



Alcohol Ordinance Review and Rewrite Committee

Monday, April 22, 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 April 8, 2024, Alcohol Ordinance Review and Rewrite Committee meeting.**

Documents:

[04082024 MEETING MINUTES.PDF](#)

3. OLD BUSINESS

**Staff changes to the ordinance:**

1. **Mandatory Server Training**
2. **Section 5-27 Premise requirements**
3. **Section 5-8 Licensee to close at certain times**
4. **Section 5-25 City Cler to submit application to City Council; approval**
5. **Section 5-32 Suspension or revocation of a license (addition of monetary penalty)**

Documents:

[WORKING DRAFT - REDLINE.PDF](#)

4. 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 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).

#### 5. DISCUSSION OF SECTION 5-40 OF CURRENT CITY ORDINANCES

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.

Documents:

[MEMO ON SPECIAL EVENT PERMITS.PDF](#)  
[GRAND FORKS EVENT FORM.PDF](#)  
[FARGO CLASS\\_E\\_APPLICATION.PDF](#)  
[CITY OF MINOT EVENT PERMIT - ONLINE OLD VERSION.PDF](#)  
[BISMARCK SPECIAL EVENT PERMIT APPLICATION.PDF](#)

6. NEXT SCHEDULED MEETING

**The next scheduled meeting is Monday, May 13th, 2024, at 1:00 pm in the Council Chambers at City Hall.**

7. ADJOURNMENT