

April 12, 2011

Please publish no later than **April 23, 2011**. Please publish the following as a **Public Notice**.

PUBLIC NOTICE

The Goodhue County Board of Commissioners will meet on **Tuesday, May 3, 2011 at 9:00 a.m.** in the Kenyon City Hall, 709 2nd Street in Kenyon, Minnesota. The following items are tentatively scheduled for Public Hearings:

Goodhue County Food and Beverage Ordinance Text Amendment regarding Seller/Server Training - Proposed amendment to the Goodhue County Food and Beverage Ordinance requiring that all applicants for liquor and wine licenses issued by Goodhue County must verify that all individuals selling or serving liquor or wine upon the licensed premises have successfully completed a Responsible Seller/Server Training Course within the preceding twelve months.

Social Host Ordinance - Proposed new ordinance establishing criminal penalties for persons who knowingly host events or gatherings at which alcohol is present and available for consumption by underage persons.

Public comments will be welcome at the County Board's May 3rd meeting. Complete copies of the proposed ordinances are available for review at the Office of the Goodhue County Administrator, Room 310, Goodhue County Government Center, 509 West 5th Street, Red Wing, Minnesota, 55066 during normal business hours or on the web at www.co.goodhue.mn.us.

**Food and Beverage Ordinance
For Goodhue County**
Adopted June 6, 2000

Food and Beverage Ordinance for Goodhue County

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An ordinance Providing for the Licensing and Inspection of Restaurants and Places of Refreshment and Similar Food Service; Regulating Their Design, Construction, Operation and Maintenance and Providing for the Enforcement of this Ordinance and the establishment of Penalties throughout Goodhue County is established as follows:

This ordinance shall be applicable to all food and beverage establishments defined in Minnesota Statutes Chapter 157 such as, but not limited to, restaurants, boarding houses, drive-ins, bars, taverns, caterers, cafes, clubs, lodges, commissaries, children's camps, lodging facilities, resorts, private schools, public buildings, public schools, group day care facilities, and similar businesses and establishments where food, meals, lunches or beverages are prepared or served for consumption on the premises or immediate consumption off the premises. Provided that this ordinance shall not include food service operations conducted in and for a Church when food service is limited to preparation, service or consumption by the members and guests of the Church.

The County Board of Goodhue County pursuant to Minn. Stat. 145A.05, Subd. 8 ordains:

SECTION I - DEFINITIONS

The following definitions shall apply in the interpretation and the enforcement of this ordinance.

- 1.1 Board means the Goodhue County Board of Health acting under the provisions of Minn. State. 145A.10, as the Board of Health.
- 1.2 Health Authority means the Goodhue County Board of Health and the Goodhue County Public Health Service or the Environmental Health Director or other designated Agent.

SECTION II - - ADOPTION OF FOOD & BEVERAGE ESTABLISHMENT STANDARDS

- 2.1 The standards for Food & Beverage Establishments in Minnesota Rules Chapter 4626.0010 are hereby incorporated in and made part of this ordinance except-4626.1720, Subpart B, and those authorities which are the responsibility of the Minnesota Department of Agriculture. Wherein Minnesota Rules Chapter 4626 refers to the Commissioner, Commissioner shall mean the Goodhue County Board of Health and it's designated agents.

SECTION III - - LICENSING

- 3.1 Plan Review. When a food and/or beverage establishment is hereafter constructed or extensively remodeled, or when an existing structure is converted for use as a licensed

establishment, the owner or applicant shall submit to the Health Authority all required plans, specifications and materials lists, and comply with the requirements of Minnesota Rules 4626.

Plans and the fee specified by the Board of Health shall be submitted at least thirty (30) days before beginning construction, extensive remodeling or conversion of a food establishment. This section does not relieve the owner or applicant from obtaining required approvals or permits from other agencies, departments or units of government.

