

ORDINANCE NO. 895

**AN ORDINANCE ADOPTING ADDITIONAL PENALTIES UNDER ARTICLE XIV
CHAPTER 3, PENALTIES RELATING TO THE SALE OF ALCOHOLIC BEVERAGES
TO MINORS.**

Be it ordained by the Board of City Commissioners of the City of Williston, North Dakota: That Section 3-150 of Williston Code of Ordinances is hereby adopted as follows:

Section 3-150. Suspension of license to sell alcoholic beverages.

- (a) The license granted under this chapter shall be affected or suspended by the City, for an illegal sale of an alcoholic beverage to minors, or for a violation of any other similar provision of this chapter, city ordinance or state law regulating the sale of alcoholic beverages to minors.
- (b) The City of Williston mandates that all servers of alcohol shall receive Alcohol Server Training within 90 days of employment. All Liquor Establishment managers must keep a copy of each employee's card on file at the establishment along with date of hire.
- (c) Penalties for violating the above shall be as follows:
 - 1. First Offense: Mandatory \$250 administrative fee assessed to the license holder under whom the sale took place.
 - 2. Second Offense: For a second offense within 24 months of the date of the first offense, a mandatory \$500 administrative fee will be assessed to the license holder under whom the sale took place. A second offense shall result in a one-day suspension of the license holder's license to sell alcoholic beverages.
 - 3. Third Offense: For a third offense within 24 months of the date of the first offense, a minimum three (3) consecutive days suspension of license within the next 30 days, mandatory \$1000 administrative fee, and a mandatory hearing before Board of City Commissioners.
 - 4. Any additional subsequent offense within twenty four (24) months shall subject the license holder to a hearing to revoke the license pursuant to Sections 3-145 and 3-129 of this chapter.
 - 5. Alcohol servers shall be required to ask for a valid picture identification from each and every patron of an off sale or on sale liquor establishment to determine if the patron is old enough to purchase alcoholic beverages, unless the patron is obviously of age or known to the server to be of age. This shall apply to all licensed liquor establishments located in the City of Williston, North Dakota. If the server fails to ask for a valid identification, he or she shall be assessed an administrative fee of \$100.00, which shall be due and payable to the City of Williston within 30 days of the

date of the violation. Failure to pay the \$100.00 administrative fee shall result in a suspension of the alcohol server's training card until it has been paid. The Williston Police Department shall be responsible for retrieving the alcohol server's training card.

- (d) The above penalties, 1-5, shall automatically be imposed by the auditor upon receiving a copy of the judgment of conviction for sales to a minor. The licensee has the right to appeal such penalty to the Board of Appeals.
- (e) The penalties set forth in this section are in addition to the City of Williston's authority to suspend or revoke a liquor license, after hearing, for licensee's violation of any City ordinance or state law regarding liquor sales or for licensee's failure to cooperate with law enforcement.

This ordinance shall be in full force and effect upon its final passage, approval and publication.

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

WHEREUPON, the Motion was passed and the Ordinance declared adopted this 26 day of June, 2007.



E. Ward Koeser
E. Ward Koeser, President
Board of City Commissioners

ATTEST:

John Kautzman
John Kautzman, City Auditor

First Reading: June 12, 2007
Second Reading: June 26, 2007
Published: June 29, 2007
Adopted the 26 day of June, 2007.