

SCOTT COUNTY ORDINANCE NO. 26

AUTHORIZATION OF ON-SALE WINE/3.2 INTOXICATING MALT LIQUOR LICENSEES TO SELL INTOXICATING MALT LIQUOR

1. Purpose

Minnesota Statutes, Section 340A.404, subd. 5 authorizes counties to issue to holders of on-sale wine license, who is also licensed for on-sale 3.2 percent malt liquors, and whose gross receipts are at least sixty (60%) percent attributable to the sale of food, to sell intoxicating malt liquors at on-sale without an additional license. There are a growing number of restaurants in the townships of Scott County offering wine and 3.2 beer who qualify to also sell “strong” beer. Pursuant to the authority granted it by the Minnesota Liquor Act, Minnesota Statutes Chapter 340A, and the Twenty-first Amendment to the United States Constitution, the Board of Commissioners of Scott County prescribes the following licensing procedures and regulations governing the licensing of the sale of intoxicating malt liquor for those holding on-sale wine and 3.2 percent malt liquors

2. Permit to Licensed On-Sale Establishments

An on-sale wine and 3.2 percent malt liquor permit holder may sell intoxicating malt liquors, providing that the licensed premises’ gross receipts are at least sixty (60%) percent attributable to the sale of food on the premises.

3. General License Restrictions

- a. A license issued under this ordinance is only effective for the compact and contiguous space specified in the approved license applications governing the wine and 3.2 percent malt liquors submitted by the permit holder.
- b. A licensee under this ordinance shall be responsible for the conduct of the business being operated and shall maintain conditions of sobriety and order.
- c. A licensee under this ordinance must comply with all of the requirements of Minnesota Chapter 340A pertaining to retail liquor licenses.

4. Definitions

For purposes of this ordinance, the terms used above will have the meanings given to them in Minnesota Statute Section 340A.101(2003) and as amended.