- 3.2 Licenses Required. It shall be unlawful for any person to operate a food and/or beverage service establishment within Goodhue County who does not possess a valid license issued to them by the Health Authority. Only a person who complies with the requirements of this ordinance shall be entitled to receive and retain such a license.
- 3.3 Application for License. Any person desiring to operate a food and beverage service establishment shall make written application for a license on forms provided by the Health Authority. Such application shall include: the applicant's full name, date of birth, address and whether such application is an individual, firm, partnership or corporation, the location and type of proposed food service establishment. The applicant or applicants must sign the application. If a partnership, the names of the partners, together with their addresses shall be included. Each application for a license, together with the appropriate license fee as described herein shall be submitted to the Health Authority for review. A license will not be issued until all requirements of this ordinance are met and the establishment has been inspected for conformity to the requirements set forth in this Ordinance.
- 3.4 License Renewal. Proprietors of any food and/or beverage establishment shall pay an annual license fee. If the Health Authority has not received the annual license fee by December 31 of each year for the following year's license, or in the case of a seasonal business, 10 days prior to the opening date of such a business, a penalty fee at a rate specified by Board of Health resolutions shall be added to the amount of the license fee and paid by the Licensee.
- 3.5 License Fees. License fees are set at a rate specified by resolution of the Goodhue County Board of Health and are subject to change as the Board shall deem appropriate.
- 3.6 Every application for the issuance or renewal of a liquor or wine license must include a Training Verification Statement signed by the licensee/applicant verifying that all persons selling or serving liquor or wine upon the licensed premises have successfully completed a Responsible Seller/Server Training Course within the preceding twelve (12) months.

"Responsible Seller/Server Training Course" means a course of instruction on Minnesota laws regarding the sale and service of liquor or wine; said course must include an examination that identifies that the student has successfully learned the basic facts and information relating to the safe and legal sale and service of liquor or wine.

SECTION IV - - COMPLIANCE PROCEDURES

- 4.1 Condemnation. The Health Authority may condemn and cause to be removed, embargo, and/or tag any item deemed to be in violation of Minnesota Rules Chapter 4626 in accordance with Section 4626.1805 through 4626.1815.
- 4.2 Suspicion of Disease Transmission. When the Health Authority has reasonable cause to suspect the possibility of disease transmission from a food or beverage service establishment employee, the Health Authority shall secure an illness or morbidity history of the suspected employee, and/or make other investigations as may be required, and take appropriate action.

The Health Authority may require any or all of the following measures:

- 1) The immediate exclusion of the employee from all food service establishments;
- 2) The immediate closure of the food service establishment concerned until, in the opinion of the Health Authority, no further danger of disease outbreak exists:
- 3) Restriction of the employee's services to some area of the establishment where there would be no danger of transmitting disease, and:
- 4) Adequate medical and laboratory examinations of the employee, or other employees, and their body discharges.

4.3 Inspection and Correction.

- A. The Health Authority shall inspect food and beverage establishments according to risk as defined in Minnesota Statute 157 and to the rules adopted under the authority of Minnesota Statute 157.
- B. The person operating a food/beverage establishment shall, upon request of the Health Authority and after proper identification, permit access to all parts of the establishment at any reasonable time for purpose of inspection and shall exhibit and allow copying of any records necessary to ascertain sources of foods or other compliance with the provisions of this ordinance.
- C. Every person engaged in the operation of a food/beverage establishment, as herein defined, shall upon request, furnish reasonable samples, free of charge, to the Health Authority for laboratory analysis.
- D. Whenever an inspection of a food/beverage service establishment is made, the findings shall be recorded on the inspection report form. One copy of the inspection report form shall be furnished to the person in charge of the establishment. The completed inspection report form is a public document that shall be made available for public disclosure to any person who requests it, except when report forms are a part of pending litigation.
- E. The inspection report form shall specify a specific and reasonable period of time for the correction of the violations. Correction of the violations shall be accomplished within the period specified.

4.4 Suspension of License.

- A. Licenses may be suspended temporarily by the Health Authority at any time for failure by the licensee to comply with the requirements of this ordinance. The licensee or operator shall be notified in writing that the license is immediately suspended. The notice of suspension shall state the reason for the suspension and that an opportunity for a hearing before the Appeals Board will be provided if the licensee files a written petition for appeal within ten (10) days from the date of the suspension notice. The petition shall be filed with the Health Authority.
- B. Notwithstanding the other provisions of this ordinance, whenever the Health Authority finds unsanitary or other condition(s) in the operation of a food establishment which, in their judgment, may constitute a substantial hazard to the public health, they can without warning, notice or hearing, issue a written notice to the license holder or operator citing such condition(s), specifying the corrective action to be taken, and specifying the time period within which such action shall be taken; and if deemed

necessary, such order shall state that the license is immediately suspended, and all food and/or beverage operations are to be immediately discontinued. Any person, to whom such an order is issued shall comply immediately therewith, but upon written petition with the Health Authority, shall be afforded a hearing before the Appeals Board.

