

ORDINANCE NO. 232

AN ORDINANCE PROVIDING FOR THE REGULATION OF THE SALE OF ALCOHOLIC BEVERAGES WITHIN THE CITY OF HATTON, NORTH DAKOTA, AND REPEALING ALL PREVIOUSLY ADOPTED ORDINANCES DEALING WITH THE SALE OF ALCOHOLIC BEVERAGES; AND PROVIDING FOR A PENALTY FOR VIOLATION OF THE ORDINANCE.

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

SECTION 1: ALCOHOLIC BEVERAGES.

SECTIONS:

- 232-0101. Definitions.
- 232-0102. License Required.
- 232-0103. Licenses - Regulations as to Classes - Fees.
- 232-0104. License - Qualifications.
- 232-0105. RESERVED FOR FUTURE USE.
- 232-0106. Liability Insurance Required of Licensees.
- 232-0107. License Application.
- 232-0108. Investigation of Applicant.
- 232-0109. Issuance, Renewal and Transfer of Licenses.
- 232-0110. Municipal Liquor Store and Licenses Limited.
- 232-0111. License Fees - Disposition of Fees.
- 232-0112. Posting of Licenses.
- 232-0113. Licenses - Termination, Suspension and Revocation.
- 232-0114. Location of Licensed Alcoholic Beverage Establishments.
- 232-0115. Hours of Sale - Prohibition of Sales on Holidays.
- 232-0116. Restrictions on Sale, Service or Dispensing of Alcoholic Beverages.
- 232-0117. Delivery of Alcoholic Beverages.
- 232-0118. Rules for Possession of Alcoholic Beverage by a Licensee
- 232-0119. Licensed Premises - Requirements For.
- 232-0120. Inspection of Licensed Premises to be Allowed.
- 232-0121. Special Permits for Sale of Alcoholic Beverages.
- 232-0122. Registration of Beer in Kegs Required Prior to Sale.
- 232-0123. Application of Chapter.
- 232-0124. Penalty.
- 232-0125. Severability Clause.

232-0101. DEFINITIONS. In this chapter unless the context or subject matter otherwise requires:

1. "Agent": A person or entity acting on behalf of the license holder or an employee of the license holder, but who is not an employee.
2. "Alcoholic Beverages": Any liquid intended for drinking by human beings which contains one-half of one percent or more of alcohol by volume. All alcoholic beverages shall be deemed intoxicating.
3. "Beer": Any malt beverage containing more than one-half of one percent of alcohol by volume.
4. "City": The City of Hatton.
5. "Club" or "lodge": Any corporation or association organized for civic, fraternal, social, or business purposes, or for the promotion of sports. Said club or lodge shall have at least one hundred (100) members at the time of the license application.
6. "Council": The City Council of the City of Hatton, North Dakota.
7. "Incompetent": Someone under a guardianship whom has been judged legally incompetent.
8. "Intoxicating Liquor" and "liquor": Any alcoholic beverage, except beer.
9. "Licensed Premises": The bar area, dining rooms, meeting rooms and all other areas or places alcoholic beverages are regularly or occasionally sold, served, dispensed, or consumed by patrons. In the alternative, any person applying for a license under the provision of this article may describe, depict or otherwise identify in this application for a license various areas or spaces which shall constitute the licensed premises. The Council, in its discretion, requires any applicant to so describe, depict or otherwise identify the licensed premises as a condition for the issuance of a license under the provisions of this article.
10. "Off Sale": The sale of alcoholic beverages in original packages for the consumption off or away from the premises where sold. This provision shall not prohibit the licensee from dispensing and the customer from consuming a free sample as defined by the laws of this state.
11. "On Sale": The sale of alcoholic beverages for consumption only on the licensed premises where sold.
12. "Package" and "Original Package": Any container or receptacle holding alcoholic beverages, when such container or receptacle is corked or sealed by the manufacturer thereof, and when the cork or seal has not been removed or broken prior to the sale of such package to the purchaser.

