

ORDINANCE NO. 426

AN ORDINANCE REPEALING ORDINANCES 321, 309, AND 298, AND AMENDING AND RE-ENACTING ORDINANCE NO. 404 ESTABLISHING CLASSES OF LICENSES FOR THE SALE OF ALCOHOLIC BEVERAGES WITHIN THE CITY OF BEULAH, MERCER COUNTY, NORTH DAKOTA.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BEULAH, MERCER COUNTY, NORTH DAKOTA, AS FOLLOWS:

1. That Ordinance Nos. 321, 309, and 298 of the City Ordinances of the City of Beulah, Mercer County, North Dakota, are hereby repealed.
2. That Ordinance No. 404 of the City Ordinances of the City of Beulah, Mercer County, North Dakota, is hereby amended and re-enacted as follows:

1. DEFINITIONS. The following definitions shall apply when used in this ordinance:

- a. Beer - Any malt beverage containing more than one-half of one per cent of alcohol by volume.
- b. Liquor - Any alcoholic beverages, except beer, wine and sparkling wine.
- c. Wine - The alcoholic beverage obtained by fermentation of agricultural products containing natural or added sugar or such beverage fortified with brandy and containing not more than 24% alcohol by volume.
- d. Sparkling Wine - Wine made effervescent with carbon dioxide.
- e. Off-Sale - The sale of alcoholic beverages in the original package or container for consumption off or away from the licensed

premises where sold.

- f. On-Sale - The sale of alcoholic beverages for consumption on the premises where sold.
- g. On/Off Sale - The sale of alcoholic beverages in the manner set forth for "on-sale" and "off-sale".

2. CLASSES OF LICENSE FOR THE SALE OF ALCOHOLIC BEVERAGES.

The following classes of licenses and annual fees are established for the sale of alcoholic beverages:

- a. CLASS I LICENSE: On/Off Sale beer, Wine, Sparkling Wine and Liquor
License Annual Fee - \$1,200.00.
- b. CLASS II LICENSE: On-Sale Beer, Wine, Sparkling Wine and Liquor
License Annual Fee - \$1,075.00.
- c. CLASS III LICENSE: Off-Sale Beer, Wine, Sparkling Wine and Liquor.
License Annual Fee - \$875.00.
- d. CLASS IV LICENSE: On-Sale Beer: May sell beer in a restaurant which is separated from the room in which said beer is opened or mixed and where gross sales of food are at least equal to gross sales of alcoholic beverages.
License Annual Fee - \$525.00.

- e. CLASS V LICENSE: On-Sale Beer, wine, and Sparkling Wine License: May sell beer, wine, and sparkling wine in a restaurant which is separated from the room in which said beer, wine and sparkling wine are opened or mixed and where gross sales of food are at least equal to gross sales of alcoholic beverages.

License Annual Fee - \$675.00.

3. DUE DATE AND PRO-RATING OF LICENSE FEES. License fees shall be paid annually, in advance, and shall be due on July 1st of each year. Any license fee paid for a partial year shall be pro-rated on a monthly basis, with any partial month counting as a full month.

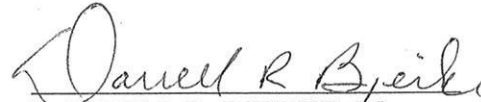
4. PENALTY SECTION. Any person who violates or fails to comply with any provision of this Ordinance shall be guilty of an infraction and subject to a fine of not more than One Thousand Dollars (\$1,000.00), and a separate violation may be deemed committed for each day that a person violates or fails to comply with any provision of this Ordinance.

5. EFFECTIVE DATE. This ordinance shall be in full force and effect after publication of its title and penalty clause.

6. REPEAL OF CONFLICTING ORDINANCES. All ordinances or parts of ordinances in conflict herewith are hereby rescinded and repealed.

7. SAVINGS CLAUSE. If any provision of this ordinance or its application to any person or circumstances is held invalid, the remainder of the ordinance or the

application of the provision to other persons or circumstances is not affected.


DARRELL R. BJERKE, Mayor

ATTEST:


HEATHER FEREBEE, City Auditor

Introduction and First Reading: June 5, 2017

Second Reading: June 19, 2017

Publication Date: June 29, 2017

Effective Date: June 29, 2017