

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 5 (ALCOHOLIC BEVERAGES) OF THE CITY OF MINOT CODE OF ORDINANCES RELATING TO ALCOHOLIC BEVERAGES

WHEREAS, The City of Minot has the authority to regulate the use and to regulate and license the sale of alcoholic beverages pursuant to NDCC § 40- 05-01(29);

WHEREAS, The City of Minot previously enacted various Ordinances under the Chapter 5 of the City of Minot Code of Ordinances relating to Alcoholic Beverages;

WHEREAS, The City of Minot desires to repeal and reenact Section 5-8 of the City of Minot Code of Ordinances to allow the on sale of alcoholic beverages on Thanksgiving;

WHEREAS, The City of Minot desires to repeal the Sunday special event permit to become consistent with the amended state law;

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MINOT:

§1. That Section 5-1, of Article I (In General), Chapter 5 (Alcoholic Beverages), of the Code of Ordinances, City of Minot, North Dakota, is hereby repealed and reenacted to read as follows:

Sec. 5-8. - Licensee to close at certain times.

- (a) No one shall dispense or permit the consumption of alcoholic beverages on a licensed premises between one a.m. and eleven a.m. on Sundays, between the hours of one a.m. and eight a.m. on all other days of the week, on Christmas Day or after six p.m. on Christmas Eve, or after one a.m. on Easter Day. In addition, a person may not provide off sale after one a.m. on Thanksgiving Day or between one a.m. and noon on Sundays.:
- ~~(1) After 6:00 p.m. on Christmas Eve;~~
 - ~~(2) Any time on Christmas Day;~~
 - ~~(3) After 1:00 a.m. on Easter Day;~~
 - ~~(4) After 1:00 a.m. on Thanksgiving Day;~~
 - ~~(5) After 1:00 a.m. and before 8:00 a.m. Monday through Saturday;~~
 - ~~(6) After 1:00 a.m. and before 11:00 a.m. on Sunday;~~
 - ~~(7) After 11:00 a.m. on Sunday, except as allowed under section 5-40 and except as provided in subsection (b).~~
- ~~(b) Alcoholic beverages may be dispensed and consumed on licensed premises as permitted under section 5-40.~~
- ~~(e)~~ During such time of each day when, pursuant to subsections (a), ~~and (b)~~, the sale or consumption of alcoholic beverages is not allowed on licensed premises, it shall be unlawful for any person to enter upon or to remain on licensed premises, except for:

- (1) The licensee;
- (2) Employees of the licensee and employees of a permitted gaming operation on the licensed premises while they are actively carrying on their duties with regard to the licensed business or gaming operation;
- (3) A bona fide independent contractor who has entered into a contract with the licensee to perform work on the licensed premises, while actively performing such contract; and
- (4) Persons who are on the licensed premises pursuant to a special permit issued by the city council (which permit may contain such limitations and conditions as the council deems appropriate to impose).

§2. That Section 5-40, of Article II (Licenses), Chapter 5 (Alcoholic Beverages), of the Code of Ordinances, City of Minot, North Dakota, is hereby repealed and reenacted to read as follows:

Sec. 5-40. - Special permits; fees.

~~(a) A permit to operate on Sundays shall be issued administratively by the city clerk without further action by the city council to any licensee qualified to hold such a permit.~~

~~(1) On-sale Sunday permit.~~

~~a. Any licensee licensed under this chapter, whose license permits the on-sale of alcoholic beverages, shall be eligible for an on-sale Sunday permit, which permits the on-sale disbursement and consumption of alcoholic beverages, to the extent in which the licensee's license permits, on the licensed premises normally permitted for on-sale.~~

~~b. Fee. There shall be no fee for an on-sale Sunday permit.~~

~~c. Annual permit. The on-sale Sunday permit shall cover all Sundays, not otherwise excluded under [subsection] 5-8(a), during the license year.~~

~~d. Restrictions.~~

~~1. The distribution of alcoholic beverages with the on-sale Sunday permit will be permitted between the hours of 11:00 a.m. on Sunday and 1:00 a.m. on Monday.~~

~~(2) Off-sale Sunday permit.~~

~~a. Any licensee licensed under this chapter, whose license permits the off-sale of alcoholic beverages, shall be eligible for an off-sale Sunday permit, which permits off-sale of alcoholic beverages, to the extent in which the licensee's license permits, on the licensed premises normally permitted for off-sale.~~

~~b. Fee. There shall be no fee for an off-sale Sunday permit.~~

~~c. Annual permit. The off-sale Sunday permit shall cover all Sundays, not otherwise excluded under [subsection] 5-8(a), during the license year.~~

~~d. Restrictions.~~

~~1. The distribution of alcoholic beverages with the off-sale Sunday permit will be permitted between 12:00 noon on Sunday and 1:00 a.m. on Monday.~~

(ba) A permit issued pursuant to NDCC 5-02-01.1, to allow a licensee to operate at premises other than the licensed premises to which the license relates, shall be issued administratively by the city clerk upon the following terms and conditions:

- (1) The payment by the applicant of a nonrefundable fee of twenty-five dollars (\$25.00).
- (2) The submission of an application to the city clerk, at least seven (7) days prior to the event (not including the day of the event), by the applicant, with any information required by the city clerk and a brief narrative explaining:
 - a. The nature of the occasion for the permit (e.g., wedding dance, trade show or promotion, etc.); and
 - b. The steps which will be undertaken by the permittee to restrict the sale to, and consumption of, alcoholic beverages by person under twenty-one (21) years of age at such occasion.
- (3) The written approval by the chief of police of the issuance of the permit. The chief of police may police the event(s) covered by the special permit. The chief of police may determine the number, if any, of police officers or licensed private security officers needed to police the event(s). If the chief of police determines police officer or licensed private security officers are needed to police the event(s), the licensee shall hire the required number of off duty police officers or licensed private security officers to police the event(s). If the licensee retains off duty police officers to police the event(s), the written approval for the special permit shall be contingent on the licensee paying the Minot Police Department the expense of any off duty police officer required for the proper policing of the event(s) prior to the event(s) occurrence. No special event(s) shall be permitted to proceed unless the required number of police officers or licensed private security officers are present. (4) A permit issued pursuant to this subsection may not be used for the off-sale of alcoholic beverages.

Each month the chief of police shall submit a report to the city council concerning the permits allowed and the permits denied under this subsection subsequent to the last prior such report. Applications, whether granted or not, shall be retained by the city clerk for no less than three (3) years.

§3. This Ordinance shall become effective upon final passage and approval.

PASSED FIRST READING: _____

PASSED SECOND READING: _____

ATTEST:

APPROVED:

Kelly Matalka, City Clerk

Shaun Sipma, Mayor