13. "Person(s)": Any individual, firm, corporation, association, club, partnership, society, or any other organization.
14. "Recreational Establishment": Any pool hall, bowling alley, arcade or similar establishment having facilities or devices designated to provide for the amusement or leisure activities of its patrons.
15. "Restaurant" for purposes of the restaurant on-premise license shall mean a restaurant which derives 65% or more of its annual gross receipts from the sale of food.
16. "Sale" and "sell": All manners or means of furnishing of alcoholic beverages, including the selling, exchange, disposition of, and keeping for sale of such alcoholic beverages.
17. "Wholesaler": Any person engaged in the sale and distribution of alcoholic beverages at wholesale to persons holding a retail license for the sale and distribution of alcoholic beverages within the State of North Dakota or in interstate commerce.
18. "Wine": The alcoholic beverage obtained by a fermentation of agricultural products containing natural or added sugar, or such beverage fortified with brandy and containing not more than 24% alcohol by volume.

232-0102. LICENSE REQUIRED. No person, as defined in Section 232-0101 of this chapter, shall sell, exchange, or keep for sale any alcoholic beverages, as defined in Section 232-0101 of this chapter, without first having obtained a license pursuant to the provisions of this chapter and posting said license in a conspicuous place or premises..

232-0103. LICENSES - REGULATIONS AS TO CLASSES - FEES.

1. Licenses authorizing the sale of alcoholic beverages within the City of Hatton shall be divided into the following classes:
 - a. Retail On and Off Premises Liquor License. The annual license fee for retail liquor on and off sale premises license shall be Two Thousand Dollars (\$2,000) per year, payable at the time of the issuance of the license.
 - b. Retail On and Off Premises Beer License. The annual license fee for a retail on and off premises beer license shall be Three Hundred Dollars (\$300), payable at the time of the issuance of the license.
 - c. Retail On-Premises Wine and Beer License. The annual license fee for a retail on-premise wine and beer license shall be Four Hundred Dollars (\$400), payable at the time of issuance of the license.

2. The licenses for the sale of alcoholic beverages set out above shall be in effect for a period of one year commencing July 1 of each year and terminating June 30 of the following 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 June 30, 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 set out above 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.

232-0104. 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 reside within 10 miles of the city limits of the City of Hatton.
- (b) If the applicant is a partnership, a partner or partners owning at least 50 percent of the partnership must be reside within 50 miles of the city limits of the city of Hatton.
- (c) If applicant is a corporation, the manager of the licensed premises or another full-time employee of the licensee who is at least twenty-one (21) years of age must be designated in the license application as an agent of the corporation. The manager and agent of the corporation must reside within fifty miles of the city limits of the city of Hatton.

If applicant does not have a legal and bona fide residence 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, its managers, partners and/or shareholders, must be deemed by the City Council to be persons of good moral character.

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.

232-0105. RESERVED FOR FUTURE USE.

232-0106. LIABILITY INSURANCE REQUIRED OF LICENSEES. Every person licensed under the authority of this chapter, other than wholesalers, shall deposit with the City Auditor, not later than thirty (30) days after a license is issued, proof of liability and liquor liability insurance (Dram Shop). Such insurance shall provide coverage for at least the minimum amounts as set by the City Council by resolution. The adequacy of any such insurance shall be determined by the governing body of the City.

232-0107. LICENSE APPLICATION. Any person desiring to obtain the issuance, transfer or renewal of a license for the sale of alcoholic beverages shall make and file an application for such license with the City Council, through the City Auditor. In the case of a renewal of the license, such application must be submitted at least twenty (20) days prior to the expiration date of the license. The application shall be made on a form approved by the Council and made available through the office of the City Auditor. In addition to the information supplied on the application form, the Council, the City Auditor, Police Chief or his designee, may require such other information as they deem necessary in determining whether or not a license should be issued to the applicant. If a license is granted, the licensee shall have the affirmative duty of informing the City Auditor in writing within thirty (30) days of any changes in the facts supplied to the City in the application previously submitted.

