

**ORDINANCE NO. 381**

AN ORDINANCE AMENDING AND RE-ENACTING SECTIONS 10.0433 OF THE CITY CODE OF THE CITY OF BEACH, NORTH DAKOTA RELATING TO SPECIAL EVENT ALCOHOLIC BEVERAGE PERMITS

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BEACH, NORTH DAKOTA, AS FOLLOWS:

Section 1: Section 10.0433 entitled “SPECIAL EVENT ALCOHOLIC BEVERAGE PERMIT” is hereby amended and re-enacted as follows:

**10.0433 SPECIAL EVENT ALCOHOLIC BEVERAGE PERMIT:**

A. Special Events: Special Events, for purposes of this Code section, shall be defined as any temporary event, gathering, or function where alcoholic beverages are sold at a location not otherwise included as part of a liquor license granted under Chapter 10, Article 4 of the Beach Municipal City Code.

A.B. Authorization and Fee: The City Council by special permit authorize an alcoholic beverage licensee to engage in the sale of alcoholic beverages at special events, on premises other than those licensed on such premises as may be designated by such permit. The fee for such local special permits shall be fifty dollars (\$50.00), and such permits shall not be valid for a period greater than three consecutive days.

B.C. Application for Permits: An alcoholic beverage licensee desiring to conduct a special event, wherein alcoholic beverages will be sold, or to sell alcoholic beverages at a special event, by any other person who has been granted a permit to do so by the governing body, shall make an application for a special permit to do so to the governing body. The application shall be filed with the City Auditor at least thirty (30) days prior to the date on which the special event is to be conducted or held. Failure to file the applications for permit within the required time may be deemed as cause for denial of the application. The application shall set forth:

- (1) The name of the applicant;
- (2) The time or period for which the permit is desired;
- (3) The place where such special event is to be conducted or held; and
- (4) A description of the premises upon which the event is to be held, which shall include how the area is enclosed, how the control of dispensing liquor will be handled and policed.

D. Security: The sheriff shall determine the number, if any, of deputy sheriffs, special officers, or licensed private security officers needed to police the Special Event properly. Before the Special is held the person conducting the Special Event, shall pay to the sheriff, peace officer, or licensed private security provider the expense of any deputy sheriff, special officer, or licensed private security officer required for the proper policing of the Special Event, and no Special Event may be permitted to proceed unless the officer or officers are present and the fees are paid.

E. Refusal and Revocation of Permit for Cause: The governing body of the City shall refuse to issue such permit and revoke a permit already issued, where it appears that:

- (1) The permitted site is or is likely to become a public nuisance or detrimental to public morals;
- (2) Alcoholic beverages or controlled substances are being sold or given away except as provided by such permit;
- (3) Any of the ordinances of the City or of the laws of the state are being violated; or
- (4) In the sole judgment of the governing body, protests to the issuing of such permit are made, either orally or in writing, by a sufficient number of the people living in the neighborhood of the site for which application for such permit is made to warrant refusal or revocation of such permit as being in the public interest; or

~~Unless otherwise directed by the City Council, each special event permit as contemplated herein shall include a condition stating that the licensee provide at least two (2) security personnel for the event designated.~~

- (5) The required security personnel are not, or will not be present at the event.

If such application is approved, the City Auditor shall issue such permit for the period specified and shall state such other conditions as the City Council may direct. Failure to comply with the conditions shall be grounds for revocation of the permit.

Section 2: Repeal of Ordinances in Conflict. All Ordinances and parts of Ordinances in conflict herewith are hereby repealed.

Section 3: Severability. In the event any section of this Ordinance is held invalid by court of competent jurisdiction, the invalidity shall extend only to the section affected, and other sections of this Chapter shall continue in full force and effect.

Section 4: Effective Date: This Ordinance shall be in full force and effect from and after final passage.

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Mayor City Council

ATTEST:

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Kimberly Nunberg, City Auditor

First Reading: November 2<sup>nd</sup>, 2015

Second Reading: November 16<sup>th</sup>, 2015

Final Passage: November 16<sup>th</sup>, 2015