

CHAPTER X  
BUSINESS REGULATIONS AND LICENSES

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CHAPTER X  
BUSINESS REGULATIONS AND LICENSES

Article 1  
General Provisions

**10.0101        Licenses**

Unless otherwise specifically provided, licenses and permits required for the carrying on of a business or trade within the city shall be applied for, issued, terminated and revoked according to the provisions of this article.

05/05/80

**10.0102        Licenses - Application**

Any persons desiring a license or permit under any ordinance of the city shall make a written application to the city therefor upon application blanks furnished by the City Auditor and file the same with the City Auditor, stating the purpose for which the same is desired, for what length of time, and specifying the place where his business is to be carried on; if required to file a bond before being licensed he shall also name his proposed sureties on his bond in his application.

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**10.0103        Licenses - Granting**

The City Auditor shall receive applications for licenses and permits and grant the same in all cases where expressly authorized upon the terms and conditions specified by ordinance. If he shall not feel authorized to grant any particular application for license or permit for any purpose not named by ordinance, he shall report such application to the next meeting of the governing board for their action thereon.

05/05/80

**10.0104        Licenses - Term**

1.     No license or permit shall be granted for a longer period than one (1) year.
2.     All yearly licenses or permits shall commence on the first day of January in each year and expire on the last day of December in each succeeding year.
3.     No license or permit shall be valid until signed and sealed, nor shall any person be deemed licensed until a license shall be duly issued to him.
4.     Each license shall be dated the day of issuance therefor; but if the applicant or applicants shall have been acting without a license, the license shall commence with the date business commenced; if the business calls for a yearly license then the license shall commence on the first day of July in the year for which the license shall be issued.
5.     The date of issuance of the license, together with the time of commencing and expiration

shall be given in the license and license record.

05/05/80

**10.0105 Licenses - Not Transferable**

No license or permit shall be assignable or transferable except by permission of the governing board. No person other than the person to whom the license is granted shall be authorized to do business or act under such license or at any other than the place specified therein. The City may grant the continuance of the business licensed to any other portion of the City, such permission to be certified on the license by the City Auditor. No license shall authorized any person to act under it at more than one (1) place at the same time, or at any other place than is therein specified. Whoever shall violate any of the provisions of this section shall be deemed to be acting without a license and shall be subject to the same penalty as prescribed for acting without a license.

05/05/80

**10.0106 Licenses - Revocation**

All licenses granted shall be subject to ordinance in force at the time of issuing thereof or which may be subsequently passed by the City's governing body. Any person who shall violate any provision of this article relating to his license may be proceeded against for any fine or penalty imposed thereby, and his license may be revoked or forfeited in the discretion of the governing body or the court before which any action may be brought for the recovery of any fine or penalty.

Where not otherwise provided, any license may be revoked by the city governing board at any time for cause. "Cause" shall include, but not be limited to, the following:

1. Violation of the laws of the State of North Dakota, or any of the ordinances of the city dealing with or pertaining to the business or trade licensed.
2. The willful making of any false statement as to a material fact in the application for license.
3. Permitting any disorderly or immoral practices upon the premises where the licensee is licensed to carry on the business or trade.
4. The death of a licensee.
5. When the licensee ceases business at the location licensed.
6. When the licensee ceases to be a legal and bona fide citizen of the State of North Dakota.

When the license is terminated or revoked for cause, the license or those claiming under him, shall not be entitled to any return of any portion of the license fee previously paid to the City.

05/05/80

**10.0107 Licenses - Posting Of**

All licenses and permits issued by the City for the operation of any business establishment, trade or any part of the operation thereof shall be posted in a conspicuous place in the main business area of the business establishment. Where badges representing permits or licenses are issued to be worn by an individual such licensee shall wear such badge during the normal course of employment for which said badge was issued.

05/05/80

**10.0108 Licenses - Short Term**

No license unless otherwise specified shall be issued for a fractional part of the year, but shall relate back if taken out subsequent to the first day of July of each year.

05/05/80

**10.0109 Licenses - Enforcement**

All city officials having duties to perform with reference to licensed premises, including all police officers, shall have authority to enter the licensed premises with or without a search warrant to check for violation of ordinances or state laws by the licensee.

05/05/80

**10.0110 Licenses - Obligations to the City**

No applicant shall be granted a license who is in default under the provisions of any city ordinance, or is indebted or obligated to the city, or is delinquent in the payment of any taxes in which the city shares.

05/05/80

**10.0111 Fee**

Except as otherwise specifically set forth in this code, there shall be no fee for a license or permit necessary for carrying on a business or trade within the.

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Article 2  
Transient Merchants

**10.0201 Definitions**

For the purpose of this article:

1. "Transient merchant" includes any person, individual, co-partnership, or corporation, either as principal or agent, who engages in, does, or transacts any temporary or transient business in the city, either in one locality or in traveling from place to place within the City selling goods, and merchandise, who does not intend to become and does not become a permanent merchant of the city, and who, for the purpose of carrying on such business, hires, leases, occupies, or uses a building, structure, lots, tract, railroad car, or motor vehicle for the exhibition and sale of such goods, wares, and merchandise. The person, individual, co-partnership, or corporation so engaged shall not be relieved from complying with the provisions of this article merely by reason of association temporarily with any local dealer, trader, merchant, or

auctioneer, or by conducting such transient business in connection with, as a part of, or in the name of any local dealer, trader, merchant or auctioneer.

2. "Merchandise" shall not include any livestock or agricultural product.

05/05/80

**10.0202 License Required**

It shall be unlawful to do business in the city as a transient merchant without having first secured a license therefore as is herein provided. For the purpose of this article any merchant engaging or intending to engage in business as a merchant in the city for a period of time not exceeding 100 days shall be considered as a transient merchant, provided that peddlers shall not be considered transient merchants.

05/05/80

**10.0203**

The license fee to be required of all transient merchants for the transaction of such business within the city, is contemplated in and provided for in and by *N.D.C.C.* § 51-04-09, is hereby fixed at the sum of Twenty Five Dollars (\$25.00) per day for each and every day during which any such transient merchants shall transact business in the city.

