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TITLE 4

ALCOHOLIC BEVERAGES

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IN GENERAL

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4-01-01. Definitions. For the purpose of this title, the following words and phrases shall have the meanings respectively ascribed to them by this section:

1. "Alcohol" means neutral spirits distilled at or above 190 degrees proof, whether or not such product is subsequently reduced, for nonindustrial use.
2. "Alcoholic beverages" means any liquid suitable for drinking by human beings, which contains one-half of one percent or more of alcohol by volume.
3. "Beer" means any malt beverage containing more than one-half of one percent of alcohol by volume.
4. "Licensee" means any person to whom a license has been issued under the provisions of this title.
5. "Liquor" means any alcoholic beverage except beer.
6. "Lodge or club" means and includes any corporation or association organized for civic, fraternal, social, or business purposes, or for the promotion of sports, which has at least two hundred (200) members at the time a license is applied for pursuant to this title, and was in existence at the time of the adoption of the Liquor Control Act of the State. For the purposes of this section, the date of the adoption of the Liquor Control Act of the State shall be November 3, 1936.
7. "Package and original package" means and includes any container or receptacle holding alcoholic beverages which is corked or sealed by the manufacturer and which cork or seal has not been removed or broken prior to the sale of such package to the purchaser.
8. "Person" means and includes persons, partnerships, other unincorporated associations and corporations.
9. "Sale" means and includes any transfer, exchange, or barter in any manner or by any means whatsoever for a consideration, and includes all sales made by any person, whether principal proprietor, agent, servant or employee.
10. "Sell at retail or sale at retail" means a sale to a consumer for use or consumption and not for the purpose of resale in any form.
11. "Wholesaler" means and includes any person engaged in the sale and distribution of liquor at wholesale to persons holding a retail license for the sale and distribution of alcohol and alcoholic beverages within the State or in interstate commerce.

12. "Wine" means the alcoholic beverage obtained by fermentation of agricultural products containing natural or added sugar or such beverage fortified with brandy and containing not more than twenty-four percent alcohol by volume.

4-01-02. Hours, Days of Sale.

1. No holder of a license or permit under this title shall sell, dispense, or permit to be sold, dispensed or consumed on the licensed premises any beer, liquor or alcoholic beverages before 11:00 a.m. on Sundays, after 1:00 a.m. on Sundays, or before 8:00 a.m. on Mondays, or between the hours of 1:00 a.m. and 8:00 a.m. on all other days of the week, or on Christmas Day, or after 6:00 p.m. on Christmas Eve. Additionally, and notwithstanding the foregoing sentence, no such holder may provide of-sale after 1:00 a.m. on Thanksgiving Day. All licensed premises shall be closed and locked during the hours and times during which the selling, dispensing or consumption therein of beer, liquor or alcoholic beverages is prohibited by this section, except the provisions as to closing and locking of the licensed premises shall not apply to the owner of the licensed premises and his employees when they are upon or in the premises to conduct normal cleaning and maintenance activities.
2. The holder of a Sunday alcoholic beverage permit issued under Section 4-03-09 may sell, dispense and permit the consumption of alcoholic beverages in accordance with such permit between 11:00 a.m. on Sunday and 1:00 a.m. of the immediately following Monday.
3. As used in this title, the words "licensed premises" shall mean the premises on which beer, liquor or alcoholic beverages are sold, served or consumed except that when other lawful activities having later permissible hours are conducted on such licensed premises, licensed premises shall mean that part of the premises devoted to the opening, mixing or preparation for consumption of beer, liquor and alcoholic beverages; and such part of the premises during the hours and times prohibited by this section shall either be physically shut off from the remainder of the premises, or shall be devoid of all containers of and promotional material in regard to beer, liquor and alcoholic beverages; and all apparatus for the opening, mixing or preparation for consumption of beer, liquor and alcoholic beverages shall be locked and shut off from the view of the public. Each license or permit issued under this title shall have affixed thereto a diagram or blueprint delineating the licensed premises.

4-01-03. Sale to Certain Persons Prohibited. No license holder, his agent or employee shall sell or serve alcoholic beverages to any person under twenty-one (21) years of age, incompetent person, inebriate, or habitual drunkard.

