

ORDINANCE NO. 1020

AN ORDINANCE AMENDING SECTION 3-35 AND SECTION 3-47 OF THE WILLISTON CODE OF ORDINANCES: TEMPORARY CHARITABLE OR CIVIC EVENT ALCOHOLIC BEVERAGE PERMIT AUTHORIZED.

WHEREAS, the City of Williston has previously enacted Section 3-35 of the Williston Code of Ordinances, which restricts the sale of beer, liquor, wine, or other alcoholic beverages without first obtaining a license therefor; and

WHEREAS, the City of Williston has previously enacted Section 3-40 of the Williston Code of Ordinances which regulates applications for special event alcoholic beverage permits; and

WHEREAS, the City of Williston wishes and desires to adopt regulations governing applications for alcoholic beverage permits at temporary charitable or civic events;

NOW THEREFORE, BE IT ORDAINED, by the Board of Commissioners of the City of Williston, North Dakota, as follows:

Sec. 3-35. Required.

It shall be unlawful for any person to engage in the sale of beer, liquor, wine, or other alcoholic beverages within the City without first obtaining a license or permit therefor.

Sec. 3-47. Temporary charitable or civic event alcoholic beverage permit authorized.

1. Temporary special event alcoholic beverage permits may be issued to eligible charitable and civic groups by the Board of Commissioners of the City of Williston in conjunction with special events held within the City of Williston. Any permit issued pursuant to this Section may be issued for a period of time established by the board of city commissioners, not to exceed five consecutive days. The permit shall be issued to a person at a specific place in the same manner as licenses and permits issued pursuant to Article III, Chapter 3 of the Williston Code of Ordinances.
2. The special alcoholic beverage permits available are as follows:
 - a. *Special event beer retailer.* Special event beer retailer permits are available to any civic organization, as approved by the board of city commissioners.
 - b. *Special event on-sale wine retailer.* Special event on-sale wine retailer permits are available to any civic organization, as approved by the board of city commissioners.
 - c. *Special event on-sale liquor retailer.* Special event on-sale liquor retailer permits are available to any civic organization, as approved by the board of city commissioners.

3. Persons or groups requesting a special event alcoholic beverage permit shall make application on forms available from the City of Williston, and shall be subject to the same requirements as an applicant for a permit under Sec. 3-40 of the Williston Code of Ordinances.
4. The hours of operation of each special event alcoholic beverage permit shall be as set by the board of city commissioners.
5. Persons applying for a special event alcoholic beverage permit shall pay a non-refundable application fee as follows:
 - a. Special event beer retailer - \$50 per event.
 - b. Special event on-sale wine retailer - \$50 per event.
 - c. Special event on-sale liquor retailer - \$150 per event.
6. No person may be issued more than twelve (12) special event alcoholic beverage permits within any calendar year. Notwithstanding the foregoing, any combination of permits issued to the same person, at the same place, for the same time, and for the same special event shall be counted only as one (1) permit for the purposes of the twelve-permit annual limit.
7. The board of city commissioners shall refuse to issue a special event alcoholic beverage permit and shall revoke a permit when it appears that:
 - a. The permitted site is or is likely to become a public nuisance or detrimental to public morals;
 - b. Alcoholic beverages or controlled substances are being sold or given away, except as approved by such permit;
 - c. Any of the ordinances of this City or the laws of this State are being violated; or
 - d. Protests to the issuance of such permit are made, either orally or in writing, by a sufficient number of people living in the neighborhood of such site for which the application for such permit is made. It is in the sole judgment of the board of city commissioners to determine whether said protests warrant refusal or revocation of such permit as being against the public interest and welfare.


EFFECTIVE DATE:

The proposed effective date of this ordinance is July 28, 2015.

Commissioner Brostuen moved the adoption of the foregoing Ordinance. The motion was seconded by Commissioner Cymbaluk. On roll call vote of The Commissioners, the following Commissioners voted "AYE": Cymbaluk, Brostuen, Bekkedahl, Piesik and Klug. The following Commissioners voted "NAY": None. Absent and not voting: None.

WHEREUPON, the Motion was passed and the Ordinance declared adopted this **28th day of July, 2015**.

ATTEST:



John Kautzman, City Auditor

APPROVED:



Howard Klug, President
Board of City Commissioners

PASSED FIRST READING: July 14, 2015
PASSED SECOND READING: July 28, 2015
ADOPTED THIS 28th Day of July, 2015.