05/05/80

**10.0204 License - Application For**

Applicants for license under this article, whether an individual, co-partnership, or corporation, shall file a written sworn application signed by the applicant, if an individual, by all partners if a partnership, and by the president if a corporation, with the City Auditor, showing:

1. Applicant's name, present residence, present home address, present business address, and if a corporation, under the laws of what state the same is incorporated;
2. The name, present residence, present home address, and present business address of the person or persons having the management or supervision of applicant's business during the time that it is proposed that it will be carried on in the city;
3. The residence, business address, and type of business in which applicant has been engaged in the previous two years;
4. The residence, business address, and type of business in which the person having the management or supervision of applicant's business has been engaged in the previous two years;
5. The place or places in the city, where it is proposed to carry on applicant's business, and the length of time during which it is proposed that said business shall be conducted;
6. The kind of business to be conducted;

7. The name and address of the auctioneer, if any, who will conduct the sale; and
8. A statement of the nature, character and quality of the goods, wares or merchandise to be sold or offered for sale by applicant, in the city, the invoice value and quality of such goods, wares and merchandise, whether the same are proposed to be sold from stock in possession or from stock in possession and by sample; at auction, by direct sale or by direct sale and by taking orders for future delivery; where the goods or property proposed to be sold are manufactured or produced and where such goods or products are located at the time said application is filed.

05/05/80

**10.0205 Bond**

Before any license shall be issued to a transient merchant for engaging in business in this city, the applicant therefore shall file with the City Auditor a bond running to the city in the sum of One Thousand Dollars (\$1,000.00) executed by the applicant, as principal, and a responsible surety upon which service of process may be made in the State of North Dakota; said bond not to be revocable nor to terminate prior to passage of two years time after the expiration of the license issued pursuant thereto nor until due notice that the terms of the bond are to be canceled has been given to the City Auditor; said bond to be approved by the City Attorney, conditioned that the said applicant shall comply fully with all of the provisions of the ordinances of the city and the statutes of the State of North Dakota, regulating and concerning the sale of goods, wares and merchandise and will pay all judgments rendered against said applicant for any violation of said ordinances or statutes, or any of them, together with all judgments and costs that may be recovered against him by any person or persons for damage growing out of any misrepresentation or deception practiced on any person transacting such business with such applicant, whether said misrepresentation or deceptions were made or practiced by the owners or by their servants, agents, or employees, either at the time of making the sale or through any advertisement of any character whatsoever, printed or circulated with reference to the goods, wares and merchandise sold or any part thereof. Action on the bond may be brought in the name of the city to the use of the aggrieved person.

05/05/80

**10.0206 Service of Process**

Before any license as herein provided shall be issued for engaging in business as a transient merchant: as herein defined, in this city, such applicant shall file with the City Auditor an instrument nominating and appointing the City Auditor his true and lawful agent with full power and authority to acknowledge service of notice of process for and on behalf of said applicant in respect to any matters connected with or arising out of the business transacted under said license and the bond as required by this article, or for the performance of the conditions of said bond or for any breach thereof, which said instrument shall also contain recitals to the effect that said applicant for said license consents and agrees that service of any notice or process may be made upon said agent, and when so made shall be taken and held to be as valid as if personally served upon the person or persons applying for the said license under this article, according to the law of this state or any other state, and waiving all claim or right of error by reason of such acknowledgment of service or manner of service. Immediately upon service of process upon the City Auditor, as herein provided, the City Auditor shall send to the licensee at his last known address, by registered mail, a copy of said

process.

05/05/80

**10.0207 Exhibiting License**

The license issued under this article shall be posted conspicuously in the place of business named therein. In the event that such person or persons applying for said license shall desire to do business in more than one place within the city, separate licenses may be issued for each place of business, and shall be posted conspicuously in each place of business.

05/05/80

**10.0208 Transfer**

No license issued to a transient merchant in the city shall be transferred.

05/05/80

**10.0209 Enforcement by Police**

It shall be the duty of the police officers of the city to examine all places of business and persons in their respective territories subject to the provisions of this article, to determine if this article has been complied with and to enforce the provisions of this article against any person found to be violating the same. The City Auditor shall deposit with the chief of police a record of each license number, together with the location within the city of the business licensed thereunder to assist and promote such enforcement.

05/05/80

**10.0210 Revocation**

1. Any license issued pursuant to this article may be revoked by the governing body of the city, after notice and hearing for any of the following causes:
  - a. Any fraud, misrepresentation or false statement contained in the application for license;
  - b. Any fraud, misrepresentation or false statement made in connection with the selling of goods, wares or merchandise;
  - c. Any violation of this article;
  - d. Conviction of the licensee of any felony or of a misdemeanor involving moral turpitude; or
  - e. Conducting the business licensed under this article in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety or general welfare of the public.
2. Notice of hearing for revocation of a license shall be given in writing, setting forth specifically the grounds of the complaint and the time and place of the hearing. Such notice shall be mailed, postage prepaid, to the licensee at his last known address, at least five days

prior to the date set for the hearing.

05/05/80

**10.0211 Expiration of License**

All licenses issued under the provisions of this article shall expire at the expiration of the period of which application has been made and prepaid, to be renewable by the City Auditor upon application and payment therefore.

05/05/80

Article 3  
Hawkers and Peddlers

**10.0301 Definitions**

The word "person" as used herein shall include the singular and the plural and shall also mean and include any person, firm or corporation, association, club, co-partnership or society, or any other organization. The words "hawker" and "peddler" as used herein shall include any person traveling by foot, wagon, automotive vehicle, or any other type of conveyance, from place to place, from house to house, or from street to street, carrying, conveying or transporting goods, wares, or merchandise, offering and exposing the same for sale, or making sales and delivering articles to purchasers, or who, without traveling from place to place, shall sell or offer the same for sale from an automotive vehicle, railroad car, or other vehicle or conveyance, and further provided that one who solicits orders and as a separate transaction makes deliveries to purchasers as a part of a scheme or design to evade the provisions of this article shall be deemed a hawker or a peddler subject to the provisions of this article. The provisions of this section shall not apply to city residents or to activities authorized by North Dakota school districts.

05/05/80

**10.0302 License Required**

It shall be unlawful for any person to engage in the business of hawker or peddler of any merchandise, article or thing without having first secured a license therefore.