- C. Any person whose license or permit has been suspended may at any time make application for a re-inspection for the purpose of reinstatement of the license. Within ten (10) days following receipt of a written petition, including a statement signed by the applicant that in their opinion the condition(s) causing suspension of the license has/have been corrected, the Health Authority shall make a re-inspection. If the application is in compliance with the requirements of this ordinance and MN Rules Chapter 4626, the license shall be reinstated.
- 4.5 Revocation of License. For serious or repeated violations of any of the requirements of this ordinance or MN Rules Chapter 4626, the license may be permanently revoked after an opportunity for a hearing before the Appeals Board has been provided. Prior to such action, the Health Authority shall notify the license holder in writing, advising that the license shall be permanently revoked at the end of a ten (10) day period.
- 4.6 Appeals Board. The Appeals Board shall consist of the Chairperson of the County Board of Health or a designated appointee, Public Health Administrator or a designated agent, and the Community Health Services Advisory Committee Chairperson or a designated agent.
- A. Request for Hearing. Any person affected by a notice of embargo, suspension, or revocation shall be granted a hearing on the matter before the Appeals Board upon filing in the office of the Health Authority, written petition requesting such a hearing and setting forth a brief statement on the grounds therefore. Said petition shall be filed within ten (10) days after the notice was served.
 - B. Date of Hearing. The hearing requested shall be held not more than ten (10) days after the date on which the petition was filed. The Chairman of the Appeals Board may postpone the date of the hearing for a reasonable time beyond such ten (10) day period, if in the judgment a good and sufficient reason exists for such postponement.
 - C. Notice of Hearing. The Health Authority shall cause five (5) days written notice of the hearing to be given to the petitioner or petitioners by personal service or by mailing to the petitioner or petitioner's last known address.
 - D. Proceedings. At such hearing the petitioner, their agent or attorney shall be given an opportunity to be heard and to show cause why the notice of embargo, suspension, or revocation issued by the Health Authority should be modified or withdrawn. The Health authority shall present a detailed written statement of their findings and recommendation(s) to the Appeals Board at the time of the hearing.
 - E. Decisions of the Appeals Board. The Appeals Board, within three (3) days after such hearing, shall sustain, modify or withdraw the notice of embargo, suspension, or revocation depending upon its findings. A copy of the decision of the Appeals Board shall be served by mail to the petitioner or petitioners. Any person aggrieved by the decision of the Appeals Board may seek relief therefrom in any court of competent jurisdiction as provided by the laws of the State of Minnesota.
 - F. Record of Proceedings. The proceedings of each hearing held before the Appeals Board pursuant to petition, including the findings and the recommendation(s) of the Environmental Services Director shall be recorded and reduced to writing and entered as a public record in the office of the Health Authority. Such record shall include a copy of every notice, order or writing issued in connection with the matter.

G. Notices not appealed. Any notice served pursuant to the provisions of this ordinance shall automatically become final if a written petition for a hearing is not filed with the Health Authority within ten (10) days after the notice is served.

4.7 Minnesota Department of Health. The requirements contained in this ordinance are intended to be comparable to the Minnesota Department of Health Rules and are intended to meet the minimum requirements set forth by the Minnesota Department of Health. Whenever the Minnesota Department of Health amends rules or adopts new rules setting more restrictive sanitary standards than the ones established in this ordinance, the rules set by the Minnesota Department of Health shall govern and will be considered in the enforcement procedure as part of this ordinance.

4.8 Penalties. Any person, firm, or corporation who shall violate any of the provisions hereof or who shall fail to comply with any of the provisions hereof or who shall make any false statement in any document required to be submitted under the provisions hereof, shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine not to exceed seven hundred dollars (\$700) or by imprisonment not to exceed ninety (90) days or both. Violations are also subject to citations as provided for in the Citation Ordinance for Goodhue County. Each day that a violation continues shall constitute a separate offense. Such persons may be enjoined from continuing such violations.

SECTION V - - REPEAL OF PREVIOUS ORDINANCE

5.1 This ordinance, adopted June 6, 2000, hereby repeals and replaces in its entirety the Goodhue County Food Protection Ordinance of May 8, 1990.

SECTION VI - - SEVERABILITY

6.1 Severability. The provisions of this ordinance shall be severable. Should any section, paragraph, sentence, clause, phrase or portion of this ordinance be declared invalid for any reason, the remainder of said ordinance shall not be affected thereby.