4-01-04. Purchase or Possession of Liquor by Underage Persons Illegal. It shall be unlawful for any person under the age of twenty-one (21) years to purchase or have in his or her possession any alcoholic beverages.

4-01-05. Misrepresentation of Age by Underage Persons. Any person under twenty-one (21) years of age who misrepresents his or her age for the purpose of purchasing or possessing any beer, liquor or alcoholic beverages shall be deemed guilty of an offense.

4-01-06. Underage Persons Not to be Employed or Present on Licensed Premises; Exceptions. No person under twenty-one (21) years of age shall be permitted to enter any premises licensed under this title serving or selling at retail, nor shall a person (underage) be employed in or about such premises; except such persons (underage), may remain in a restaurant where alcoholic beverages are being sold if accompanied by a parent or legal guardian, or if employed by the restaurant as a food waiter, waitress, bus boy, or bus girl or musician under the supervision of an adult, and not engaged in the sale, delivery, or consumption of alcoholic beverages.

4-01-07. Underage Persons Not To Enter. It shall be unlawful for any person under the age of twenty-one (21) years to enter any establishment licensed to sell, or dispense beer, liquor, wine or alcoholic beverages.

4-01-08. Consumption of Liquor From Package. No person holding a license hereunder shall permit the consumption of beer, liquor or alcoholic beverages upon the licensed premises or the opening of the container containing the alcoholic beverage, the same being in the original package in which the sale is made on the premises where sold, unless the beverage dispensed is served in a glass or other similar container by the licensee or his employee; provided, however, that this shall not apply to the consumption of malt beverages in original packages. All sales of beer, liquor, or alcoholic beverages made by the licensee in packages shall be completed upon the licensed premises by the delivery of the container containing the beer, liquor or alcoholic beverage to the person upon such premises.

4-01-09. Licensee Responsible for Conduct of Place of Business. Every licensee is hereby made responsible for the conduct of his place of business and is required to maintain order and sobriety in such place of business. No intoxicated person or persons shall be permitted to remain upon the premises or to be sold beer, liquor or alcoholic beverages by any person holding any license issued pursuant to this title.

4-01-10. Screens, Booths, Etc., Prohibited On On-Sale Premises. No on-sale licensees except private clubs, hotels, airport, and motels, shall construct, place or maintain, or suffer to be constructed, placed, or maintained any closed booth, and all booths within said premises shall open into the main part of said room and shall be accessible from the aisles therein, and no booth shall have thereon any screen, curtain,

partition, or blind or obstruction of any kind preventing a clear view into said booth from the main room or aisle of said premises.

All licensees procuring an on-sale license except private clubs, hotels, airport, and motels, shall at all times maintain from the street or main thoroughfare an open, clear and unobstructed view into and through the said premises.

4-01-11. Maintenance of Premises Generally. Every licensee shall at all times maintain the interior of his licensed premises in a clean and sanitary condition and conduct and maintain his business in a clean, orderly, and respectable manner.

4-01-12. Purchases To Be From Licensed Wholesaler. No licensee hereunder shall purchase, have or possess any beer, liquor or alcoholic beverages unless he had purchased the same from a wholesaler duly licensed under the laws of the State. Each licensee hereunder shall keep on file all invoices covering purchases by him of beer, liquor or alcoholic beverages showing the name and license number of the wholesaler and the name of the municipality issuing such wholesale license. Such records shall be retained in possession of the licensee and at all times shall be open to inspection by any police officer or peace officer of the State.

4-01-13. Records. Each licensee shall keep a book showing the kinds and quantities of all beer, liquor or alcoholic beverages purchased by him, together with the name of the person from whom purchased, the license number of the wholesaler selling such beer, liquor or alcoholic beverages to said licensee and the name of the municipality issuing such wholesale license.

4-01-14. Delivery Prohibited.

1. It shall be unlawful for any person engaged in the retail sale of liquor, beer or alcoholic beverages to make, or cause to be made any deliveries outside of the licensed place of business of beer, liquor or other alcoholic beverages to any purchaser or prospective purchaser.
2. It shall be unlawful for any person to deliver by foot, carrier or motor carrier, any beer, liquor or alcoholic beverage, to any person within the City; provided, however, that this section shall not apply to deliveries made by a licensed wholesale dealer to a licensed retail dealer.