05/05/80

**10.0303 Exceptions**

No license shall be required for peddling, vending or marketing farm products raised in the State of North Dakota, nuts, cake, candy, ice cream, or other light products or refreshments.

05/05/80

**10.0304 License - Application For**

Applicants for license under this article must file with the City Auditor a sworn application in writing, which shall give the following information:

1. Name, age and sex of the applicant;
2. Address (legal and local);



3. A brief description of the nature of the business and the goods to be sold;
4. If employed, the name and address of the employer, together with credentials establishing the exact relationship;
5. The length of time for which the right to do business is desired;
6. If a vehicle is to be used, a description of the same, together with license number;
7. A statement as to whether or not the applicant has been convicted of any crimes, misdemeanors or violation of any municipal ordinance, the nature of the offense and the punishment or penalty assessed therefore.

05/05/80

**10.0305 Fees**

The license fee to be required of all hawkers and peddlers for the transaction of business within the city shall be in the sum of Twenty Five Dollars (\$25.00) per day for each day or portion of the day.

05/05/80

**10.0306 Exhibition of License**

Hawkers and peddlers are required to exhibit their licenses at the request of any citizen.

05/05/80

**10.0307 Transfer**

No license issued under the provisions of this article shall be transferred or used at any time by any person other than the one to whom it was issued.

05/05/80

**10.0308 Use of Streets**

No hawker or peddler shall have any exclusive right to any location in the public streets, nor shall any be permitted a stationary location, nor shall he be permitted to operate in any congested area where his operations might impede or inconvenience the public. For the purpose of this article, the judgment of a police officer, exercised in good faith, shall be deemed conclusive as to whether the area is congested or the public impeded or inconvenienced.

05/05/80

**10.0309 Enforcement**

It shall be the duty of any police officer of this city to require any person seen hawking or peddling, and who is not known by such officer to be duly licensed, to produce his license and to enforce the provisions of this article against any person found to be violating the same.

05/05/80

**10.0310 Revocation**

1. Licenses issued under the provisions of this article may be revoked by the governing body of the city after notice and hearing, for any of the following causes:
  - a. Fraud, misrepresentation, or false statement contained in the application for license;
  - b. Fraud, misrepresentation, or false statement made in the course of carrying on his business;
  - c. Any violation of this article;
  - d. Conviction of any crime or misdemeanor involving moral turpitude;
  - e. Conducting the business of hawking or peddling in an unlawful manner or in such a manner as to constitute a breach of peace or constitute a menace to the health, safety, or general welfare of the public.
2. Notice of a hearing for revocation of a license shall be given in writing, setting forth specifically the grounds of complaint and the time and place of hearing. Such notice shall be mailed, postage prepaid, to the licensee at his last known address at least five (5) days prior to the date set for the hearing.

05/05/80

Article 4  
Runners, Solicitors and Canvassers

**10.0401 Definitions**

A "runner", "canvasser" or "solicitor" is defined as any individual whether resident of the city or not, traveling either by foot, wagon, automobile, motor truck, or any other type of conveyance, from place to place, from house to house, or from street to street, taking or attempting to take orders for sale of goods, wares and merchandise, personal property of any nature whatsoever for future delivery, or for services to be furnished or performed in the future, whether or not such individual has, carries or exposes for sale a sample of the subject of such sale or whether he is collecting advance payments on such sales or not, provided that such definition shall include any person who, for himself, or for another person, firm, or corporation, hires, leases, uses or occupies any building, structure, tent, railroad boxcar, boat, hotel room, lodging house, apartment, shop, or any other place within the city for the sole purpose of exhibiting samples and taking orders for future delivery.

05/05/80

**10.0402 Exception**

No license shall be required hereunder for runners, solicitors, or canvassers of regular retailers of goods, wares and merchandise, and personal property, but only for those runners, solicitors, and canvassers selling directly to the consumer.

05/05/80

**10.0403 License Required**

It shall be unlawful for any person to engage in the business of runners, solicitors and canvassers of any merchandise, article or thing without having first secured a license therefore.

**10.0404 License - Application For**

Applicants for license under this article must file with the City Auditor a sworn application in writing, which shall give the following information:

1. Name, age and sex of the applicant;
2. Address (legal and local);
3. A brief description of the nature of the business and the goods to be sold;
4. If employed, the name and address of the employer, together with credentials establishing the exact relationship;
5. The length of time for which the right to do business is desired;
6. If a vehicle is to be used, a description of the same, together with license number;
7. A statement as to whether or not the applicant has been convicted of any crimes, misdemeanors or violation of any municipal ordinance, the nature of the offense and punishment or penalty assessed therefore.

05/05/80

**10.0405 Fees**

The license fee to be required of all runners, solicitors and canvassers for the transaction of business within the city shall be in the sum of Twenty Five Dollars (\$25.00) per day for each day or portion of the day.

05/05/80

**10.0406 Exhibition of License**

Runners, solicitors and canvassers are required to exhibit their licenses at the request of any citizen.

05/05/80

**10.0407 Transfer**

No license issued under the provisions of this article shall be transferred or used at any time by any person other than the one to whom it was issued.

05/05/80

**10.0408 Use of Streets**

No runner, solicitor or canvasser shall have any exclusive right to any location in the public streets, nor shall any be permitted a stationary location, nor shall he be permitted to operate in any congested area where his operations might impede or inconvenience the public. For the purpose of this article, the judgment of a police officer, exercised in good faith, shall be deemed conclusive as to whether the area is congested or the public impeded or inconvenienced.

05/05/80

**10.0409 Enforcement**

It shall be the duty of any police officer of this city to require any person seen soliciting or canvassing, and who is not known by such officer to be duly licensed, to produce his license and to enforce the provisions of this article against any person found to be violating the same.

05/05/80

**10.0410 Revocation**

1. Licenses issued under the provisions of this article may be revoked by the governing body of the city after notice and hearing, for any of the following causes:
  - a. Fraud, misrepresentation, or false statement contained in the application for license;
  - b. Fraud, misrepresentation, or false statement made in the course of carrying on his business;
  - c. Any violation of this article;
  - d. Conviction of any crime or misdemeanor involving moral turpitude;
  - e. Conducting the business of soliciting and canvassing in an unlawful manner or in such a manner as to constitute a menace to the health, safety, or general welfare of the public.
2. Notice of a hearing for revocation of a license shall be given in writing, setting forth specifically the grounds of complaint and the time and place of hearing. Such notice shall be mailed, postage prepaid, to the licensee at last known address at least five days prior to the date set for the hearing.

