

ORDINANCE NO: 5525

AN ORDINANCE AMENDING SECTION 5-1 BY ADDING A DEFINITION FOR “MOVIE THEATER” AND ENACTING A NEW SUBSECTION, SUBSECTION (18) TO SECTION 5-16 OF CHAPTER 5, ARTICLE II (LICENSES), TO BE TITLED “MOVIE THEATER” TO THE CITY OF MINOT CODE OF ORDINANCES

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

§ 1. That the Code of Ordinances, City of Minot, North Dakota, is hereby amended by adding a definition for “Movie Theater” under Section 5-1 (after “Lodge or club” and before “Off-sale”) of Article 1 (In General), Chapter 5 (Alcoholic Beverages), which said definition reads as follows:

Movie Theater shall mean any establishment whose business building contains a square footage of at least 7,500 square feet and fixed seating capacity for at least 150 where motion pictures are screened regularly, and which premises meets building code requirements for said screenings.

§ 2. That Subsection (18) of Section 5-16, Article II, Chapter 5 of the Code of Ordinances is hereby enacted to read as follows:

(18) *Movie Theater.*

- a. The movie theater license shall be for the on-sale of liquor, beer, and wine by the licensee at a movie theater.
- b. Fee. The fee for a movie theater license shall be three thousand one hundred twenty-five dollars (\$3,125.00) per year.
- c. Premises. A recipient of a movie theater license shall be allowed to serve alcoholic beverages in areas which are specifically identified as the licensee’s licensed premises and as permitted by the State of North Dakota retail alcoholic beverage license. The licensed premises for a movie theater license shall include a designated alcohol service area.
- d. Restrictions.
 1. A movie theater licensee shall operate a restaurant on the licensee’s licensed premises and shall have, on an annual basis, gross sales of food that are at least equal to gross sales of alcoholic beverages which are consumed on the licensed premises;
 2. A movie theater licensee shall not sell or deliver alcoholic beverages for consumption off the licensed premises, except as allowed pursuant to NDCC 5-02-13 and section 5-40 by way of a temporary permit;
 3. A movie theater licensee shall not create or maintain a distinctive portion of the licensed premises where for the most part only alcoholic beverages and snack items are served to and consumed by the patrons of the movie theater;

4. A movie theater licensee shall not give away an alcoholic beverage if as a precondition to such gift it is necessary for the donee or any other person to purchase an alcoholic beverage other than the one being given away;
 5. The purpose of a movie theater license is to allow for the sale of alcoholic beverages as an adjunct to the operation of the movie theater and not that of operating a full-time liquor establishment. The purchase of a movie theater admission ticket is required for the purchase of an alcoholic beverage;
 6. A movie theater licensee shall not serve or deliver more than one (1) alcoholic beverage to a customer at one time; and
 7. A movie theater licensee shall only sell or allow consumption of alcoholic beverages on the licensed premises in compliance with section 5-8 and shall be additionally limited as set forth herein:
 - i. A movie theater licensee may not sell alcoholic beverages more than 90 minutes prior to a scheduled movie screening and must immediately cease selling alcoholic beverages at the conclusion of the last movie screening and remove all attendees from the licensed premises.
- e. Verification of compliance requirement.
1. To verify that the licensee meets the requirement of subsection (18)d.1., a movie theater licensee shall file with the application for license renewal a statement by a certified public accountant indicating that he or she has examined and tested the books and records of the licensee and that the licensee's food sales and alcoholic beverage sales for the previous year meet the requirements of subsection (18)d.1. At the option of the licensee, in lieu of a certified public accountant's statement, licensee may furnish to the city clerk a certified copy of the licensee's sales tax returns for the most recent 12-month period prior to renewal.
 2. The city council may, in its discretion, require the licensee to provide such additional proof of the licensee's compliance with this section as the city council deems necessary.
 3. The city council may also, in its discretion, conduct an independent investigation of the sales ratio of food to alcoholic beverages and for such purpose, the licensee agrees to allow inspection of its business records.
- f. Limitation on number of licenses. There shall be no restriction on the number of movie theater licenses.

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

PASSED FIRST READING: August 17, 2020

PASSED SECOND READING:

ATTEST:

APPROVED:

Kelly Matalka, City Clerk

Shaun Sipma, Mayor