4-01-15. Solicitation of Drinks. No female person shall frequent or loiter in any tavern, cabaret, or night club, with the purpose of soliciting men to purchase drinks. No proprietor or operator of any such establishment shall allow the presence in such establishment of any woman who violates the provisions of this section.

4-01-16. Sale At Drive-in Prohibited. No sale or consumption of beer, liquor, or alcoholic beverages shall be lawful through, in or upon drive-in type of premises by persons in automobiles.

4-01-17. Consumption on Public Way or in Public Places; Possession of Unsealed Container.

1. No person shall drink or consume any alcoholic beverage, whether known as beer, liquor, wine, vodka, gin, or any other common name, on any public way or ground or in any municipal building, public building or commercial establishment open to the public not licensed for such purpose, unless having first obtained a special permit therefore from the City Council.
2. No person shall have in his possession or on his person at a public function in the civic center, other municipal building or public building or commercial establishment open to the public any container of an alcoholic beverage on which the original seal has been broken or of which the contents have been partially consumed.

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LICENSES

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4-02-01. Licenses Required. It shall be unlawful for any person to engage in the sale of beer, liquor or alcoholic beverages within the City without first obtaining a license therefore.

4-02-02. Qualifications Required. In addition to qualifications prescribed by law, no license authorizing the sale of beer, liquor, or alcoholic beverages shall be issued or transferred to any person by the City unless such person shall file a sworn application therefore, accompanied by the required fee, and shall show

in such application that that he possesses the following qualifications:

1. Applicant other than for a wholesale license must be a citizen of the United States and be a person of good moral character and a resident of the State.
2. If the applicant is a private corporation, it must be properly registered with the North Dakota Secretary of State, and the person who is in charge of day-to-day operations of the licensed premises is the person named in the application to be responsible for complying with all City ordinances and State laws and shall be a resident of the State.
3. Applicant shall not have had revoked, with five (5) years next preceding his application, any license issued to him pursuant to the ordinance or resolutions of a city, village or board of county commissioners or to the laws of the State or any other state, to sell beer, liquor or alcoholic beverages.
4. If applicant is a partnership all members of the partnership must be personally qualified to obtain a license.
5. If applicant is a private corporation, all officers and directors thereof and all stockholders owning more than twenty (20) per cent of the stock of such corporation shall be residents of the State, and the person or persons who shall conduct and manage the licensed premises for the corporation shall possess all of the qualifications required herein for an individual licensee; provided, however, that the requirements as to being a resident and citizen of the State shall not apply to non-resident officers, directors and stockholders of such corporation but such requirements shall apply to any officer, director, or stockholder who is also the manager of the licensed premises or who is engaged or employed at the licensed premises in any capacity in the conduct or operation of the licensed premises.

4-02-03. Applications. Applications for licenses required by the provisions of this chapter shall be written, under oath, setting forth:

1. Name of proposed licensee.
 - a. If individual, name address and age
 - b. If partnership, state if general or limited, names and addresses of all partners, and attach a copy of partnership agreement.
 - c. If corporation, state date and state of incorporation, names and addresses of all officers, directors, and shareholders and percentage holdings of each.
2. Legal description and street address of premises for which license is desired.
 - a. State if proposed licensee is owner of premises, and if licensee is not the owner, furnish evidence of lease, option or other right to use premises for licensed operation.
 - b. Zoning of the proposed premises.
 - c. A description of the building or improvement in which the licensed business is to be conducted.
3. A consent to allow City officials and police officers to enter the premises described at any time for inspection.
4. The name of the person, his address, age, and present occupation who will be in actual charge personally of day-to-day operation of the licensed business, if the proposed licensee does not act as manager personally if an individual, and agreement that any change in manager will be immediately put on file with the police department.
5. A statement that the applicant will abide by all future amendments of this title.
6. Whether the proposed licensee, or anyone with a financial interest in the proposed licensee has any financial interest in any present existing holder of a license.

