

## **ORDINANCE NO. 392**

AN ORDINANCE AMENDING AND RE-ENACTING CHAPTER TEN ARTICLE 405 OF THE CITY CODE OF THE CITY OF BEACH, NORTH DAKOTA AS HEREINAFTER SET FORTH

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

**Section 1:** Section 10.0405 entitled “License – Classes of” is hereby amended and re-enacted as follows:

### **10.0405 LICENSE -- CLASSES OF:**

1. On and off sale liquor licenses at an annual fee of one thousand one hundred dollars (\$1,100.00).
2. Off sale liquor license at an annual fee of nine hundred fifty dollars (\$950.00).
3. On and off sale beer license at an annual fee of two hundred fifty dollars (\$250.00).
4. Off sale beer license at an annual fee of two hundred dollars (\$200.00).
5. In addition to the licenses authorized in 1 through 4 above, specialty restaurant beer and wine licenses may be issued permitting on-sale beer sales and/or wine sales subject to the following restrictions and conditions:
  - (a) A licensee hereunder shall comply with all of the laws of the state relating to the sale and dispensation of alcoholic beverages.
  - (b) The food and beer and/or wine license hereunder shall be for the sale of beer and/or wine for consumption on the premises only, and no sales for consumption off the premises shall be made.
  - (c) A licensee hereunder shall sell tap beer only which shall be dispensed by the licensee or an employee from kegs or barrels, and the sale of beer in bottles, cans or similar packages shall not be permitted. Wine may be sold on tap or by bottles for consumption on the premises with food.
  - (d) Beer and wine shall be consumed at tables or booths only, and no beer or wine shall be consumed at a counter or bar.
  - (e) Reserved for future use.
  - (f) An establishment holding a license hereunder shall provide adequate off-street parking, within the discretion of and subject to the approval of the City Council.
  - (g) The license fee for food and beer and/or wine license shall be Five Hundred Dollars (\$500.00) per year, payable in the manner provided in Section 10.0404 above.
  - (h) Licenses issued under this Section shall be limited to the current number of licenses issued, which is based on the 2010 population of 1,019. Thereafter, one additional license may be issued for each 1,000 additional people in the City as determined by the City Council.

(i) Gross receipts from sales of beer and wine hereunder shall not exceed twenty-five percent of the gross receipts from sales of all food items and beer and wine combined.

(j) Except as modified in this Section, a license hereunder shall comply with and be subject to all of the remaining provisions of this Ordinance.

6. In addition to any alcoholic beverage licenses that may be issued under subsections 1 through 5 above of this section, it is hereby provided that the City may grant an alcoholic beverage license for both on and off-sale to any hotel or motel within the City limits which has seventy-five or more rental units or rooms which has, as an integral part of such hotel or motel, adequate meeting room space and sufficient dining area and facilities to adequately serve its patrons, as well as the public generally. In order to qualify for an alcoholic beverage license under this provision, it is necessary that the dining area and other food service facilities be in operation and open for business at least as many hours daily as the alcoholic beverage portion of the premises. The annual fee for said license shall be \$1,200.00 per year, payable in the manner provided in Section 10.0404 above.

~~7. Any eating establishment that (i) is licensed to engage in the sale of alcoholic beverages at retail pursuant to ordinances pertaining thereto, (ii) and who shall meet the definitions hereafter, and (iii) has paid the fee hereinafter described, shall have the right to dispense and sell beer and wine in conjunction with the sale of prepared meals on Sunday between the hours of eleven a.m. and 9:00 p.m. for consumption only in that part of the eating establishment habitually used for the serving of prepared meals.~~

~~(a) As used in this subsection 7 "eating establishment" means a restaurant or other commercial establishment that is licensed as above described to engage in the sale of alcoholic beverages, and which derives 50% or more of its annual gross receipts from the sale of prepared meals and not alcoholic beverages.~~

~~(b) Any establishment conducting sales on Sunday under this subsection 7 shall pay an additional annual fee of \$150.00.~~

**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 Ordinance 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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Jeanne Larson, Mayor

ATTEST:

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Kimberly Gaugler, City Auditor

First Reading: 10/18/2021  
Second Reading: 11/15/2021  
Final Reading: 11/15/2021