SECTION VII - - EFFECTIVE DATE

7.1 Effective date. This ordinance shall be in full force and effect upon passage by the Goodhue County Board of Commissioners and publication as required.
Adopted this 6th day of June, 2000

Chairperson
Goodhue County Board of Commissioners
Attest:

County Administrator

Social Host

Subdivision 1. Definitions. The following terms, as used in this section, shall have the meanings stated:

- a. **Alcohol.** “Alcohol” means ethyl alcohol, hydrated oxide of ethyl, or spirits of wine, whiskey, rum, brandy, gin, or any other distilled spirits including dilutions and mixtures thereof from whatever source or by whatever process produced.
- b. **Alcoholic beverage.** “Alcoholic beverage” means alcohol, spirits, liquor, wine, beer, and every liquid or solid containing alcohol, spirits, wine, or beer, and which contains one-half of one percent or more of alcohol by volume and which is fit for beverage purposes either alone or when diluted, mixed, or combined with other substances.
- c. **Event or gathering.** “Event or gathering” means any group of three or more persons who have assembled or gathered together for a social occasion or other activity.
- d. **Host.** “Host” means to aid, conduct, allow, entertain, organize, supervise, control, or permit a gathering or event.
- e. **Parent.** “Parent” means any person having legal custody of a juvenile as natural, adoptive, or step-parent; as legal guardian; or as a person to whom legal custody has been given by order of the court.
- f. **Person.** “Person” means any individual, partnership, co-partnership, corporation, or any association of one or more individuals.
- g. **Residence or Premises.** “Residence” or “premises” means any home, yard, farm, field, land, apartment, condominium, hotel or motel room, or other dwelling unit, or a hall or meeting room, park, or any other place of assembly, public or private, whether occupied on a temporary or permanent basis, whether occupied as a dwelling or specifically for a party or other social function, and whether owned, leased, rented, or used with or without permission or compensation.
- h. **Underage person.** “Underage person” is any individual under twenty-one (21) years of age.

Subd. 2. Prohibited acts. It is unlawful for any person(s) to host an event or gathering at any residence or premises, or any other private or public property, where alcohol or alcoholic beverages are present, when the person knows or reasonably should know that an underage person will or does (1) consume any alcohol or alcoholic beverage; or (2) possess any alcohol or alcoholic beverage with the intent to consume it; and the person fails to take reasonable steps to prevent possession or consumption by the underage person(s).

Subd. 3. A person is criminally responsible for violating this section if the person intentionally aids, advises, hires, counsels, or conspires with or otherwise procures another to commit the prohibited act.

Subd. 4. Exceptions.

- a. This section does not apply to conduct solely between an underage person and his or her parents while present in the parent's household.
- b. This section does not apply to legally protected religious observances.
- c. This section does not apply to retail intoxicating liquor or 3.2 percent malt liquor licensees, municipal liquor stores, or bottle club permit holders who are subject to Minn. Stat. § 340A.503, Subd. 1(a)(1).
- d. This section does not apply to underage persons who are lawfully in possession of alcohol or alcoholic beverages during the course and scope of their employment.

Subd. 5. Enforcement. This section is enforceable by any certified peace officer.

Subd. 6. Severability. If any section, subsection, sentence, clause, phrase, word, or other portion of this ordinance is, for any reason, held to be unconstitutional or invalid, in whole or in part, by any court of competent jurisdiction, such portion shall be deemed severable, and such unconstitutionality shall not affect the validity of the remaining portions of this law, which shall continue in full force and effect.

Subd. 7. Penalty. Violation of this section is a misdemeanor.

**BOARD OF COUNTY COMMISSIONERS
GOODHUE COUNTY, MINNESOTA**

May 3, 2011


Moved by C/Rechtzigel, seconded by C/Allen, and carried to approve the Goodhue County Social Host Ordinance.

State of Minnesota
County of Goodhue

Bryant	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
Allen	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
Seifert	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
Rechtzigel	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
Samuelson	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>

I, Scott O. Arneson, duly appointed, County Administrator of the County of Goodhue, State of Minnesota, do hereby certify that I have compared the foregoing copy of a resolution with the original minutes of the proceedings of the Board of County Commissioners, Goodhue County, Minnesota at their session held on the 3rd day of May, 2011, now on file in my office, and have found the same to be a true and correct copy thereof.

Witness my hand and official seal at Red Wing, Minnesota, this 3rd day of May, 2011.



Scott O. Arneson
County Administrator