7. Names and addresses of three (3) local business references.
8. Whether the real estate taxes and installments of special assessments are paid to date on the property for which a license is desired.
9. The form of license applied for.
10. Whether applicant is engaged or intends to be engaged in any other business than that for which a license is sought.
11. Occupational record for prior five (5) years.
12. Such other information as may be required to act upon the application.
13. Required fee of fifty (\$50.00) dollars to be credited to license fee as provided in Section 4-02-04, is herewith deposited with this application to be refunded to applicant without interest if application is not accepted or if withdrawn by applicant. If the application is accepted the fee commences to run from the date of issuance of the license.

4-02-04. Fees

1. The license fees set forth in this section shall be for a period of one year from July 1 through June 30 and shall be payable one-half (1/2) in advance at the time of the issuance of the license and the remaining one-half (1/2) of the license fee shall be paid on or before January 1st of each year.
2. If an application is made for a license originally during the license year and for an unexpired portion of such year, the fee shall be allocated or pro-rated on a monthly basis of the unexpired term of the license commencing as of the first of the month in which the application is filed.
3. On a transfer of an existing license the transferee shall receive credit for any license fees paid by the transferor for the unexpired term of the license.
4. Where a license has been granted for the unexpired portion of a license year, any subsequent renewal shall be for a period not to

exceed one year.

5. The failure to pay any license fee on or before the date when due shall automatically cancel said license.
6. Before any license shall be issued under the provisions of this chapter, the applicant therefore shall pay a license fee established by the City Council from time to time by resolution.

4-02-05. Issued to Owners Only. No license shall be issued or transferred to any person engaged in business as the representative or agent of another. A license may be issued or transferred only to the owner or owners of the business being conducted at the location sought to be licensed.

4-02-06. Selection of Applicant. If at any time more than one applicant is qualified for any one license that is available, the method of selection shall be by lottery. Qualifying names shall be placed in a box or other suitable container and one name shall be drawn out by an unbiased party selected by the Mayor.

4-02-07. Classifications. Licenses for sale at retail shall be divided into the following classifications for the purpose of determining the number of licenses to be issued:

1. Class A – Off Sale Liquor and Beer

The city council, may by a 75% vote of all members, issue Class A licenses. Each license application shall be considered individually and may be approved or denied by the city council. There shall be no set minimum or maximum number of Class A licenses in effect at any time.

2. Class B – On Sale Liquor and Beer

The city council, may by a 75% vote of all members, issue Class B licenses. Each license application shall be considered individually and may be approved or denied by the city council. There shall be no set minimum or maximum number of Class B licenses in effect at any time.

3. Class C – Eating Establishment Liquor and Beer

One Class C license may be issued, subject to the following conditions:

- a. Gross sales of alcoholic beverages may not be greater than 30 percent of total gross sales of food and alcoholic beverages. The Class C license holder shall file with the application for license renewal a statement certifying gross food sales and alcoholic beverage sales for the previous license year. The City Council may, in its discretion, require certification of any statement by a certified public accountant retained by the licensee. All sales of alcoholic beverages by the Class C licensee must be separately receipted and clearly identified as sales of liquor, beer or wine on all receipts, and such sales shall be clearly receipted and accounted for separate and apart from any other sales of alcoholic beverages which the licensee may make pursuant to any other license issued under this chapter.
- b. The license is for on-sale only, and off-sale is not permitted. A cessation of business at a licensed location for a period of ninety days or longer shall constitute cause to revoke such license pursuant to Section 4-02-12.
- c. Once a license has been established at a particular location, the license may not be transferred to another location.
- d. The licensee may not permit public dances or dancing of any kind.
- e. Seating capacity. The minimum food service seating capacity required on the premises for a Class C license, exclusive of counter seating, is 50.
- f. Alcoholic beverages may be sold or served only during such times that full menu service is available.

4. Class D – Private Group Entertainment Establishment Liquor and Beer. One Class D license may be issued, subject to the following conditions:

