



Alcohol Ordinance Review and Rewrite Committee

Monday, May 20, 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

2.I. APPROVAL OF MINUTES - APRIL 22, 2024

It is recommended the committee approve the minutes of the April 22, 2024 Alcohol Ordinance Review and Rewrite committee.

Documents:

[04222024 MEETING MINUTES.PDF](#)

3. NEW BUSINESS

3.I. THEORETICAL VALUE OF A RETAIL LIQUOR, BEER, AND WINE LICENSE

If the committee is agreeable to modifying its existing liquor licenses, City staff anticipates the work involved to include diagnosing problems with the existing ordinance; reviewing goals and making recommendations for the new ordinance; developing a public outreach strategy; evaluating the present licensing and permitting structure; drafting a proposed ordinance; integrating the ordinance and any new licenses and permits into user-friendly formats; and training staff on how to implement the new ordinance.

Researching these questions at the pace the committee wants to address them will take more time than the City Attorney's Office and other City staff have the capacity to provide, and staff is therefore recommending retaining outside counsel to assist with the heavy lift that a rewrite of this nature requires.

RECOMMENDED ACTION

It is recommended the committee motion on either retaining counsel to assist with the ordinance research and rewrite or continue on with the committee and staff working together to research and rewrite the ordinance.

Documents:

3.II. DISCUSSION OF SECTION 5-40 OF CURRENT CITY ORDINANCES

RECOMMENDED ACTION

Staff recommendation would be for the committee to consider adding a late fee for any applications submitted under 7 days prior to the event date, add into the ordinance the requirements of a site map, and discuss state law on the two-week duration of a permit.

Documents:

[MEMO ON SPECIAL EVENT PERMITS.PDF](#)

[SPECIAL EVENT PERMIT SECTION IN CITY OF MINOT ORDINANCES.PDF](#)

3.III. DISCUSSION OF SECTION 5-32 OF CURRENT CITY ORDINANCE

RECOMMENDED ACTION

Discuss other cities processes for violations and make any updates to our current ordinance.

Documents:

[SUSPENSION OR REVOCATION OF A LICENSE.PDF](#)

4. UPCOMING INFORMATION

4.I. NEXT SCHEDULED MEETING

The next scheduled meeting for the Alcohol Ordinance Review and Rewrite Committee is Monday, June 10, 2024 at 1:00 pm in the Council Chambers at City Hall.

5. ADJOURNMENT

April 22, 2024 Alcohol Ordinance Review and Rewrite Committee

Alcohol Ordinance Review and Rewrite Committee – April 22, 2024 AT 1:00 P.M.

Members Present:

Jon Hanson, Chairman Paul Pitner, Mayor Tom Ross, Brett Tinnes

Members Absent:

Kevin Black

Also Present:

Mikayla McWilliams (City Clerk), Harold Stewart (City Manager), Corbin Dickerson (Assistant City Attorney), Chief John Klug (Police Chief), Stefanie Stalheim (City Attorney)

The meeting was called to order by Chairman Paul Pitner at 1:00 pm.

APPROVAL OF MINUTES

Mayor Ross moved the committee approve the minutes of the April 8, 2024 Alcohol Ordinance Review and Rewrite Committee meeting.

Motion seconded by Jon Hanson and carried the following vote: ayes: Hanson, Pitner, Ross, Tinnes; nays: none.

