

**AN ORDINANCE OF THE CITY OF WILLISTON AMENDING ORDINANCE NO. 3-37**

BE IT ORDAINED BY THE BOARD OF CITY COMMISSIONERS OF THE CITY OF WILLISTON, NORTH DAKOTA.

Section 1. That Section 3-37 be amended, and as amended as follows:

(19) A “restaurant on-sale beer and liquor license” shall mean a special license to sell beer and liquor on an on-sale basis only, which may be issued to an establishment providing multi-course meals as well as appetizers and desserts and which derives 50% or more of its annual gross receipts from the sale of prepared meals on premises and not alcoholic beverages. The applicant will shall disclose the amount of alcohol versus food sales tax information that was reported to the state and such will be provided within seven days of request to verify the fifty percent requirement for food ales or they shall forfeit license. Main course menu items shall be fully prepared on the premises and shall not be primarily pre-packaged, pre-processed, or pre-prepared food products intended for fast or convenient service. The holder of a restaurant on-sale beer and liquor license shall have the right to provide an area where food and beverages are served to patrons seated at a bar type structure and where beverages are prepared for other patrons seated in the restaurant. The hours within which sales of alcoholic beverages may be made shall coincide with the hours permitted by the City of Williston for the sale of alcoholic beverages and shall also be additionally limited as set forth herein. When the kitchen is not in full operation and a full menu service is not being offered to patrons, the sale and consumption of alcoholic beverages shall be discontinued. It is the intention of this restriction that the purpose of a “specialty establishment on-sale beer and liquor license” is to allow the sale of alcoholic beverages as an adjunct to the restaurant operation and not that of operating a full-time liquor establishment. Therefore, no live music, public dancing, or strobe lights are allowed at anytime. A recipient of a “restaurant on-sale beer and liquor license” shall provide a full and complete restaurant and kitchen adequate for the preparation of food as required by this ordinance. Such restaurant and kitchen shall be subject to approval by the Board of City Commissioners. The initial one-time issuing fee for a “restaurant on-sale beer and liquor license” will be the sum of fifty thousand dollars (\$50,000.00). Fees for the license shall be two thousand three hundred dollars (\$2,300.00). Except as modified in this subsection, a license hereunder shall comply with and be subject to all of the remaining qualifications for licenses. There shall be no restrictions as to the number of licenses issued under this subsection. A “restaurant on-sale and liquor license” is specific to the location listed on the original application is not transferable on a temporary basis, and any future transfers are restricted to establishments meeting the above criteria at that location. Non-compliance will require review and possible penalties by the Williston City Commission.

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

WHEREUPON, the Motion was passed and the Ordinance declared adopted this 27th day of  
March, 2012.



E. Ward Koeser, President  
Board of City Commissioners

John Kautzman, City Auditor

First Reading:                    March 13, 2012  
Second Reading:                March 27, 2012  
Published:                        N/A