- a. Gross sales of alcoholic beverages for the license year may not be greater than 60 percent of total gross sales of food and alcoholic beverages for the same period. The class D license holder shall file with the application for license renewal a statement certifying gross food sales and alcoholic beverage sales for the previous license year. The City Council may, in its discretion, require certification of any statement by a certified public accountant retained by the licensee. All sales of alcoholic beverages by the Class D licensee must be separately receipted and clearly identified on all receipts, and such sales shall be clearly receipted and accounted for separate and apart from any other sales of alcoholic beverages which the licensee may make pursuant to any other license issued under this chapter.
 - b. The license is for on-sale only, and only to persons of private groups during specified hours during privately sponsored events (such as banquets, picnics, parties and reunions) not open to the general public; provided, however, that no such sale is permitted or authorized unless the licensee has filed with the City Auditor, not later than ninety-six hours prior to commencement of each such event a written statement, signed by licensee, (i) describing such event and its date and time of commencement and conclusion and (ii) stating the estimated number of persons that will attend such event. No sale of alcoholic beverages in any way inconsistent with said written statement is permitted or authorized, but neither the filing of said written statement is permitted or authorized, but neither the filing of said written statement nor the statements made therein nor the contents thereof shall be construed or deemed to permit or authorize any sale, dispensing, consumption or possession of alcoholic beverages contrary to any of the provisions of this Code, including but not limited to, the provisions of this title. Once a license has been established at a particular location, the license may not be transferred to another location.
5. Class E – Private Catering Business Liquor and Beer License. One Class E license to sell catered retail beer, wine, and liquor on-sale only, may be issued subject to the following conditions:
- a. The licensee may operate a “cash” bar at up to fifty (50) catered events per license year. For purposes of this section, a cash bar

is a bar in which alcoholic beverages are sold to individual customers at the catered event.

- b. The licensee must obtain and keep in effect off-premises alcohol liability insurance and provide the City proof of insurance with its license application.
- c. A Class E license may only be transferred to a person or entity purchasing the licensee's catering business.

4-02-08. Hearing.

1. No license of any classification shall be issued or transferred to any person to engage in the sale of beer, liquor or alcoholic beverages within the City, nor shall any license be transferred to a new or different location, without approval as to the location of said licensed business by the City Council.
2. The application for such approval shall be in writing and filed with the City Council. If the City Council determines by resolution to hold a public hearing on the application, public hearing shall then be had on such application after notice of the hearing has been published in the official newspaper of the City once each week for two consecutive weeks, the first publication being at least fifteen (15) days prior to the hearing date.
3. In considering the application for such approval, the City Council shall in its discretion determine if said location is in harmony with the public interest and welfare of the community, and shall consider among other things the following factors:
 - a. The convenience of police regulation.
 - b. Public health and sanitation.
 - c. Proximity of other licensed businesses.
 - d. Proximity of schools, churches, funeral homes, public buildings, or buildings used by or for minors.

- e. Any protests of neighboring property owners or occupants.
- f. Zoning regulations.
- g. Proposed on- or off-sale or both of licensee.
- h. Interference with neighboring property.
- i. Interference with or proximity to residential property.
- j. Suitability of premises for sale of beer, liquor or alcoholic beverages.
- k. Public convenience and necessity.

4-2-9 Approval Required. No license, whether for on- or off-sale or wholesale of liquor or alcoholic beverages, may be issued or transferred without prior approval of the application therefore by the City Council.

4-02-10. Record of Applications. Each license shall be given an identification number and a permanent record thereof must be kept by the City Auditor showing the name and address of the licensee and the legal description of the place license. If the application is denied, the amount deposited for license fees shall be returned.

4-02-11. Expiration. Licenses issued under the provisions of this chapter shall end on June 30th following the date of their issuance.

4-02-12. Grounds for Revocation or Suspension of Licenses. Licenses issued under the provisions of this chapter may be revoked or temporarily suspended for any one or more of the following reasons:

1. The death of the licensee, unless upon application to the City Council by the personal representative of the deceased, the City Council consents to the carrying on of such business by the personal representative.
2. When the licensee ceases business at the location licenses, or does not commence operations within nine (9) months of the issuance of the

license.

3. When the licensee is convicted of violating any of the provisions of this title.
4. When the licensee ceases to be a United States citizen or a bona fide legal resident of the State.
5. When the license or permit of licensee from the United States government or the State has been suspended or revoked.
6. When the licensee has been convicted of a crime under the laws of the United States or under the laws of one of the several states.
7. When the business of the licensee at the location licensed is conducted in violation of the health or sanitary regulations or other ordinances of the City.
8. When the licensee, if an individual, or one of the partners, if the licensee is a partnership, or one of the officers, if the licensee be a corporation, is convicted in the municipal judge's court of this City, or in any other justice or district court, of drunkenness or disorderly conduct.
9. When the licensee permits drunken, inebriate or disorderly persons to frequent his place of business.
10. When the licensee fails to pay when due real or personal property taxes or special assessments or license fees.