232-0108. INVESTIGATION OF APPLICANT. The City Council, or such officer as may be designated by the City Council, shall investigate the facts stated in the application and the character, reputation, and fitness of the applicant, and shall report on said matters to the City Council.

For purposes of this section the fitness of the applicant includes all owners, partners, shareholders, officers and directors of the corporations as well as a managing agent if designated in the application form.

232-0109. ISSUANCE, RENEWAL AND TRANSFER OF LICENSES.

1. No license shall be issued, renewed or transferred without the approval of the Hatton City Council. A change in the location of the licensed premises shall be deemed to be a transfer.
2. No new license, or a transfer of a license to a new location, shall be issued unless and until the applicant has proven, to the satisfaction of the governing body, that the following conditions have been met. Provided, however, that these conditions shall not apply to license renewals:

- a. That the premise to be licensed has a minimum of 3,000 sq. ft. of space available and devoted to the business for which the premises is licensed. The measurement of 3,000 sq. ft. will be based on the exterior measurements of the building in which the premise is located and shall not include any carports, parking areas, drive-ins, or any similar exterior features to the premise. If the building is not a separate building, but has a common wall with one or more other businesses, the measurement will be from the center of any common wall.
- b. That sufficient, well-lighted off-street parking will be available to the patrons of the establishment of the applicant.
- c. That the establishment in question will be a definite asset to the City.
- d. That the licensed premise has a separate entrance or entrances from any other business and have no interior connection by which customers may move directly from another business to the licensed premises. Provided, however, that this restriction will not apply to eating establishments, motels or hotels that apply for a liquor license as part of their operation.

Additional factors to be considered in the granting of a new license:

- a. The proximity of other businesses licensed to sell alcoholic beverages.
- b. Protests of neighboring property owners or occupants.
- c. Interference with neighboring properties.
- d. Suitability of premises for sale of alcoholic beverages.
- e. Recommendations and reports of appropriate city officials, including the Chief of Police, Chief of the Fire Department, Building Inspector, and Health Officer.
- f. Zoning regulations.
- g. Proximity of schools, churches, funeral homes, public buildings or buildings used by and for minors.

232-0110. MUNICIPAL LIQUOR STORE AND LICENSES LIMITED.

1. The City of Hatton may within its boundaries establish, own and operate a municipal liquor store for the sale of alcoholic beverages under the provisions of this ordinance and under such subordinate rules and regulations as the City Council may from time to time prescribe.

2. The number of licensed premises within the City of Hatton, which shall be licensed or permitted to operate under this ordinance, shall be limited and shall not exceed four (4) licensed premises.

232-0111. LICENSE FEES - DISPOSITION OF FEES. All license fees collected by the City Auditor shall be credited to the general fund of the City.

232-0112. POSTING OF LICENSES. Licenses issued to licensees shall be posted in a conspicuous place in that portion of the premises for which the license has been issued.

232-0113. LICENSES - TERMINATION, SUSPENSION AND REVOCATION. All licenses issued under the provisions of this chapter, unless otherwise specifically provided, shall terminate on June 30 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 representative of the decedent, the Council shall 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) 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.
 - (b) 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.

- (c) 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 Hatton.
 - (d) The licensee, having been given a conditional license pursuant to Section 232-0104 because of failure to meet the residence requirements of this chapter, fails to have the required residency within the three (3) month period.
 - (e) If the licensee ceases to meet the residence requirements of the City of Hatton and the State of North Dakota.
 - (f) The licensee has made any false statement in his application for a license.
 - (g) 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 Hatton. 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.

232-0114. LOCATION OF LICENSED ALCOHOLIC BEVERAGE ESTABLISHMENTS.
No alcoholic beverage license shall be issued for any building, room or place within one hundred fifty (150) feet of any church, public or parochial school grounds, or synagogue. The distance to

be measured in a straight line from the building in which said school or church is conducted to the principal public entrance of the place in which the liquor is dispensed, except in case of a church or synagogue where the governing body thereof gives the licensee written permission to locate within the said prescribed limits, and such written permission is approved and filed with the City Council. No license to sell liquor under the provisions of this chapter shall entitle the holder thereof to carry on such business at more than one location under any one license, and each license shall contain the legal description of the place where the holder thereof operates such business.