OLD BUSINESS

1. Mandatory Server Training - Jen Clark, First District Health Unit, would like to see the process outlined as to how First District will get the employee lists from the business owners at the time of renewal. Mikayla McWilliams will check with staff to see if they can get access to our CityWorks software and staff will work internally to add this process into the ordinance.
2. Section 5-27 Premise Requirements – For (a), staff works on the assumption that First District Health Unit will shut down any business not operating with all sanitary, safety, and health requirements. Mikayla McWilliams spoke with the State of ND and it is possible for any applicant wanting to utilize an outdoor dining permit to submit a winter and summer premise with both the City and the State of ND. This process would then not require to special event permit the space every two weeks in use. The business owner would have to outline on the summer premise the dates in which that premise will be in use. If they want to utilize the outdoor space prior to or after the dates specified on the summer premise sheet, they business owner would need to special event permit.
Parking lots would not be included as a summer use permit due to parking ordinances. Brian Billingsley will still need to work on Chapter 28, Article VII, Division 2 Outdoor Dining, Streatory, and Parklet Encroachments. If annual meetings with business alcohol license holders becomes a requirement, this would be a good educational item for those meetings. The committee would like to see the changes made by Brian Billingsley at the next meeting. Discussion might need to be held about outlining a timeframe for the outdoor dining permits.
3. Section 5-8 Licensee to close at certain times – Easter Day was removed from the ordinance.
4. Section 5-25 City Clerk to submit application to City Council; approval – The committee would like to see a November 1st or 60-day deadline and discuss the possible penalty for turning in after the deadline. Also, there was direction to staff to add in Chief of Police or designee into the approval process. The new draft language would allow for renewals to be approved administratively with an appeal to City Council if there is a denial from the Chief of Police.

5. Section 5-32 Suspension or revocation of a license (addition of monetary penalty) - City staff added a monetary fee to violations 2-4. The committee gave direction to have the 5th violation have language added to include:
Fifth violation: Business liquor license recommended to be revoked *and/or a fee of no less than \$2,500 at the discretion of the City Council*

Harold Stewart left the meeting at 2:04 pm. He mentioned he would like the committee to discuss the 1st violation of a letter of warning be administrative.

DISCUSSION OF SECTION 5-32 OF CURRENT CITY ORDINANCE

The committee discussed whether the violations 1-4 could be done administratively with the 5 violation being handled by City Council. With the discussion came the idea of if the penalties should be accumulative. What happens if the investigation of the 1st violation uncovers more violations? Who should handle violations: staff, municipal court, a liquor review board, or City Council?

Mayor Ross left the meeting at 2:26 pm.

This section of the ordinance discusses compliance checks, which could mean the controlled compliance checks for selling to a minor or is the business in compliance with the ordinance. The committee is going to have to think about the appeals process for all of the violations and who the business owner would appeal to.

The committee would like to see a sample letter of warning sent out to the business owners for the first violation and would like to discuss this topic more at the next meeting. The committee members should think about if the ordinance should increase the number of violations before revocation is recommended. The City of Minot is operating on a complaint based system, but if budget allows for a code enforcement staff member the process could change. City Staff will get feedback about how other committees handle violations. The committee should think about the fees structure and if it should change to accommodate a code enforcement staff member in the budget.

DISCUSSION OF SECTION 5-40 OF CURRENT CITY ORDINANCES

Mikayla McWilliams mentioned to the committee to look over the staff memo attachment and recommendation for the next meeting on the special event permit process.

NEXT SCHEDULED MEETING

The next scheduled meeting is Monday, May 13, 2024, at 1:00 pm in the Council Chambers at City Hall. Staff will prepare the next agenda to include Section 5-32 Suspension or revocation of a license, Section 5-40 Special Permits; fees, and Section 5-27 Premise requirements.

There being no further business, Jon Hanson moved the committee meeting be adjourned. Motion seconded by Brett Tinnes and carried unanimously. Meeting adjourned at 2:55 pm.

RETAINER AGREEMENT

I, City of Minot, agree to engage the services of Ohnstad Twichell, P.C., to act as my legal counsel and to represent me in the following matter: To advise on modifications to the City's current liquor license ordinances.

I agree to pay attorneys' fees as follows: up to \$215.00 per hour for all legal services rendered. I agree to pay up to \$180.00 per hour for a legal assistant to work on this matter. I agree that associate legal counsel may be employed at the discretion of Ohnstad Twichell, P.C., and that any attorneys so employed may be designated to appear on my behalf or undertake my representation in this matter. Payment of attorneys' fees for any such associate counsel shall be governed by the provisions set forth above. Ohnstad Twichell, P.C., may increase its hourly fees during January of each year, and I understand I will be given reasonable notice of any such increases and that this Retainer Agreement shall be subject to any such increases.