05/05/80

Article 5  
Alcoholic Beverages

**10.0501 Definitions**

For the purpose of this article:

1. "Alcoholic Beverages" shall mean any liquid suitable for drinking by human beings, which contains one-half of one percent or more of alcohol by volume.

2. "Beer" shall mean any malt beverage containing more than one-half (½) of one (1) percent of alcohol by volume.
3. "Liquor" shall mean any alcoholic beverage except beer.
4. "Person" shall mean and include any individual, firm, corporation, association, club, co-partnership, society, or any other organization; and shall include the singular and the plural.
5. "Sale" and "sell" shall mean all manner or means of furnishing alcoholic beverages, including the selling, exchange, barter, disposition of, and keeping for sale of such alcoholic beverages.
6. "Package" and "original package" shall mean and include any container or receptacle is corked or sealed by the manufacturer thereof and which cork or seal has not been removed or broken prior to the sale of such package to the purchaser.
7. "Club" or "lodge" shall include any corporation or association organized for civic, fraternal, social or business purposes, or the promotion of sports, which has at least two hundred (200) members at the time of application for license and which was in existence on November 3, 1936.
8. "Retail sale" shall mean the sale of alcoholic beverages for use or consumption and not for resale.
9. "Off-sale" shall mean the sale of alcoholic beverages in original packages for consumption off or away from the premises where sold, and all off-sale license shall authorize the person named therein to conduct such off-sales only at the place designated in such license and not elsewhere, and shall not permit the opening of the package sold on the premises where sold. Such sale must in each case be completed by delivery of the liquor sold to the actual purchaser thereof on the licensed premises.
10. "On-sale" shall mean the sale of alcoholic beverages for consumption only on the premises where sold, and an on-sale license shall authorize the licensee to conduct such on-sales only at the place designated in such license and not elsewhere.

05/05/80

**10.0502 Exceptions**

1. This article shall not apply to wines delivered to priests, rabbis and ministers for sacramental use.
2. This article shall not be construed to apply to the following articles, when they are unfit for beverage purposes:

- a. Denatured alcohol produced and used pursuant to Acts of Congress, and the regulations thereunder;
- b. Patent, proprietary, medical, pharmaceutical, antiseptic and toilet preparations;
- c. Flavoring extracts, syrups, and food products;
- d. Scientific, chemical, and industrial products; nor to the manufacturer or sale of said articles containing alcohol.

05/05/80

**10.0503 License Required**

No person shall sell at retail within the city limits of this city any alcoholic beverage without first having obtained a license therefore as herein provided. This section shall not apply to public carriers engaged in interstate commerce.

05/05/80

**10.0504 License - Term of**

- 1. All licenses issued hereunder shall be for a period of not more than one year and shall expire on the 30<sup>th</sup> day of June in each year. Where a license is granted for a period less than a year any subsequent renewal thereof must be made for the full annual term.
- 2. If an application is made for licenses hereunder during the license year for the unexpired portion of such year, the fees therefore shall be as follows:
  - a. If the short term be for three months or less, the license fee therefore shall be 25% of the annual license fee.
  - b. If the term be for more than three months and less than six months, the license fee therefore shall be 50% of the annual license fee.
  - c. If the term be for more than six months but less than nine months, the license fee therefore shall be 75% of the annual license fee.
  - d. For any term in excess of nine months, full annual license fee shall be paid.

05/05/80

**10.0505 License - Classes of**

- 1. On and off sale liquor license at an annual fee of \$2,000.00.
- 2. On and off sale beer license at an annual fee of \$500.00.
- 3. On sale liquor license at an annual fee of \$2,000.00.

4. On sale beer license at an annual fee of \$500.00.
5. Off sale liquor license at an annual fee of \$2,000.00
6. Off sale beer license at an annual fee of \$500.00.

One half of the fees for the licenses listed above shall be paid by July 1 of the current year. The remaining one-half of the license fee shall be paid by December 31 of the current year.

03/01/04

**10.0506 License Qualifications for**

No retail license shall be issued to any person unless the applicant shall file a sworn application, accompanied by the required fee, showing the following qualifications:

1. Applicant, if an individual, must be a citizen of the United States, State of North Dakota and be a person of good moral character.
2. If applicant is a corporation, the manager of the licensed premises and the officers, directors and stockholders must be citizens of the United States and persons of good moral character. Corporate applicants must first be properly registered with the Secretary of State.
3. If applicant is a co-partnership, all the members must be citizens of the United States and residents of North Dakota for a period of more than one year prior to the date of application, and be persons of good moral character.
4. Applicant or manager must not have been convicted of a felony.
5. Building in which business is to be conducted must meet local and state requirements regarding the sanitation and safety.
6. Applicants must not be delinquent in payment of personal property taxes.
7. Taxes on property for which application for license is made must not be delinquent.
8. If applicant's place of business is to be conducted by a manager or agent, said manager or agent must possess the same qualifications required of the license.

05/05/80

**10.0507 License - Application For**

Any person desiring a license to sell alcoholic beverages at rental as hereinbefore described shall make and present a written verified application to the governing body of this city, filed with the City Auditor, containing the following information:

1. The name and address of the applicant, if the applicant is a co-partnership, the name and address and place of residence of each member of said co-partnership, if the applicant is a

corporation, the name and address of the officers of the corporation and the manager of the licensed premises.

