

ORDINANCE NO. 233-17

AN ORDINANCE TO AMEND AND REENACT SECTIONS 10-0103.1, 10-0104 AND 10-0113 OF THE REVISED ORDINANCES OF 2000 OF THE CITY OF MAPLETON, NORTH DAKOTA, RELATING TO LICENSING AND SALE OF ALCOHOLIC BEVERAGES.

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

SECTION 1. Section 10-0103.1 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.**

1. Licenses authorizing the sale of alcoholic beverages within the City of Mapleton shall be divided into the following classes:

- A. Retail On and Off Premises Beer, Wine and Liquor License, and Wholesaler's License. The annual license fee for retail beer, wine and liquor on and off sale premises license, and wholesaler's license shall be One Thousand Dollars (\$1,000) per year, payable in advance at the time of the issuance of the license.
- B. Retail Off Premises Beer, Wine and Liquor License. The annual license fee for retail beer, wine and liquor off sale premises license shall be Seven Hundred Fifty Dollars (\$750) per year, payable in advance at the time of the issuance of the license.

SECTION 2. Section 10-0104 of the Revised Ordinances of 2000 of the City of Mapleton is hereby amended and reenacted to read as follows:

10-0104. **LICENSE - QUALIFICATIONS.** No retail license for the sale of alcoholic beverages shall be issued to any applicant unless the following requirements are met:

1. Residence Requirement.

- (a) If applicant is an individual, the applicant must be a legal and bona fide resident of Cass County,

North Dakota, or identify a resident manager who is a permanent resident of Cass County, North Dakota.

- (b) If the applicant is a partnership, a partner or partners owning at least 50 percent of the partnership must be residents of Cass County, North Dakota, or identify a resident manager who is a permanent resident of Cass County, North Dakota.
- (c) If applicant is a corporation, a shareholder or shareholders owning at least 50 percent of the corporation's outstanding stock, or a full-time managing agent designated in the license application who is an officer and shareholder of the corporation, must be a resident of Cass County, North Dakota, or identify a resident manager who is a permanent resident of Cass County, North Dakota.

If applicant does not have a legal and bona fide residence in Cass County, North Dakota, or identify a resident manager who is a permanent resident of Cass County, North Dakota, as required above, at the time at which the application is submitted, a license may be granted to such an applicant upon the condition that the applicant satisfies the above residence requirement within three (3) months after the approval of the license.

2. Age.

The applicant, and all partners, and all officers, directors and shareholders holding more than five percent of the outstanding stock of the corporation shall be at least 21 years of age.

3. Fitness.

The applicant must not be deemed by the City Council to be unfit to engage in the business for which the license is sought.

4. Owner of Business.

No license shall be issued to any person as the representative or agent of another, and the license may be issued only to the owner or owners of the business being conducted at the location sought to be licensed.

5. Taxes.

No license shall be issued, transferred or renewed for any location in which the real and/or personal property taxes are delinquent and unpaid.

A wholesaler's license may be issued to any person eligible therefor under the terms of the laws of the State of North Dakota, or any amendments thereto, who shall be engaged in the business of selling alcoholic beverages to licensed retail dealers or in interstate commerce.

SECTION 3. Section 10-0113 of the Revised Ordinances of 2000 of the City of Mapleton is hereby amended and reenacted to read as follows:

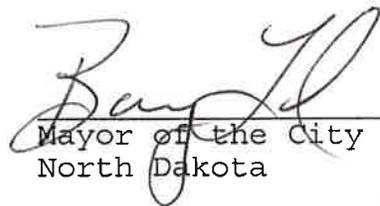
10-0113. HOURS OF SALE - PROHIBITION OF SALES ON HOLIDAYS.

1. Except as permitted by Section 10-0123 of the Mapleton Ordinances, no license holder, its agents or employees, shall dispose or permit the consumption of alcoholic beverages on licensed premises between the hours of 2:00 a.m. and 11:00 a.m. on Sundays, between the hours of 10:00 p.m. on Sundays and 8:00 a.m. on Mondays, between the hours of 2:00 a.m. and 8:00 a.m. on all other days of the week, nor dispense or permit such consumption on Christmas Day, after 2:00 a.m. on Thanksgiving Day, or after 6:00 p.m. on Christmas Eve.

2. Those license holders who receive a Sunday sales permit by the City Council pursuant to Section 10-0123 of the Mapleton City Ordinances may permit the sale and/or consumption of alcoholic beverages on licensed premises, or other premises set out in the permit, between the hours of 11:00 a.m. on Sunday and 2:00 a.m. on Monday, or pursuant to the hours set forth in the particular permit granted if more restrictive.

3. Nothing in this section shall be construed as permitting the sale or dispensing of intoxicating liquor when such sales are prohibited by state or federal law.

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: December 12, 2017

Date of Second Reading: January 9, 2018

Date of Publication: January 24, 2018