I understand that Ohnstad Twichell, P.C., will charge me for legal services including, but not limited to the following: 1) office time and court time; 2) telephone contact with me, attorneys, and other relevant persons; 3) review of and preparation of correspondence; 4) preparation of documents; 5) legal research; 6) office conferences; 7) court appearances; 8) opening and closing the file; and 9) travel time to and from locations away from the offices of Ohnstad Twichell, P.C., at the hourly rate stated in the preceding paragraph. I understand that I will be billed on time spent on my case. I understand that Ohnstad Twichell, P.C., has made no estimate of the amount of legal services or the total amount of fees and costs my matter will require. Further, I agree that I will be billed for all telephone calls to any tenth of an hour to which the call extends and I will be billed a minimum of one-tenth (1/10th) for each telephone call. Ohnstad Twichell, P.C., may bill non-emergency, unrequested telephone calls, emails, or text messages to the attorney's personal telephone at a minimum charge of five-tenths of an hour (.5).

I agree that in addition to the above attorneys' fees, all court costs, service of process costs, subpoena costs, photos, depositions, court reporter costs, expert fees, legal computer research expenses, reports, witness statements, filing fees, travel expenses (including auto mileage at IRS rate), long distance telephone charges, postage, facsimile charges, copying charges, and all other out-of-pocket expenses, including but not limited to meals and lodging, incurred in investigating this matter shall be paid by me in addition to the hourly fees for attorneys' services. I understand that Ohnstad Twichell, P.C., may not advance any expert fees and expenses.

I understand my attorney will provide me with copies of all pleadings and correspondence when they are received or sent by my attorney. I agree to pay the cost of additional copies of my attorney's file or the cost of electronically retrieving copies in the event that I or my representative requests my file. Accordingly, I agree that my records may be retained by Ohnstad Twichell, P.C., during and subsequent to active representation, in a format selected by them, whether by paper file or electronic file. I also understand after the representation concludes, Ohnstad Twichell, P.C., will return any original documents to me and keep only an electronic copy, and I may request copies of my file. I further understand, after one (1) year, my paper file will be destroyed by Ohnstad Twichell, P.C., without further notice to me, and my file will remain in electronic form.

I understand that Ohnstad Twichell, P.C., cannot guarantee the results of any proceeding, and I acknowledge that no representations have been made by Ohnstad Twichell, P.C., about the outcome of this matter.

As part of this Retainer Agreement, I agree to pay my fees on a timely basis, which is within ten (10) days of receipt of my bill. I understand that I will receive monthly billings for accrued fees and costs. I understand that statements not paid within thirty (30) days of the statement date shall bear a late charge of one-half percent (.5%) per month until paid. Any objection I have to items listed on the bills for services rendered or costs must be brought to my Attorney's attention by me within thirty (30) days of the date of the bill; otherwise, the bill is deemed to be proper and accurate as sent. In the event it becomes necessary for Ohnstad Twichell, P.C., to bring suit to collect its fees and costs, as set out in this Retainer Agreement, I agree to pay all costs of collections including time spent by Ohnstad Twichell, P.C., equivalent to reasonable attorneys' fees.

I further agree that Ohnstad Twichell, P.C., at their discretion, may withdraw as my counsel if, after undertaking this matter, it is their opinion that they are unable to continue representation of me for any reason, provided all procedures required by applicable state law or court rule, if any, are followed. Some examples of reasons for withdrawal include, but are not limited to, my failure to cooperate or communicate with counsel, my failure to follow counsel advice, or any request by me which would require counsel to violate the Rules of Professional Conduct. I specifically agree that my failure to make payment for fees and costs promptly when billed shall constitute sufficient cause for Ohnstad Twichell, P.C., at their discretion, to withdraw as my counsel. In this regard, I agree that I will make myself available to communicate regularly and as requested with my attorney by means including, but not limited to, in person, telephone, email, facsimile, text messaging, and other such means.

This Retainer Agreement shall be governed by North Dakota law and enforcement shall be venued in East Central Judicial District Court, Fargo North Dakota, and I agree that I shall voluntarily submit to the jurisdiction of the North Dakota court.