2. Whether the applicant is a citizen of the United States, and if a naturalized citizen, the date and place of naturalization and place of residence of the applicant for a period of one year last preceding the date of application; if the applicant is a co-partnership the same preceding information for each member of said co-partnership; and if the applicant is a corporation, the date of incorporation, the state where incorporated, the purpose for which said corporation was incorporated, and if such corporation is subsidiary of any corporation, the name of the parent corporation.
3. The legal description and the address of the premises for which license is sought.
4. The date on which the applicant acquired title to the premises sought to be licensed, and if the applicant does not have title to said premises, the name and address of the owner of the premises together with a copy of the applicant's lease, if written, under which he holds possession of said premises.
5. Whether there are any delinquent taxes against the premises sought to be licensed.
6. Whether the applicant has ever engaged in the sale or distribution of alcoholic beverages prior to this application, and if so, the date and type of business and place where so engaged whether within or without the State of North Dakota the date the applicant first began to operate.
7. Whether the applicant has ever had a license revoked or cancelled by any municipal, state or federal authority, and if so, the date of such cancellation, the place and authority cancelling same, and the reason for such cancellation.
8. Whether the applicant has ever been convicted of the violation of any law of the United States or of any state, or of the violation of any local ordinance with regard to the manufacture, sale, distribution or possession of alcoholic beverages, and if so, the dates, names of places, and courts, in which said convictions were had.
9. Whether the applicant has ever had a license for the sale of alcoholic beverages revoked for any violation of state laws or local ordinances, and if so, the name of the bodies revoking such license, the dates of such revocation and the reasons assigned therefore.
10. Whether the applicant has ever been convicted of any other crime than stated in subsections (8) and (9) hereof, in this state or any other state, or under any federal law, and if so, the date of such conviction, the name of the crime for which convicted, the amount and terms of sentence passed, and the court in which convicted.
11. The name and address and the place of residence for a period of one year prior to the date of application of any person who will have charge, management, or control of the



establishment for which license is sought.

12. Whether any other person that the applicant has any right, title, estate or interest in the leasehold or in the furniture, fixtures, or equipment in the premises for which license is sought, and if so, the name and address of such person, together with a statement of the interest so held.
13. Whether the applicant has any interest whatsoever, directly or indirectly, in other establishment dispensing alcoholic beverages, either at wholesale or retail, within or without the State of North Dakota, and if so, the names and addresses of such establishments. This provision is meant to include the hold of capital stock in any corporation dealing in alcoholic beverages, either at wholesale or retail, and within the borders of the United States.
14. The occupations which the applicant has followed during the past five years.
15. The names and addresses of at least three business references.
16. Whether the applicant is rated by any commercial agency, and if so, the name and address of said agency.
17. Whether the applicant is engaged in any other business or intends to be engaged in any other business than the sale of alcoholic beverages under the license for which application is made, and if so, the type of business, and if an employee, the name and address of the employer.
18. The classification of license applied for.
19. If the applicant is a lodge or a club, the date of organization, the number of members, the purpose for which organized, and the purpose for which profits to be derived from the sale of alcoholic beverages are to be applied; and however required by the governing body a list of the members belonging to such lodge or club.
20. Whether or not the personal property taxes of the applicant are delinquent, and if a co-partnership, whether or not the personal property taxes of each member of the co-partnership are delinquent, and whether or not the personal property taxes levied against the property to be used in conducting the business are delinquent.
21. A statement by the applicant that he consents to entry and inspection of the premises for which license is sought or any part thereof at any time by any police officer, sheriff or any peace officer of this City or of the State of North Dakota.

09/08/81

#### **10.0508 License - Applicant Fitness**

The chief of police or such other person or officer as may be designated by the governing body shall, upon the filing of an application, investigate the facts as stated in the application and the character, reputation and fitness of the applicant, and shall report on said matters to the governing body.

05/05/80

**10.0509 License - Limit to One Applicant**

Not more than one license of each classification shall be issued or granted to an applicant, and each license shall be valid only for the specific premises licensed.

05/05/80

**10.0510 License - Limit of Number**

The maximum number of licenses which may be issued shall be limited to one license per 250 people according to the population as determined by the last official census.

05/05/80

**10.0511 License - Location of**

No license shall be issued or transferred to any person, firm, or corporation to engage in the sale of beer or alcoholic beverages within the City without approval as to the location of said licensed business by the governing board. The application for approval shall be in writing and filed with the board. The board shall in its discretion determine if said location is in harmony with the public interest and welfare of the community, and shall consider among other things the following factors:

1. The convenience of police regulation;
2. Public health and sanitation;
3. Proximity of other licensed businesses;
4. Proximity of schools, churches, funeral homes, public buildings, or buildings used by or for minors;
5. Any protests of neighboring property owners or occupants;
6. Zoning regulations;
7. Proposed on or off sale or both of licensee;
8. Interference with or proximity to residential property;
9. Interference with neighboring property;
10. Suitability of premises for sale of beer, liquor or alcoholic beverages; and
11. Public convenience and necessity.

05/05/80

**10.0512 License - Posting Of**

License issued hereunder shall be posted in a conspicuous place in the premises for which the license has been issued.

05/05/80

**10.0513 License - Transfer Of**

No license under the provision of this article shall be transferable and any attempt to do so shall constitute a violation of the provisions of this article.

05/05/80

**10.0514 License Fees - Disposition Of**

All license fees collected under this article shall be transferable to the treasurer of this city and credited to the general fund of the city.

05/05/80

**10.0515 Hours and Time of Sale**

No licensee shall sell, serve, or permit to be sold, served or consumed on the premises named in the license, any alcoholic beverages after 2:00 a.m. on Sundays, before 12:00 noon on Sundays, or between the hours of 2:00 a.m. and 8:00 a.m. on all other days of the week, or shall permit consumption of alcoholic beverages on the licensed premises on Christmas Day, after 1:00 a.m. on Thanksgiving Day, or after 6:00 p.m. on Christmas Eve. Any licensee desiring to sell alcoholic beverages on Sunday between 12:00 noon and 2:00 a.m. on Monday, shall apply for a Sunday Alcoholic Beverage License which, pursuant to *N.D.C.C.* § 5-02-05.1, the Emerado City Council may issue a Sunday Alcoholic Beverage License to present license holders possessing an on-sale, off-sale, or on- or off-sale alcoholic beverage license, or to public owned or operated facility permitting the sale of alcoholic beverages between 12:00 noon Sunday to 2:00 a.m. Monday. There shall be no additional fee required for the issuance of a Sunday Alcoholic Beverage License but no licensed premises shall serve alcohol on Sunday within the hours indicated hereinabove without said license.