232-0115. HOURS OF SALE - PROHIBITION OF SALES ON HOLIDAYS.

1. Except as permitted by Section 232-0121 of the Hatton Ordinances, no license holder, its agents or employees, shall dispose or permit the consumption of alcoholic beverages on licenses premises after 1:00 a.m. on Sundays, before 8:00 a.m. on Mondays, or between the hours of 1:00 a.m. and 8:00 a.m. on all other days of the week, nor dispense or permit such consumption on Christmas Day, after 1:00 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 232-0121 of the Hatton 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 12:00 noon on Sunday and 1:00 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.

232-0116. RESTRICTIONS ON SALE, SERVICE OR DISPENSING OF ALCOHOLIC BEVERAGES.

1. No licensee, licensee's agent or employee, shall sell, serve or dispense any alcoholic beverage to a person under 21 years of age; no licensee, licensee's agent, or employee, shall permit any person under 21 years of age to be furnished with any alcoholic beverage upon the licensed premises.
2. No licensee, licensee's agent or employee shall sell, serve or dispense, nor permit to be furnished with any alcoholic beverage upon the licensed premises, any habitual drunkard, an intoxicated person, a person under guardianship after written notice of such guardianship by the legal guardian and during the continuance of such guardianship.
3. No person under 21 years of age shall be permitted to enter any room of a licensed premises in which alcoholic beverages are sold, served or dispensed. Nor shall anyone under the age of 21 years be employed in any room or rooms on a licensed premises which alcoholic beverages are sold on-sale, except as provided in subsections 4 and 5 of this section.

4. Any person under 21 years of age may enter and remain in a restaurant where alcoholic beverages are sold if gross sales of food are at least equal to gross sales of alcoholic beverages which are consumed in the dining area, or if the person is employed by the restaurant as a food waiter, food waitress, busboy or busgirl, and is under the supervision of someone 21 years of age or older, and does not engage in the sale, dispensing, delivery or consumption of alcoholic beverages; provided, that any person who is between 19 and 21 years of age may be employed by the restaurant to serve and collect money for alcoholic beverages, if the person is under the direct supervision of a person 21 or more years of age. A law enforcement officer, or person cooperating with and under the control of such law enforcement officer, under the age of 21 years may enter premises where alcoholic beverages are sold, dispensed, or consumed in the performance of an official duty. Any establishment where alcoholic beverages are sold may employ persons from 18 to 21 years of age to work in the capacity of musicians under the direct supervision of a person over 21 years of age. Any person under 21 years of age may remain in the area of an event where beer, wine, or sparkling wine is sold in accordance with the conditions of an event permit issued pursuant to Section 232-0125 hereof.
5. Any person under 21 years of age may enter and remain in a restaurant where alcoholic beverages are being sold when accompanied by a parent or legal guardian, and if the gross sales of food are equal to gross sales of alcoholic beverages in the dining area, whether or not the restaurant is separated from the room in which alcoholic beverages are opened or mixed. Provided a person under 21 may not sit or be served at a bar, but must be seated and served at a table or booth.
6. No off-premise liquor or beer licensee shall permit the opening or consumption of alcoholic beverages upon the licensed premises; provided, however, the licensee may permit the sampling of alcoholic beverages upon the licensed premises without charge to the consumer.
7. Notwithstanding any other ordinance or state statute to the contrary, a person under the age of 21 cooperating with and under control of a law enforcement officer may enter a licensed premises for the purposes of a compliance check on whether the licensee is complying with the laws prohibiting the sale of alcoholic beverages to a minor.

232-0117. DELIVERY OF ALCOHOLIC BEVERAGES. No licensed retail alcoholic beverage dealer, the officers, employees or agents in the City of Hatton shall deliver or shall cause to be delivered to any customer outside of the licensed premises, any alcohol or alcoholic beverages sold under the terms and provisions of this chapter, unless the package containing such liquor shall be securely wrapped and shall contain on the outside, in plain, legible writing, the name of the dealer selling the same and also the name and address of the purchaser.

