



Manfred R. Ohnstad 1914 - 1987
Bradley J. Burgum 1952 - 2010
Daniel R. Twichell 1927 - 2013
Brian D. Neugebauer 1951 - 2014

April 6, 2017

Lukas D. Andrud*
Katie J. Bertsch*
Calley B. Campbell
Andrew D. Cook*
Lukas W. Croaker
Susan L. Ellison*
Sean M. Fredricks*
Jacob L. Geiermann*
Alexander B. Gruchala
Stephen R. Hanson II*
Robert G. Hoy*
John A. Juelson
Keven J. Kercher*
Tyler J. Leverington*
Delvin J. Losing*
Marshall W. McCullough*
Christopher M. McShane*
Robert E. Rosenvold*
John T. Shockley*
Sara K. Sorenson*
Michel W. Stefanowicz
Jeffrey R. Strom
David L. Wanner
Sarah M. Wear*

Ms. Mary Hinchberger
Mapleton City Auditor
P.O. Box 9
Mapleton, ND 58059-0009

RE: Ordinance No. 229-16 - Hours of Sale of Alcoholic Beverages

Dear Mary:

Enclosed for your records are the following documents:

1. Minutes of Second Reading. (12/13/16)
2. Affidavit of Publication regarding Notice of Second Reading.
3. Ordinance No. 229-16. Please have the Ordinance signed by you and the Mayor on page 4. The original should be kept with your records. I would appreciate it if you would provide me with a photocopy of signed page 4 for my records.
4. Amended pages 10-1-3 through 10-2-1. Please substitute these pages in your ordinance book.

*Also licensed in Minnesota

Sincerely yours,

OHNSTAD TWICHELL, P.C.

Sarah M. Wear

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Enclosures

SECOND READING OF ORDINANCE AND FINAL PASSAGE

Member Odegaard moved that a certain Ordinance No. 229-16 entitled:

AN ORDINANCE TO AMEND AND REENACT SECTION 10-0103(2), 10-0111 AND 10-0123.1 OF THE REVISED ORDINANCES OF 2000 OF THE CITY OF MAPLETON, NORTH DAKOTA, RELATING TO LICENSING AND SPECIAL PERMITS FOR THE SALE OF ALCOHOLIC BEVERAGES.

which had been first read on November 1, 2016, be amended by further amending Section 10-0123.1

to read as follows, to-wit:

10-0123. SPECIAL PERMITS FOR SALE OF ALCOHOLIC BEVERAGES.

1. Authorization. The City Council shall have the authority to issue special permits for the sale of alcoholic beverages when authorized to do so by state law as provided in North Dakota Century Code Sections ~~5-0201.1~~ 5-02-01.1, ~~5-0205.1~~ 5-02-05.1 ~~5-0205.1~~, or any other state statute now in effect, or as amended, or enacted in the future which provides authority for cities to issue special permits for the sale of alcoholic beverages.

and as so amended be given its second reading. Said motion was seconded by Johnson, and on roll call the following members voted aye: Odegaard, Johnson, and Sprecher. The following members voted nay: none. The following members were absent and not voting: Draeger. The majority having voted aye, the motion was duly declared passed.

The Mayor then declared said motion duly carried and the above-entitled Ordinance as amended was thereupon given its second reading and was duly adopted as read in its entirety.

AFFIDAVIT OF PUBLICATION

State of North Dakota)

County of Cass)ss

Sean Kelly or Cheryl Kelly of said county and state, being first duly sworn, on his/her oath says that THE CASS COUNTY REPORTER is a weekly newspaper of general circulation published in the city of Casselton in said county and state by Sean Kelly/Cheryl Kelly and has been such newspaper during the times mentioned and that Sean Kelly/Cheryl Kelly the undersigned, are the owners/Publishers of said newspaper, and have personal knowledge of all the facts stated in this affidavit, and that the advertisement headed: City of Mapleton - Notice of Second Reading & Final Passage of Ordinance NO. 229-16 a

printed copy of which is hereunto attached was printed and published in the said CASS COUNTY REPORTER:

Cheryl Kelly

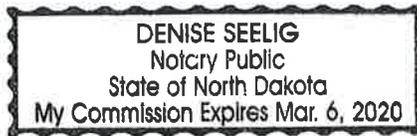
March 15 20 17 _____ 20
_____ 20 _____ 20
_____ 20 _____ 20

Subscribed and sworn to before me this 15 day of

March 20 17
Denise Seelig

Notary Public

Ransom County, North Dakota



Publication Fee \$ 44.00
Notary Public Fee 1.00

Public Health Director of Nursing in Minot. This is a senior management position, Bachelor's Degree in Nursing and Knowledge of Public Health roles and responsibilities required. Great hours, competitive salary & excellent benefits. Details and application at www.fdh.u.org. Apply by March 17.
Environmental Health Practitioner, First District Health Unit, Minot: Inspects facilities to enforce health and sanitation codes. Requires a Bachelor's degree in applicable discipline. Competitive salary & excellent benefits. Details and application at www.fdh.u.org. Apply by March 15.
Production Manager for Frozen Products in Finley needed! Competitive compensation package with opportunity for growth. If interested, please go to www.hopefoodsllc.com for full details.

ORDINANCE NO. 229-16

AN ORDINANCE TO AMEND AND REENACT SECTION 10-0103(2), 10-0111 AND 10-0123.1 OF THE REVISED ORDINANCES OF 2000 OF THE CITY OF MAPLETON, NORTH DAKOTA, RELATING TO LICENSING AND SPECIAL PERMITS FOR THE SALE OF ALCOHOLIC BEVERAGES.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MAPLETON, NORTH DAKOTA:

SECTION 1. Section 10-0103(2) of the Revised Ordinances of 2000 of the City of Mapleton is hereby amended and reenacted to read as follows:

10-0103. LICENSES - REGULATIONS AS TO CLASSES - FEES.