The causes enumerated above shall not be deemed to be exclusive and the City Council retains and reserves the right to suspend or revoke the license for any cause which it may deem sufficient.

4-02-12.1. Automatic Sanctions for Violations.

1. If the chief of police determines that probable cause exists to believe that a licensee or a licensee's agent or employee has violated the provisions of section 4-01-03, the city shall notify the licensee in writing by delivering notice to the address stated on the license. Such notice

to the licensee becomes effective on the third business day after it is sent to the licensee's address via certified mail, whichever occurs first. The notice shall include a copy of this section and inform the licensee of the number of previous violations by the licensee or its agents or employees since its license was most recently issued or renewed.

2. In addition to the provisions of section 4-02-12, a licensee who receives notice under subsection 1 shall immediately and automatically be sanctioned as follows:
 - a. For the first offense since the date the licensee's license was most recently issued or renewed, a fee of five hundred dollars (\$500.00) and proof that the licensee has taken affirmative steps to make further violations of section 4-01-03 by the person who violated that section and by other employees and agents of the licensee less likely shall be remitted to the city.
 - b. For the second offense since the date the licensee's license was most recently issued or renewed, a fee of one thousand dollars (\$1,000.00) and proof that the licensee has taken affirmative steps to make further violations of section 4-01-03 by the person who violated that section and by other employees and agents of the licensee less likely shall be remitted to the city. Additionally, the notice under subsection 1 shall inform the license holder of the date, time, and place of a hearing before the city council under section 4-02-13, at which the city council will decide whether to suspend the licensee's license for a period of up to seven days.
 - c. For each offense after the second offense since the date the licensee's license was most recently issued or renewed, a fee of one thousand five hundred dollars (\$1,500.00) and proof that the licensee has taken affirmative steps to make further violations of section 4-01-03 by the person who violated that section and by other employees and agents of the licensee less likely shall be remitted to the city. Additionally, the notice under subsection 1 shall inform the license holder of the date, time, and place of a hearing before the city council under section 4-02-13, at which the city council will decide whether to suspend the licensee's license for a period of up to thirty days.

3. A licensee who receives notice under subsection 1 may request, in writing, a hearing to be held under section 4-02-13 to nullify the fee provided by subsection 2, or that the hearing stated in the notice address nullification of the fee. The city council shall, at such hearing, decide whether or not to nullify the fee but may not reduce or increase the amount of the fee specified by subsection 2.
4. If the licensee fails to comply with the sanctions provided by subsection 2 within thirty calendar days after notice under subsection 1 or within ten business days after the conclusion of a hearing under subsection 3, the licensee's license shall be deemed revoked and void.

4-02-13. Hearing for Suspension or Revocation. Before any license may be suspended or revoked for cause, the City Council shall notify the licensee of the proposed action and a right to a hearing on the action. The notice shall specify the action proposed to be taken, the reason for it, the time and place of the hearing, and the right of the licensee to appear. The notice must be mailed to the licensee by certified return receipt mail not less than five (5) days nor more than fifteen (15) days before the hearing.

If, upon such hearing, it appears to the City Council that such cause exists for the suspension or revocation of such license, the City Council shall make its order therein suspending or revoking such license, and if upon such hearing, it appears to the City Council that sufficient cause does not exist for suspending or revoking such license, then said license shall remain in full force and effect.

4-02-14. Transfer Limited. No license issued under the provisions of this chapter may be transferred, either within the same classification or from one class to another, without the prior approval of the City Council.

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[CHAPTER 4-03](#)

SPECIAL PERMITS

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4-03-01. [Special Permit for Individual or Group](#). A special permit to possess, consume or serve beer, liquor, wine or alcoholic beverages in public buildings leased for social or business use or on public grounds is required and may be obtained from the City Council by an individual person or private group of persons subject to compliance with the provisions of this section through Section 4-03-07.

4-03-02. [Qualification](#). The application for a special permit under Section 4-03-01 must be for a temporary social or business use not open to the public at large but restricted to a particular individual person or private group of persons described in the application.