The violation of any of the provisions of this section by any licensed alcoholic beverage dealer, agents, officers or employees, shall be grounds for the revocation of the license issued for that purpose.

232-0118. RULES FOR POSSESSION OF ALCOHOLIC BEVERAGE BY A LICENSEE.

1. Possession of Unstamped Liquor Illegal. No alcohol or alcoholic beverages, as defined by the laws of the State of North Dakota, shall be permitted to be owned, held, or possessed upon any licensed premises, or by any person to whom a license has been issued unless the tax stamp, as provided by the laws of the State of North Dakota has been properly affixed thereto, and unless taxes on said alcohol and alcoholic beverages have been paid, and the possession of any container of any kind in which such alcohol or alcoholic beverage is found which does not bear the proper stamps issued by the State of North Dakota shall be deemed to be illegal and a violation of this section.
2. Purchase to be from Licensed Wholesaler. No licensee shall purchase, have, or possess any alcohol or alcoholic beverages as defined by the laws of the State of North Dakota unless licensee has purchased the same from a wholesaler duly licensed pursuant to the provisions of the laws of the State of North Dakota.

232-0119. LICENSED PREMISES - REQUIREMENTS FOR.

1. Every on-sale retail premise licensed for the sale of alcoholic beverages must be equipped with adequate and sufficient lavatories and toilets separately maintained for men and women and kept in a clean and sanitary condition.
2. Every licensee of an off sale liquor license which has a drive-in window for service must provide sufficient lighting so as to remove any and all traffic hazards that might arise as a result of the drive-in window and provide for motor vehicle ingress and egress to and from said facility without in any way impeding, hampering, delaying or jeopardizing the safe flow of motor vehicle traffic.

232-0120. INSPECTION OF LICENSED PREMISES TO BE ALLOWED. The licensee accepts the license privileged upon the condition, which need not elsewhere be expressed, that the City Council, the Chief of Police or any officer of the Health or Police Departments may, at any time, enter upon the premises licensed for the purpose of police inspection, or to determine whether the premises are being conducted in compliance with the ordinances of the City.

232-0121. 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 Sections 5-0201.1 and 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.
2. Licenses and Special Conditions. Any person or entity seeking a permit as authorized by paragraph 1 of this section must apply to the City Council for such a permit. The City, in granting such a permit, shall have the authority to put additional conditions on the license over and above the conditions and requirements provided in state law, if the Council deems it desirable to do so.

3. License Fee. The City, by resolution, may provide a schedule for fees for such special permits, which fees shall not exceed the maximum permitted by state law.
4. Restrictions on License. Any special permits given pursuant to this section shall be subject to all of the provisions of this ordinance, except where such provisions are in conflict with the provisions of state law authorizing special permits.
5. Revocation of License. The special licenses authorized by this section may be suspended or revoked by the City for violations of the terms of this section, as well as any other provisions of this ordinance. In addition, violation of the provisions of this section also subject a violator to suspension or revocation of any other license for the sale of alcoholic beverages issued by the City of Hatton pursuant to Section 232-0113.

232-0122. REGISTRATION OF BEER IN KEGS REQUIRED PRIOR TO SALE.

1. Any retail alcoholic beverage licensee who sells beer in a container with a liquid capacity greater than six (6) gallons [22.71 liters] must place the licensee's state retail alcoholic beverage license number on the container and also must mark the container with a "registration" number or letters, or both, unique to that container. The paint or ink used to mark the containers or other manner of marking the containers must be approved by the attorney general.
2. Whenever a retail alcoholic beverage licensee sells beer in a container with a liquid capacity greater than six (6) gallons [22.71 liters], he or she shall record the date of sale and the name, address, and driver's license number or number of other official state or military identification card of the person to whom the beer is sold, together with the signature, and registration number, or letters of the container, or both. Such records must be retained for a period of no less than six (6) months and must be kept on the licensed premises of the retail establishment where the sales are made.
3. Each retail alcoholic beverage licensee shall permit any law enforcement officer to inspect the records required to be kept pursuant to this section during times the retail establishment is normally open for business or at other reasonable times.
4. This section does not apply to the sale of beer in a container by a retail alcoholic beverage licensee if the contents of the container are consumed on the licensed premises where the sale occurred.