I acknowledge that I have read this Retainer Agreement and have discussed any questions or concerns I have regarding this Retainer Agreement with the attorney. I fully understand the terms of the Retainer Agreement and will receive a copy of it. I have entered into this Retainer Agreement freely and voluntarily without coercion or duress; I am not under the influence of any substance or person that would cause me to enter into this Retainer Agreement against my free will or better judgment.

Dated this _____ day of _____, 2024.

Mayor, City of Minot

ATTEST:

City Clerk, City of Minot

The aforementioned employment is hereby accepted on the terms stated above. The client will receive a full copy of this Retainer Agreement.

Dated this _____ day of _____, 2024.

Katie J. Schmidt
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West Fargo ND 58078-0458
Telephone: (701) 282-3249
Facsimile: (701) 282-0825
E-mail: kschmidt@ohnstadlaw.com



TO: Members of the Alcohol Ordinance Review and Rewrite Committee

FROM: Mikayla McWilliams

DATE: April 22, 2024

SUBJECT: SPECIAL EVENT PERMITS (SECTION 5-40 OF CITY OF MINOT CODES OF ORDINANCE)

I. RECOMMENDED ACTION

Staff recommendation would be for the committee to consider adding a late fee for any applications submitted under 7 days prior to the event date, add into the ordinance the requirements of a site map, and discuss state law on the two week duration of a permit.

II. DEPARTMENT CONTACT PERSONS

Mikayla McWilliams 857-4752

III. DESCRIPTION

City of Minot
Section 5-40 Special Permit; Fees

(a) A permit issued pursuant to Section 5-02-01.1, N.D.C.C. 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.

(5) The city council may authorize an individual under twenty-one (21) years of age to attend the special event, but may not authorize the consumption or

possession of an alcoholic beverage by an individual under twenty-one (21) years of age.

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.

City of Bismarck

Section 5-01-13 Event Permits to Sell at Designated Locations.

1. Pursuant to N.D.C.C. 5-02-01.1, the City Administrator, acting under the authority of the Board of City Commissioners, may by special permit authorize a licensee to engage in the "on-sale" of alcoholic beverages at events on licensed premises designated by the permit. Except for events at the Bismarck Event Center, the permit shall not be valid for a period of greater than fourteen days. The City Administrator may issue up to 14 permits from one application if the application covers a reoccurring event for consecutive days at one location. For events at the Event Center conducted by the City's liquor vendor, the City Administrator may issue one permit for multiple events for up to one month. For the purposes of this section, the Event Center shall include the Arena, the Exhibit Hall and the Belle Mehus Auditorium.

2. An application for a special permit must be filed by a licensee in the office of City Administration. 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. Before approval by the City Administrator, the application must first be approved by the Chief of Police. The Board of City Commissioners may establish rules to regulate and restrict the operation of event permits. If the City Administrator denies the application for a special permit, the denial may be appealed to the Board of City Commissioners.

3. The licensee is responsible for posting, at all entrances and exits, a sign informing the public of the general content of N.D.C.C. Section 5-01-08 and City of Bismarck ordinance 6-07-07.

4. Applications submitted pursuant to this section must be submitted at least 7 days prior to the first day of the event.

5. A fee of \$30.00 must be paid at the time the application is filed. If the application is for more than one permit for a reoccurring event for consecutive days at one location, the fee shall be \$120. For an application by the City's liquor vendor at the Event Center, the fee shall be \$100 per one-month for each event permit. Applications for a special permit submitted less than 7 days prior to the first day of the event may be considered and approved upon payment of a late fee of \$30.00.

Reference: N.D.C.C. 5-02-01.1

6. The permit may authorize an individual under twenty-one years of age to attend the event, but may not authorize the consumption or possession of an alcoholic beverage by an individual under twenty-one years of age provided the area where an individual under twenty-one years of age may remain may not be the qualified alcoholic beverage licensee's fixed or permanent licensed premises as shown on the licensee's state and local alcoholic beverage licenses issued pursuant to NDCC Section 5-02-01 and City Ordinance 5-01-06.