The application must be for a special permit:

1. To serve without charge by the applicant, his or her, or its guests as an act of hospitality;
2. To serve without profit and at cost to those persons who are described in the application and who have contributed to a fund with which applicant has purchased the beer, wine, liquor or alcoholic

beverages with mixes and incidentals to its service;

3. To authorize a particular individual person or private group of persons described in the application to possess and consume alcoholic beverages; or
4. To authorize a combination of the foregoing as described in the application.

4-03-03. Compliance and Duration. Each individual person, private group of persons, or organization operating under a special permit issued pursuant to Section 4-03-01 shall operate in compliance with all provisions inserted in such special permit by the City Council, all applicable provisions of this Code and all City ordinances relating to beer, wine, liquor, or alcoholic beverages except those relating to licenses for sale of beer, wine, liquor or alcoholic beverages.

Such special permit shall be valid only for such period of time as the City Council shall specify therein.

4-03-04. Application Form. Application for a special permit authorized pursuant to Section 4-03-01 shall be made to the City Council upon forms furnished by it, and the applicant shall furnish any additional information required by the City Council.

4-03-05. Statement. The application for a special permit under Section 4-03-01 must state that applicant will not sell at retail any beer, wine, liquor or alcoholic beverages under such special permit.

4-03-06. Fee. The applicant for a special permit under Section 4-03-01 shall pay with the filing of the application a fee for handling of the same, which shall be established by the City Council from time to time by resolution.

4-03-07. Inspection of Premises. The applicant for a special permit under Section 4-03-01, by making such application, consents and agrees that police officers may enter and inspect the leased premises or part thereof at any time to check compliance with City ordinances.

4-03-08. Special Permit for Sale of Alcoholic Beverages at Designated Location Authorized.

1. Pursuant to N.D.C.C. Section 5-02-01.1, the City Council may by special permit authorize an on sale, off sale, or on or off sale licensee to engage in the sale of alcoholic beverages at special events on licensed premises designated by the permit. The permit shall not be valid for a period of greater

than three (3) consecutive days.

2. An application for a special permit shall be filed by a licensee in the office of the City Auditor to be placed on the agenda for consideration by the City Council. The application shall contain the name of the licensee, the type of event for which the permit is desired, the specific location at which the event will take place including a diagram of the area to be licensed, and the dates and times for which the permit is desired.
3. The licensee shall be responsible for ensuring that no persons under twenty-one (21) years of age are permitted to enter the licensed premises and that alcoholic beverages are not removed from the licensed premises. The licensee shall also comply with all other ordinances and State statutes.
4. The applicant for a special permit under Section 4-03-08 shall pay with the filing of the application a fee for handling of the same, which shall be established by the City Council from time to time by resolution

4-03-09. Sunday Alcoholic Beverage Permit.

1. Pursuant to N.D.C.C. Section 5-02-05.1, a Sunday alcoholic beverage permit may be issued to a licensee licensed under this title and N.D.C.C. Chapter 5-2.
 2. The authority to issue such permit rests solely in the discretion of the City Council. Such permit may be effective for more than one Sunday. Such permit may be for on-sale, off-sale or both on-sale and off-sale; provided, however, that the permittee must have the corresponding type or class of license or licenses under this title and N.D.C.C. Chapter 5-02.
2. The application for a Sunday alcoholic beverage permit must be made in writing. If a permit is authorized by the City Council, such permit shall not take effect until the permittee has paid in full a fee equal to the product of \$5.00 times the number of Sundays approved by the permit.
3. Under the Sunday alcoholic beverage permit, alcoholic beverages may be distributed and dancing may be permitted on the licensed premises. Dancing and the distribution of alcoholic beverages may be permitted between the

hours of 11:00 a.m. on Sunday and 1:00 a.m. of the immediately following Monday, unless otherwise prohibited by ordinance or State statute. The general public may be permitted to participate in the consumption of alcoholic beverages distributed under the authority and conditions of such permit. The permittee granted such permit shall enforce and comply with the requirements of this section, any other conditions established by the City Council under such permit and all other ordinances and State statutes. Any failure by such permittee to enforce or comply with any of such requirements, conditions, ordinances or State statutes shall constitute cause for revocation or temporary suspension of such permit by the City Council.