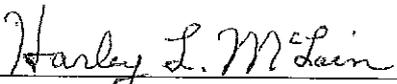
232-0123. APPLICATION OF CHAPTER. This chapter shall apply to all territory within the corporate limits of the City and, as permitted by state law to such outlying contiguous territory without the corporate limits within which the City may exercise police jurisdiction, as defined by law.

232-0124. PENALTY. Any person, firm or corporation violating the terms of this chapter shall, upon conviction thereof, be punished by a fine not to exceed \$500.00 or imprisonment not to exceed 30 days, or by both such fine and imprisonment, at the discretion of the Court. Such a penalty should be in addition to the authority of the City Council to suspend or revoke a license pursuant to Section 232-0113.

232-0125. SEVERABILITY CLAUSE. If any section, subsection, sentence or clause of this ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of the ordinance.

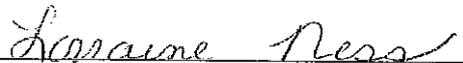
SECTION 2. EFFECTIVE DATE. This ordinance shall be in full force and effect from and after the date of its final passage and publication.

SECTION 3. REPEAL. This ordinance shall repeal ordinances previously adopted regulating the sale of alcoholic beverages and all ordinances in conflict with this ordinance.



Mayor of City Council of the
City of Hatton, North Dakota

ATTEST:



City Auditor

Date of First Reading: December 2, 2002

Date of Second Reading: December 16, 2002

Date of Publication and Penalty Clause: December 20, 2002

ORDINANCE NO. 235

AN ORDINANCE REGULATING THE HOURS OF SALE OF ALCOHOLIC BEVERAGES IN THE CITY OF HATTON; AND REPEALING ALL ORDINANCES IN CONFLICT WITH THIS ORDINANCE.

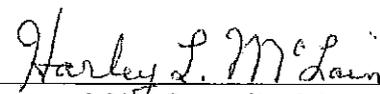
BE IT ORDAINED, BY THE CITY COUNCIL OF THE CITY OF HATTON, NORTH DAKOTA, THAT ORDINANCE SECTION NO. 232-0115 IS HEREBY AMENDED TO READ IN ITS ENTIRETY AS FOLLOWS:

SECTION 1. 232-0115. HOURS OF SALE - PROHIBITION OF SALES ON HOLIDAYS.

1. Except as permitted by Section 232-0121 of the Hatton Ordinances, no license holder, its agents or employees, shall dispose or permit the consumption of alcoholic beverages on licensed premises between 2:00 a.m. and 12:00 noon on Sundays, between the hours of 2:00 a.m. and 8:00 a.m. on all other days of the week or on Christmas Day or after 6:00 p.m. on Christmas Eve. In addition, a license holder may not provide off-sale after 1:00 a.m. on Thanksgiving Day.
2. Those license holders who receive a Sunday sales permit by the City Council pursuant to Section 232-0121 of the Hatton City Ordinances may permit the sale and consumption of alcoholic beverages on licensed premises, or other premises set out in the permit, between the hours of 12:00 noon 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.

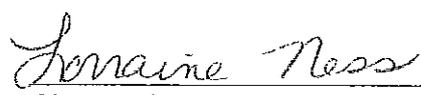
SECTION 2. EFFECTIVE DATE. This ordinance shall be in full force and effect from and after the date of its final passage.

SECTION 3. REPEAL. This ordinance shall repeal all ordinances in conflict with this ordinance.



 Mayor of City Council of the
 City of Hatton, North Dakota

ATTEST:



 City Auditor

Date of First Reading: ^{4-3 LN} ~~February 6~~, 2006
 Date of Second Reading: ~~March 6~~, 2006 ^{5-1-2006 LN}
 Date of Publication and Penalty Clause: Not applicable