2. The licences for the sale of alcoholic beverages set out above shall be in effect for a period of one year commencing January 1 of each year and terminating December 31 of each year. If an application is made for a license during the licensing year, the license that is granted shall only be for the unexpired portion of such year ending December 31, at which time an application for renewal of the license must be made. The license fee for the partial year shall be prorated so that it equals one-twelfth (1/12th) of the licensing fee times the number of months the license will be in effect. The entire license fee for the portion of the year shall be paid at the time of the issuance of the license.

SECTION 2. Section 10-0111 of the Revised Ordinances of 2000 of the City of Mapleton is hereby amended and reenacted to read as follows:

10-0111. LICENSES - TERMINATION, SUSPENSION AND REVOCATION.

All licenses issued under the provisions of this chapter, unless otherwise specifically provided, shall terminate on December 31, following the date of issuance; provided however, that any license issued under the provisions of this chapter may, under certain circumstances, terminate automatically, or be terminated, suspended or revoked by the City Council.

1. Any license issued under the provisions of this chapter shall automatically terminate:
 - (a) Upon the death of the licensee unless, upon application to the Council by the personal

consent to the carrying on of such business by the personal representative. Said application must be submitted to the Council within thirty (30) days of the licensee's death.

- (b) When the licensee, for any reason, ceases business at the licensed premises. Business shall be deemed to have ceased when no sale of alcoholic beverages occurs on the licensed premises for a period of at least thirty (30) consecutive business days; provided, however, upon written request of the licensee, the Council in its discretion may grant a period of up to sixty (60) additional days before business shall be deemed to have ceased.
 - (c) When any license or permit of the licensee from the United States Government or the State of North Dakota to sell alcoholic beverages at the licensed premises has terminated or been suspended or revoked.
2. The Council may, in its discretion, suspend or revoke for cause any license issued under the provisions of this chapter. The grounds for suspension or revocation shall, among others, include the following:
- (a) The licensee has filed a Petition of Bankruptcy.
 - (b) An individual licensee, one of the partners in a partnership licensee, or one of the officers in a corporation licensee, or any individual designated in the application as manager of the licensed business is convicted of violating any of the provisions of this chapter.
 - (c) An individual licensee, one of the partners in a partnership licensee, or one of the officers, directors or shareholders in a corporation licensee, or any individual designated in the application as manager of the licensed business is convicted of any state or federal felony.
 - (d) The business of the licensee, at the location licensed, is conducted in such a manner as to be in violation of the health, sanitary or other regulations or ordinances of the City of Mapleton.
 - (e) The licensee, having been given a conditional license pursuant to Section 10-0104 because of failure to meet the residence requirements of this chapter, fails to have the required residency within the three (3) month period.

- (f) If the licensee ceases to be a legal bona fide resident of the City of Mapleton and the State of North Dakota as required in Section 10-0104.
 - (g) The licensee has made any false statement in his application for a license.
 - (h) If the licensee fails to notify the City Auditor in writing within thirty (30) days of any change in the facts supplied to the City in the application for its license.
3. The grounds enumerated in subsection 2 of this section shall not be deemed to be exclusive and any license issued under the provisions of this chapter may be suspended or revoked by the Council for any other reason deemed by the Council to be sufficient in order to promote the public health, safety, morals and general welfare of the people of the City of Mapleton. When any license is suspended or revoked by the Council pursuant to the provisions of this section, or when the licensee voluntarily ceases business, no portion of the license fee previously paid shall be returned to the licensee or to anyone claiming under or through him.
4. No license issued under the provisions of this chapter shall be suspended or revoked for cause by the Council without a public hearing. In the event that the Council intends to consider the suspension or revocation of any license for cause, the City Auditor shall notify the licensee in writing and inform the licensee of the reason for the hearing, and specify the time and place of the hearing. The notice, and any affidavits filed in support of the suspension or revocation shall be served in the same manner as provided by law with the service of the summons in the civil action, or by registered mail. No suspension or revocation hearing shall be held before the expiration of five (5) days (or longer period if required by State law) after the date of the service of the notice upon the licensee or the mailing of the notice by registered mail.

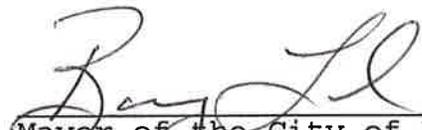
If, upon such hearing, it appears to the Council that sufficient cause exists for the suspension or revocation of the license issued pursuant to the provisions of this chapter, the Council shall make its order suspending or revoking the license.

SECTION 3. Section 10-0123.1 of the Revised Ordinances of 2000 of the City of Mapleton is hereby amended and reenacted to read as follows:

10-0123. **SPECIAL PERMITS FOR SALE OF ALCOHOLIC BEVERAGES.**

1. Authorization. The City Council shall have the authority to issue special permits for the sale of alcoholic beverages when authorized to do so by state law as provided in North Dakota Century Code Sections 5-02-01.1, 5-02-05.1 or any other state statute now in effect, or as amended, or enacted in the future which provides authority for cities to issue special permits for the sale of alcoholic beverages.

SECTION 4. Effective Date. This ordinance shall be in full force and effect from and after the date of its final passage and publication.



Mayor of the City of Mapleton,
North Dakota

ATTEST:



City Auditor

Date of First Reading: November 1, 2016

Date of Second Reading: December 13, 2016

Date of Publication: March 17, 2017