sherburne County Auditor.

Published in the
Star News
September 1, 2018
851184

AFFIDAVIT OF PUBLICATION

STATE OF MINNESOTA) ss
COUNTY OF SHERBURNE

Tonya Orbeck being duly sworn on an oath, states or affirms that he/she is the Publisher's Designated Agent of the newspaper(s) known as:

Star News

with the known office of issue being located in the county of:

SHERBURNE

with additional circulation in the counties of:
WRIGHT

and has full knowledge of the facts stated below:

- (A) The newspaper has complied with all of the requirements constituting qualification as a qualified newspaper as provided by Minn. Stat. §331A.02.
- (B) This Public Notice was printed and published in said newspaper(s) once each week, for 1 successive week(s); the first insertion being on 08/04/2018 and the last insertion being on 08/04/2018.

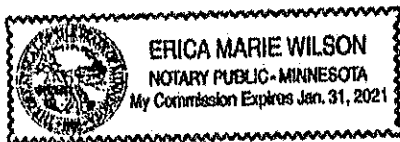
MORTGAGE FORECLOSURE NOTICES

Pursuant to Minnesota Stat. §580.033 relating to the publication of mortgage foreclosure notices: The newspaper complies with the conditions described in §580.033, subd. 1, clause (1) or (2). If the newspaper's known office of issue is located in a county adjoining the county where the mortgaged premises or some part of the mortgaged premises described in the notice are located, a substantial portion of the newspaper's circulation is in the latter county.

By: *Tonya Orbeck*
Designated Agent

Subscribed and sworn to or affirmed before me on 08/04/2018 by Tonya Orbeck.

Rich M. Uli
Notary Public



Rate Information:

(1) Lowest classified rate paid by commercial users for comparable space:
\$10 per column inch

Ad ID 842727

SHERBURNE COUNTY PUBLIC HEARING NOTICE

The Sherburne County Board of Commissioners will consider an ordinance governing liquor licenses, both on sale and off sale, for all establishments that sell liquor in the unincorporated areas of the County and the City of Zimmerman. The ordinance adopts MS Chapter 340A and sets forth added requirements on the licensing application, provides a timeline for process of application and negative licensing action and administrative penalties for licensees for violations. A complete copy of the proposed ordinance can be found at www.co.sherburne.mn.us or contact Auditor/Treasurer's Office for a paper copy at 763-765-4351. The public hearing on this matter will be heard on the 21 day of August, 2018 at 9:00 a.m. or as soon thereafter as it may be heard, Board Room, 13880 Business Center Dr., Elk River MN.

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