City of Fargo

Section 25-15

A Class "E", in the nature of a special serving permit, shall authorize the holder of an existing "off-sale" license to hold wine and sparkling wine demonstrations and tastings on such premises as may be designated in the Class "E" license subject to the following restrictions and conditions:

- a. A Class "E" license issued under this section may be issued only to persons currently holding a Class "B" license.
- b. A Class "E" license issued under this section may be issued for a period of time not to exceed 14 days, and may include Sundays.
- c. Except as otherwise provided, a Class "E" license shall not include days or times when sale of alcoholic beverages is prohibited by state law and/or city ordinances.
- d. Only wine or sparkling wine may be served under the Class "E" special serving permit.
- e. There shall be no charge of any kind made by the Class "B" license holder.
- f. The Class "E" special serving permit issued hereunder shall be only for events held by governmental, fraternal, or other regularly organized non-profit groups or societies.

City of Grand Forks

Class 11. Special or limited license.

- (1) In accordance with N.D.C.C. § 5-02-01.1, the Grand Forks City Council may issue special or limited licenses to existing on-sale, off-sale, or on- and off-sale license holders authorizing the sale of alcoholic beverages at special events designated by the license. The license may not be valid for a period greater than fourteen(14) consecutive days and may include Sundays. The license issued under this subsection shall be for allocation other than the primary place of business of the license holder. Persons under twenty-one (21)years of age may attend and remain in the area of the event, or a portion thereof only in accordance with the provisions of N.D.C.C. § 5-02-01.1 and City Code section 21-0228 (3).
- (2) In accordance with N.D.C.C. § 5-02-01.1, the Grand Forks City Council may issue special or limited licenses to existing on-sale, off-sale, or on- and off-sale license holders authorizing the sale of alcoholic beverages at a special event held at the license holder's permanent licensed premises when such licensed premises are utilized for a private function and not otherwise open to the public. Persons under twenty-one (21) years of age may attend and remain in the area of the event, or a portion thereof only in accordance with the provisions of N.D.C.C. § 5-02-01.1 and City Code section 21-0228 (3).
- (3) In accordance with N.D.C.C. § 5-02-01.1, the Grand Forks City Council may issue to a domestic winery, brewery, distillery, cidery, or meadery owner or operator a special or limited license under N.D.C.C. Ch. 5-02 to engage in the "off-sale" of wine, beer, liquor, cider, or mead at special events occurring within the City of Grand Forks as designated by the license. The license under this subsection shall be valid for no more than three (3) days per event and no domestic winery, brewery, distillery, cidery, or meadery owner or operator shall be granted more than two (2) licenses under this subsection per year. The license may be issued for a location other than the primary place of business of the license holder and to a domestic winery, brewery, distillery, cidery, or meadery owner or operator whose primary place of business is outside of the city. Any license

holder under this subsection shall be exempt from the provisions contained in Grand Forks City Code subsections 21-0206 (1)(l) and 21-0207 (4).An applicant for license under this subsection shall complete and file such application as provided by the city auditor.

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

- (a) A permit issued pursuant to Section 5-02-01.1, N.D.C.C. 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.
 - (5) The city council may authorize an individual under twenty-one (21) years of age to attend the special event, but may not authorize the consumption or possession of an alcoholic beverage by an individual under twenty-one (21) years of age.

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.

(Ord. No. 5372, § 1; Ord. No. 5427, § 2; Ord. No. 5638, § 5)

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 license 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).

(Ord. No. 5372, § 1)

Sec. 5-33. - No refund of fee when license is revoked.

When a license issued pursuant to this article is terminated or revoked for cause, the licensee or those claiming under him, shall not be entitled to any return of any portion of the license fee previously paid to the city.

(Ord. No. 5372, § 1)

Sec. 5-34. - No license to be issued until five years after revocation.

Where a license for any premises licensed pursuant to this article has been revoked, no license shall thereafter be issued to the licensee for a period of five (5) years after revocation.

(Ord. No. 5372, § 1)