

ORDINANCE NO. 373

An Ordinance Amending Sections 1, 7(a), 18, 26(a), and 26(b) of Ordinance No. 317.

BE IT ORDAINED by the City Council of the City of Rolla, North Dakota:

Section 1: That Section 1 of Ordinance No. 317 be amended by adding the following paragraph as the last paragraph of the Section.

Section 1. Definitions.

Transfer shall mean any assignment, sale, exchange or other conveyance of any license issued pursuant to the provisions of this article. A transfer shall be deemed to have occurred upon the assignment, sale, exchange or other conveyance of fifty percent or more of the interest in a license partnership or stock in a licensee corporation, whether such assignment, sale, exchange or other conveyance occurred in one single transaction or multiple transactions.

Section 2: That Section 7(a) of Ordinance No. 317 be amended to read as follows:

Section 7. Application

(a) The name of the applicant, and if the applicant is a corporation, the name and address of all persons holding one percent (1%) or more of the stock of the corporation, and if the applicant is a partnership, the name and address and residence of each member or person having a financial interest therein. If the applicant is a personal representative of a deceased licensee's estate the name, address and residence of the personal representative and the name and address of all persons having an interest in the estate.

Section 3: That Section 18 of Ordinance No. 317 be amended to read as follows:

Section 18. Issuance and Transfer of License—Hearing Required.

A. No license issued hereunder shall be transferable to any other person, and no licensee shall be allowed to change his licensed location without first making application and receiving approval of the City Council. When an individual holding a license issued pursuant to the provisions of this article has become deceased, the license may, upon application of the personal representative of the decedent, be transferred to another individual, partnership, firm or corporation.

B. No license shall be issued or transferred without approval of the council. A change in location of the licensed premises shall be deemed to be a transfer

C. When an application for any license is filed with the council pursuant to the provisions of this ordinance the city auditor shall cause notice to be published in the Turtle Mountain Star, that the applicant has applied for a license to sell alcoholic beverages at the place named in the application or for the transfer of an existing license, and that the application will be acted upon by the council on a certain day and time. A hearing on the application shall be held not less than ten days nor more than thirty days after the date of publication. The expense of the publication, in addition to the license fee, shall be paid by the applicant to the City Auditor prior to publication.

D. At the time of the hearing on the application, the council shall, in its discretion, determine if the issuance or transfer of the license is in the best interests of the public health, safety, morals and general welfare of the community. Among the factors to be considered by the council in granting or denying a license or a transfer are the following:

1. The convenience of police regulation.
2. Public health and sanitation.
3. The proximity of other businesses licensed to sell alcoholic beverages.
4. The proximity of schools, churches, funeral homes, public buildings or building used by or for minors.
5. Protests of neighboring property owners or occupants.
6. Zoning regulations.
7. Interference with neighboring properties.
8. Suitability of premises for sale of alcoholic beverages.
9. Public convenience and necessity.
10. Number of such licenses already in existence.
11. Economic impact upon other such licensed premises.
12. Sufficiency of the application required by this ordinance.

E. No transfer of any license shall be approved by the council until the transferee has submitted a license application and has met all the requirements imposed upon an applicant for a new license.

Section 4: That Section 26(a) and (b) of Ordinance No. 317 be amended to read as follows:

Section 26. Revocation of License.

Licenses issued pursuant to this ordinance shall be canceled for the following causes:

(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 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 upon occurrence of any of the following:

1. When no sale of alcoholic beverages occur on the licensed premises for a period of at least thirty consecutive business days; or
2. When alcoholic beverages are not sold on the licensed premises on at least fifteen of any sixty consecutive business days; or
3. When the licensed premises are not open for normal business for at least 180 hours in any sixty consecutive business days;

provided however, upon written request of the licensee, the council, in its discretion and for good cause shown, may extend the date upon which business shall be deemed to have ceased.

Section 5: Effective Date. This ordinance shall be in full force and take affect immediately upon its final passage and approval.

First Reading: March 4, 1996

Second Reading and passage: March 20, 1996

Approval: March 20, 1996


Dennis Neameyer, Mayor

ATTEST:


Mary Nordmark,
City Auditor