05/05/80; 03/07/11

**10.0516 Licensee's Responsibility**

Every licensee has the duty of keeping male or female dancers or entertainers on the stage area and at no time shall said dancers or entertainers be permitted to leave the stage area during the performance. No nude dancing, semi-nude dancing, or nude "exotic" dancing shall be permitted in any licensed establishment within the city limits of the City of Emerado. Any violation shall subject the licensee to immediate revocation of the liquor license.

08/02/93

**10.0517 Gambling Prohibited**

Except as authorized by the laws of this state, no licensee hereunder shall be permitted to have or maintain on the licensed premises any gambling device, slot machine or device of a similar nature, nor shall gambling whether by cards, dice, or otherwise, of any nature be permitted upon the licensed premises. Any violation of this section shall be sufficient cause for the revocation of the license issued hereunder, and such license shall be revoked upon conviction on any such violation.

03/01/93

**10.0518 Cashing Certain Checks Prohibited**

No licensee hereunder shall cash any bank check, voucher, order, or document of any kind drawn by a county welfare board, or any state or federal agency in payment for wages made for work done on any so-called work relief project, or for relief purposes, which by its terms authorizes or permits any person presenting such bank check, voucher, order or document to receive payment of money.

05/05/80

**10.0519 Sales Prohibited - Items**

No licensee shall sell on the licensed premises any item other than alcoholic beverages, soft drinks,

tobacco products, drink mixing supplies, peanuts, pretzels, potato chips and related sundries; except a licensee may sell alcoholic beverages in a restaurant separated from the room in which alcoholic beverages are opened or mixed if gross sales of food are at least equal to sales of alcoholic beverages in the dining area.

05/05/80

**10.0520 Sales Prohibited - Persons**

No licensee, his agent, or employee shall sell any alcoholic beverages to a person under the 21 years of age, a habitual drunkard, an incompetent, or an intoxicated person.

05/05/80

**10.0521 Minors in Licensed Premises**

No licensee shall permit any person under 21 years of age to remain on the licensed premises which alcoholic beverages are being sold or displayed thereon, except that a person under 21 years may remain in a restaurant where alcoholic beverages are being sold if accompanied by a parent or legal guardian.

05/05/80

**10.0522 Age Identification**

Before selling alcoholic beverages to any person, or before determining whether any person shall remain upon the licensed premises, a licensee, his agent or employee may require a statement in writing and signed by said person of such person's age. Any person who makes a false statement as to his or her age, or signs a name other than his own or her own to any such statement, shall be guilty of a violation of this Article.

05/05/80

**10.0523 Street Sales Prohibited**

The sale or consumption of alcoholic beverages upon or across any street, alley, or public way is prohibited.

05/05/80

**10.0524 Premises - Equipment of**

Premises licensed hereunder for on-sale alcoholic beverages shall be equipped with tables, chairs, booths and stools in a sufficient number to accommodate reasonably the patrons.

05/05/80

**10.0525 Closed or Screened Areas**

No premises licensed for on-sale of alcoholic beverages shall contain any side rooms, closed booths, or other screened enclosures, nor shall any screen, partition, curtain, blind, or obstruction of any kind prevent a clear view at all times of all parts of the interior of the premises licensed. All booths located in such premises shall open directly into the main part of said premises and shall be accessible from the aisles therein.

05/05/80

**10.0526 Purchase from Licensed Wholesaler**

No licensee hereunder shall purchase, have or possess any alcoholic beverages other than those purchased from a wholesaler duly licensed by the State of North Dakota pursuant to the provisions of Title V of the North Dakota Century Code; and each licensee hereunder shall keep on file all invoices covering purchases by him of such alcoholic beverages showing the name and license number of the wholesaler, and such records shall be retained in the possession of the licensee and shall be at all times open to inspection by any police officer or peace officer in the State of North Dakota.

05/05/80

**10.0527 Toilets Required**

That the premises where on-sale license is granted must be equipped with adequate and sufficient lavatories and toilets, separately maintained for men and women, and kept in a clean and sanitary condition. The on-sale license may be revoked when the foregoing requirements, or any other health ordinance or regulation, is not, at all times, strictly observed.

05/05/80

**10.0528 Bottle Clubs**

No person shall operate an establishment whereby persons are allowed to bring their own alcoholic beverages on the premises where the proprietor sells soft drinks, mix, ice, or charges for bringing such beverages on the premises.

05/05/80

**10.0529 Deliveries - Off Licensed Premises**

1. It shall be unlawful for any person, firm or corporation engaged in the retail sale of liquor, beer or alcoholic beverages to make, or cause to be made any deliveries outside of the licensed place of business of beer, liquor or other alcoholic beverages to any purchaser or prospective purchaser.
2. It shall be unlawful for any person, firm or corporation to deliver by foot, carrier or motor carrier, any beer, liquor or alcoholic beverage, to any person within the city limits provided however, that this section shall not apply to deliveries made by a licensed wholesaler dealer to a licensed retail dealer.
3. Where any retail alcoholic beverage or beer licensee is a club or lodge, such licensee shall sell to members only.

05/05/80

**10.0530 Termination of Revocation of Licenses**

1. Licenses issued pursuant to this article shall be deemed cancelled and revoked and terminated upon the happening of any one or more of the following contingencies:
  - a. The death of the licensee unless upon application to the governing body by personal

representative of the decedent, the governing body shall consent to the carrying on of the business by the personal representative.

- b. When the licensee ceases business at the location licensed, unless a new location has been approved.
  - c. When the licensee be adjudged bankrupt.
  - d. When the licensee ceases to possess the qualifications required of an applicant for a license as set out in this Article.
  - e. When the license or permit of the licensee from the United States Government or the State of North Dakota to sell alcoholic beverages at the location licensed has been terminated or been revoked.
2. License issued pursuant to this ordinance may, in the discretion of the governing body, be either revoked or suspended for such period of time as deemed appropriate, upon the following grounds:
- a. When the licensee has been convicted of violating any of the provisions of this Article.
  - b. When the business of the licensee at the location licensed shall be conducted in violation of health or sanitary regulations or other ordinances of the city.
  - c. When the licensee, if an individual, or one of the partners, if the licensee be a partnership, or one of the officers of the manager if the licensee be a corporation, be convicted in the municipal court of the city of drunkenness or disorderly conduct, or if any appeal be taken from such conviction then when such conviction be sustained by the higher court or courts.
3. Such causes as are hereinbefore detailed shall not be deemed to be exclusive and such license may also be cancelled and revoked or suspended at any time by the governing body for any cause deemed by said governing body to be sufficient cause and justified by reason of public health or public morals. Such termination shall be subject only to review by the courts of the State of North Dakota.
4. When any license is terminated or revoked for cause, or the licensee voluntarily ceases his business, no portion of the license fee previously paid shall be returned to the licensee or to anyone claiming under or through him.

