



Alcohol Ordinance Review and Rewrite Committee

Monday, April 8, 2024, at 1:00 PM

City Council Chambers, City Hall (10 3rd Ave SW)

Any person needing special accommodation for the meeting is requested to notify the City Clerk's office at 857-4752.

1. ROLL CALL

2. APPROVAL OF MINUTES

It is recommended the committee approve the minutes of the March 25, 2024, Alcohol Ordinance Review and Rewrite Committee meeting.

Documents:

[03252024 MEETING MINUTES.PDF](#)

3. FIRST DISTRICT HEALTH SAFE SERVING TRAINING

Documents:

[ALCOHOL ORDINANCE LETTER.PDF](#)
[BEVERAGE SERVER TRAINING FLYER.PDF](#)
[CITY OF MINOT APPLICATION PAGE 6.PDF](#)
[ND RBS ORDINANCES.PDF](#)
[RBS DATA CITY OF MINOT LANDSCAPE_.PDF](#)

4. DISCUSSION ON SECTION 5-27 OF CURRENT CITY OF MINOT ORDINANCES

Sec. 5-27. - Premises requirements.

A. No license shall be issued unless the premises to be licensed conforms to all applicable sanitary, safety and health requirements as certified by the appropriate public officials.

B. Licensed premises which extend out-of-doors must meet the following requirements in respect to the portion located out-of-doors (hereafter called the "outdoors"):

1. The outdoors must be contiguous with the rest of the licensed premises (hereafter called the "indoors").
2. The periphery of the outdoors - to the extent not adjoining the indoors - must be enclosed with a wall or fence that is at least thirty-six (36) inches in height and said wall or fence may include a gate that can be used for entering or exiting the outdoors.

C. The requirements of subsection (b) shall not apply to licensees holding an outdoor dining license, however, permit holders shall meet all requirements provided under chapter 28, article VII, division 2 of this Code.

5. DISCUSSION OF SECTION 5-8 OF CURRENT CITY OF MINOT ORDINANCES

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 2:00 a.m. and 8:00 a.m., on Christmas Day, or after 6:00 p.m. on Christmas Eve, or after 2:00 a.m. on Easter Day. In addition, a person may not provide off sale after 2:00 a.m. on Thanksgiving Day or between 2:00 a.m. and 8:00 a.m. on Sundays.

6. DISCUSSION OF SECTION 5-25 OF CURRENT CITY OF MINOT ORDINANCES

Sec. 5-25. - City clerk to submit application to the city council; approval.

- a. The city clerk shall submit the application for a new license or the application for the renewal of an existing license to the city council for its consideration within forty-five (45) days of receipt of all application materials required under section 5-18, including but not limited to the annual license fee.
- b. Every application for a license required by this article shall be approved by the city council before the license shall be issued.

7. DISCUSSION OF SECTION 5-32 OF CURRENT CITY ORDINANCE

Sec. 5-32. - Suspension or revocation of a license.

(a) The city council shall have the power to suspend or revoke any license issued under the authority of this chapter for any of the following reasons:

1. The licensee violates the laws of this state or of any of the provisions of this chapter.
2. The licensee willfully makes a false statement or a misrepresentation as to a material fact in the application for the issuance or transfer of the license.
3. The licensee knowingly permits the occurrence of a pattern or practice of disorderly or immoral acts upon the licensed premises.
4. The licensee does not conduct the activity for which the license was issued at the licensed premises for a period of twelve (12) consecutive months.
5. The licensee or its manager or both no longer meet the requirements of section 5-18 for the issuance of the license.
6. The licensee does not hold a necessary permit or license issued by another governmental entity, which license or permit is required by that governmental entity as a precondition to the carrying on by the licensee of the activity authorized by the City of Minot license.

(b) No license shall be suspended or revoked without providing the licensee with notice

and an opportunity for hearing before the city council with regard to the suspension or revocation of the license. The city clerk shall provide the licensee with written notice of the date, time, and place of the hearing. The notice shall inform the licensee that its license may be suspended or revoked and it shall set forth the factual allegations which form the basis for doing so under this section. The city clerk may provide notice by mailing a copy thereof to the licensee's last known address as indicated in the licensee's most recent application filed with the clerk under this chapter. The notice must be mailed at least five (5) days prior to the hearing, exclusive of the date of mailing and date of the hearing.

(c) If the licensee does not appear at the hearing provided for in subsection (b), or if he does not dispute them, the factual allegations in the complaint shall be deemed to be admitted. Otherwise the city shall have the burden of going forward with the evidence and the burden of persuasion as to any disputed issues of fact.

(d) If the licensee requests that the originally scheduled hearing date be continued the city council shall grant a continuance to a time mutually convenient to the licensee and the city council, but the city council shall have the discretion to suspend the license from the date for which the hearing was originally scheduled to the date of the continued hearing.

(e) The decision of the city council shall be final for purposes of the legal doctrine which requires the exhaustion of administrative remedies as a prerequisite for judicial review.

(f) The Minot Police Department will be responsible for conducting compliance checks to determine whether the licensees are in compliance with the provisions of subsection (a) (1). If (1) the licensee admits a violation occurred, (2) fails to appear at the scheduled hearing relating to the alleged violation, or (3) the city council determines a violation under subsection (a)(1) occurred after a hearing, the licensee is subject to the following penalties, in addition to any other civil or criminal penalties a licensee may be subject to for violation of any provision of state or local law:

First violation: Letter of warning

Second violation: Business closed for three (3) consecutive days

Third violation: Business closed for seven (7) consecutive days

Fourth violation: Business closed for thirty (30) consecutive days

Fifth violation: Business liquor license recommended to be revoked

The penalties described above shall be for violations that occur within a period of twenty-four (24) months. The twenty-four-month time period commences to run and is calculated from the first offense by the licensee.

(g) The Minot Police Department will be responsible for monitoring compliance with the provisions of subsections (a)(2)—(6). If (1) the licensee admits a violation occurred, (2) fails to appear at the scheduled hearing relating to the alleged violation, or (3) the city council determines a violation under subsections (a)(2)—(6) occurred after a hearing, the

licensee is subject to suspension or revocation, as determined by the city council, in addition to any other civil or criminal penalties a licensee may be subject to for a violation of subsections (a)(2)—(6).

8. NEXT SCHEDULED MEETING

The next scheduled meeting is Monday, April 22, 2024, at 1:00 pm in the Council Chambers at City Hall.

9. ADJOURNMENT