05/05/80

#### **10.0531 Persons Less Than Twenty-One Years Prohibited - Exceptions**

It shall be unlawful for any person under twenty-one years of age to purchase, attempt to purchase

or be in possession of alcoholic beverages or furnish money to any person for such purchase or enter any licensed premises where such beverages are being sold or displayed, except a restaurant when accompanied by a parent or legal guardian.

05/05/80

**10.0532 Sunday Alcoholic Beverage Permit**

In accordance with *N.D.C.C.* § 5-02-05.1, the Emerado City Council may issue a Sunday Alcoholic Beverage License to present license holders possessing an on-sale, off-sale, or on- or off-sale alcoholic beverage license, or to public owned or operated facility permitting the sale of alcoholic beverages between the hours of 12:00 noon Sunday and 1:00 a.m. Monday. There shall be no additional fee required for the issuance of this Sunday License.

08/02/93

Article 6  
Pawnbrokers

**10.0601 Pawnbroker Defined**

Any person who loans money on deposit or pledge of personal property, choses in action, or wages, or who deals in purchasing of personal property, choses in action, or wages, on condition of selling or transferring the same, or returning the same back to the pledgor or depositor, or to their agents or assigns, at a stipulated price, shall be deemed to be a pawnbroker.

07/02/90

**10.0602 License Required**

It shall be unlawful for any person or persons to carry on or conduct the business or calling of a pawnbroker within the City of Emerado without first having obtained a license to do so.

07/02/90

**10.0603 License Fee**

For a license to pursue or carry on the business of pawnbroker, there shall be taxed and collected a license fee of Fifty Dollars (\$50.00).

07/02/90

**10.0604 Bond: Conditions of**

Before a license shall be issued to any person or persons to carry on or conduct the business of pawnbroker any persons so applying for said license shall execute a bond to the City of Emerado in the penal sum of Five Hundred Dollars (\$500.00) with sufficient personal sureties to be approved by the Emerado City Council, conditioned that the said applicant will, in every particular, conform to the requirements of this article, and with the requirements of any law or ordinance which may hereafter be passed concerning pawnbrokers.

07/02/90

**10.0605 License Term**

Each license issued under this article shall expire on the 31<sup>st</sup> day of December succeeding the date of its issuance, unless sooner revoked as herein provided.

07/02/90

**10.0606 Licensee: To Keep Record of Goods Pawned**

Every person so licensed as aforesaid shall keep at his place of business, a book or register, in which he shall enter in writing a minute description of all personal property or choses in action received on deposit, pledge, or purchase, as hereinbefore set forth, the time when they were so received and particularly mentioning any prominent or descriptive mark that may be on such property or choses in action, together with the name of the person or persons by whom they were left, deposited, or pledged, which shall be kept clean and legible and no entry therein shall be erased, obliterated, or defaced during the period of such license.

07/02/90

**10.0607 Same: To Furnish Copy to the Police Chief of the City of Emerado**

It shall be the duty of every pawnbroker or dealer in secondhand goods to make out and deliver to the Police Chief of the City of Emerado, on or before the fifth day of each month a legible and correct copy, from the book required in Section 6, of all personal property or other valuable things received, deposited, or purchased during the preceding month; together with the time when received or purchased and from whom the same were left in pledge or purchased.

07/02/90

**10.0608 Inspection of Register by Peace Officers**

Every person so licensed as aforesaid, shall, during the ordinary hours of business, when required by any peace officer, submit and exhibit such books in this article provided for, to said officers and shall also exhibit any goods, personal property, or choses in action that may be so left, deposited, pledged, or purchased, as herein provided, to such officers.

07/02/90

**10.0609 Sale of Unredeemed Pledges**

No sale or disposition of an unredeemed pledge shall or can be effected by a pawnbroker unless fifteen (15) or more days have elapsed from the date any item is initially pledged. However, the sale of an unredeemed item, if done in compliance with the provisions of this ordinance, shall work a complete forfeiture of the right of redemption by the original owner thereof, and the proceeds from said sale, after deduction of expenses, shall absolutely be the property of the pawnbroker.

07/02/90

**10.0610 Transactions with Minors**

No person or persons granted a license under the provisions of this article shall purchase or receive any article or thing of value, or sell any dangerous weapon to any person who has not reached the age of eighteen (18) years; unless accompanied by such minor's parents or guardian.

07/02/90

**10.0611 Penalties**



Any person violating any of the provisions of the article, shall upon conviction, be subject to the penalty which may include a fine not to exceed Five Hundred Dollars (\$500.00) and a jail term not to exceed thirty (30) days or both may be imposed. In addition, such license may be revoked in the discretion of the Emerado City Council.

07/02/90

Article 7  
Licenses For Indoor Paintball Ranges

**10.0701 License Required**

It shall be unlawful for any person, firm or corporation to operate or conduct any indoor paintball range in this city without first having obtained a license to do so. The term "indoor paintball range" as used in this article, means any public indoor place or range for shooting and discharging paintball guns.

01/09/06

**10.0702 Paintball Gun - Definition**

A device with a single shot or semi-automatic trigger designed and manufactured to propel, by compressed gas or air, an encapsulated gelatin paintball not exceeding 3.6 grams in weight at a muzzle velocity not to exceed 260 feet per second.

01/09/06

**10.0703 Same - Qualifications of Applicant**

No license shall be issued to any person unless the applicant shall file a sworn application, accompanied by the required fee, showing the following qualifications:

- (1) Applicant, if individual, must be a citizen of the United States and be a person of good moral character and be at least 21 years of age;
- (2) Applicant or manager must not have been convicted of a felony involving violence or intimidation, or the use of firearms or any offense related to the use, control, possession or sale of firearms within 10 years of the date of application; or to any person prohibited from possessing firearms as provided by *N.D.C.C.* § 62.1-02-01.
- (3) Any building in which business is to be conducted must meet federal, state and local requirements regarding sanitation and safety;
- (4) If the applicant's place of business is to be conducted by a manager or agent, said manager or agent must possess the same qualifications required of the licensee.

01/09/06

**10.0704 Same - Application**

Any person, firm or corporation desiring a license to operate or conduct any indoor paintball range as hereinbefore described shall make and present a verified application to the City Council of the City of Emerado, North Dakota, filed with the City Auditor, containing the following information:

- (1) The name and address of the applicant; if the applicant is a partnership, the name and address of each member of said partnership; if the applicant is a corporation, the name and address of the officers of the corporation and the manager of the licensed premises;
- (2) The legal description and the address of the premises for which the license is sought;
- (3) Whether the applicant has ever been convicted of any felony involving violence or intimidation, or the use of firearms or any offense related to the use, control, possession or sale of firearms within ten (10) years of the date of application; and
- (4) Whether the applicant is a person prohibited from possessing firearms as provided by *N.D.C.C.* § 62.1-02-01.

01/09/06

**10.0705 Same - Fee**

The fee for a license to conduct or operate an indoor paintball range shall be \$50.00 per year.

01/09/06

**10.0706 Alcohol Prohibited**

No alcoholic beverages shall be possessed or consumed on the premises and no person under the influence of alcohol, mind-altering drugs, or controlled substances as defined by *N.D.C.C.* Chapter 19-03.1 shall be allowed on the premises.

01/09/06

**10.0707 Protective Equipment**

Persons within the shooting range or gallery must wear appropriate protective equipment including, but not limited to, eye protection, throat protection, chest protection and a helmet.

01/09/06

**10.0708 Presence of Bystanders**

Persons not shooting or coaching shooters shall not be permitted within the immediate area of the shooting range or gallery, unless a secure and separate viewing area is constructed.

01/09/06

**10.0709 Access Under Continuous Control**

Access for entrance to the shooting range shall be under the continuous control, monitoring and supervision by the licensee, agents and/or employees. No person shall be allowed to enter the shooting range without authorization and permission of the licensee, authorized agent or employee.

01/09/06

**10.0710 Compliance With Applicable Laws**

The conduct and operation of any shooting range shall be in compliance with any and all federal, state and/or local laws, rules, codes and/or regulations.

01/09/06

**10.0711 Revocation or Suspension of License**

The Chief of Police and/or the Chief of the Fire Department shall revoke any license issued hereunder if the licensee has, since the granting of the same: (1) ceased to possess the qualifications required for an applicant for a license set out herein; (2) been convicted of violating any of the provisions of this article; (3) conducted the business in violation of health, sanitary or safety regulations or other ordinances of the City; (4) allowed the use of paintball equipment in the indoor paintball range which does not comply with the definition of "paintball gun"; (5) allowed persons to enter the shooting range or gallery without appropriate protective equipment as required by Emerado City Code 10.0707; and (6) for any cause determined by the City Council to be sufficient cause and justified by reason of public health or public safety.

01/09/06

**10.0711 Transfer of License**

No license under the provisions of this Article shall be transferrable either as to licensee or as to premises without first making to and receiving the approval of the City Council.

01/09/06

Article 8

Licenses for Recreational Vehicle Use

**10.0801 Recreational Vehicle - Definition**

A recreational vehicle is a vehicle which is:

- (a) Built on a single chassis;
- (b) Four hundred (400) square feet or less when measured at the largest horizontal projections;
- (c) Designed to be self-propelled or permanently towable by a light duty truck; and
- (d) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

06/02/14

**10.0802 License Required**

It shall be unlawful for any person to occupy a recreational vehicle or to allow another person to occupy a recreational vehicle for a period in excess of seven (7) consecutive days without first

having obtained a license to do so.

06/02/14

**10.0803 License Fee**

The fee for a license to occupy a recreational vehicle shall be One Hundred Twenty Dollars (\$120.00) per lot per calendar year or any portion thereof.

06/02/14

**10.0804 License Term**

Each license issued under this Article shall expire on the 31<sup>st</sup> day of December succeeding the date of the issuance, unless sooner revoked as provided herein.

06/02/14

**10.0805 License Application**

Any person, firm, corporation, limited liability company or other entity desiring to license a lot or lots for use by recreational vehicles as hereinbefore described shall make and present a verified application to the City Council of the City of Emerado, North Dakota, filed with the City Auditor, containing the following information:

- (1) The name and address of the applicant; if the applicant is a partnership, the name and address of each member of said partnership; if the application is a corporation, the name and address of the officers of the corporation and the manager of the licensed premises.
- (2) The legal description and the address of the premises for which the license is sought.
- (3) The name of the owner of the premises for which the license is sought.

06/02/14

**10.0806 Conditions of License**

- (1) Property used for use and occupancy of recreational vehicles within the City of Emerado shall be in compliance with Chapter XVII of Emerado City Code relating to zoning.
- (2) Any recreational vehicles used for occupancy as provided herein must be hardsided units and may not be "pop-up" or tent style units.
- (3) All recreational vehicles used as provided herein must have working facilities for cooking, potable water and sanitation facilities.

06/02/14

**10.0807 Revocation or Suspension of License**

The Chief of Police, the Chief of the Fire Department or the City Council shall revoke any license issued hereunder if the licensee has, since the granting of the same:

- (1) Been convicted of violating any of the provisions of this Article or any other provision of Emerado City Code relating to the licensed property;
- (2) Conducted the use or occupancy of the recreational vehicle or lot upon which it sits in violation of health, sanitary or safety regulations or other ordinances of the City;
- (3) Allowed the use of any unlicensed property for occupancy of a recreational vehicle;  
or
- (4) Any cause determined by the City Council to be a sufficient cause and justified by reason of public health, safety or sanitation.

06/02/14

**10.0808**      **Penalty**

Any person violating any of the provisions of this Article shall, upon conviction, be subject to penalty which may include a fine not to exceed Five Hundred Dollars (\$500.00) per offense per day. In addition, such license may be revoked or suspended in the discretion of the Emerado City Council, the Emerado Chief of Police or the Emerado Chief of the Fire Department.

06/02/14