

RAMSEY COUNTY  
ALCOHOLIC BEVERAGE  
RULES AND REGULATIONS  
EFFECTIVE DATE January 1, 2019

A RESOLUTION RELATING TO THE LICENSING OF DEALERS IN ALCOHOLIC BEVERAGES AND ESTABLISHING RULES AND REGULATIONS COVERING THE SALE AND DISTRIBUTION OF ALCOHOLIC BEVERAGES IN RAMSEY COUNTY, NORTH DAKOTA, OUTSIDE OF INCORPORATED CITIES.

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF RAMSEY COUNTY, NORTH DAKOTA that the following rules and regulations shall govern the sale and distribution of alcoholic beverages in all places in RAMSEY County outside the limits of incorporated cities pursuant to the powers set forth in Title 5 of the North Dakota Century Code.

SECTION 1.     DEFINITIONS

A. The terms located here within are defined as per Title 5 of the North Dakota Century Code.

SECTION 2.     MUST OBTAIN LICENSE WHEN LICENSE EXPIRES

No person shall sell alcoholic beverage without first obtaining a license to do so, as herein provided. All licenses granted under the provisions of this Resolution shall expire on the 30th day of June, in each year, unless sooner suspended or revoked for cause. Applications for renewal of licenses must be submitted to the RAMSEY County Commissioners by June 1 of each year.

SECTION 3.     TYPES OF LICENSE ISSUED-- FEES

TYPE "AA" LICENSE: A license for "OFF" sale beer only, which fee for said license being the sum of \$50.00 per year.

TYPE "B" LICENSE: A license for "ON" and "OFF" sale beer only, which fee for said license being the sum of \$50.00 per year.

TYPE "SE" LICENSE: Special Permit for event away from licensed establishment for one day - \$75.00. This Special Permit may be issued to any lawful license holder from any jurisdiction within RAMSEY COUNTY.

TYPE "C" LICENSE: A License for "ON" sale only, all alcoholic beverages, which fee for said license being \$600.00 per year.

TYPE "D" LICENSE: A License for full privileges, which includes "ON" and "OFF" sale of all alcoholic beverages, which fee for said license being the sum of \$600.00 per year.

TYPE "E" LICENSE: A full privilege license, the same as "D" for issuance to bona fide lodges and clubs which shall mean and include any corporation or associated organization for civic, social, fraternal or business process which has at least 25 members at time the license is applied for, which fee for said license being the sum of \$600.00 per year.

NOTE----- No refund of any license fee shall be made once a license has been issued. All fees shall be paid before a license is issued. For the initial issuance of a license when application is made for a license after (August 1) of a year, the County Commission shall pro-rate the fee for the license so that the fee would be one-twelfth (1/12<sup>th</sup>) of the regular fee as set forth in Section 3 of this resolution for each month or portion of a month during which the license will be in effect.

SECTION 4. LICENSE FEE PRO-RATED

When application is made for a license after (August 1) of a year, the County Commission shall pro-rate the fee for the license so that the fee would be one twelfth (1/12<sup>th</sup>) of the regular fee as set forth in Section 3 of this resolution for each month or portion of a month during which the license will be in effect.

SECTION 5. APPLICATION

A. Any person desiring a license to sell alcohol or alcoholic beverages at retail within the territorial jurisdiction of this Resolution shall make and file with the County Auditor of RAMSEY County, North Dakota, a verified application, on such forms and with respect to such information as may be required from time to time by the Board of County Commissioners, together with a receipt from the County Treasurer for the fee prescribed by this resolution, and a statement from the County Treasurer, showing that all property taxes of the applicant(s) have been paid.

B. Each applicant must be either an individual over the age of twenty-one (21) years who is a physical resident and citizen of the state of North Dakota, or a domestic private corporation organized under the laws of the state of North Dakota with its principal place of business within the County of RAMSEY or a co-partnership, all of the members of which

are over the age of twenty-one (21) years who are physical residents and citizens of the state of North Dakota. Each applicant must be of good moral character and reputation and otherwise a fit and proper person to sell alcohol and alcoholic beverages at retail pursuant to this Resolution, and, for that purpose, subject to investigation as to such facts by the Board of County Commissioners or under its direction, the finding of which facts shall be made by the Board of County Commissioners.

C. The application shall contain the name of the applicant, place of residence and post office address of applicant in the case of an individual. The application shall contain the name, place of residence and post office address of each person holding one or more per cent of capital stock in a domestic private corporation in the case of a domestic private corporation. The application shall contain the name, place of residence of any person being a co-partner in the case of a co-partnership. In addition, the name, place of residence of any person having a financial interest in the enterprise shall be stated in the application.

D. The application shall contain the following provision, to wit: The applicant does hereby consent that the Sheriff of RAMSEY County or any of the Sheriff's deputies, may enter upon the premises described in this application at any hour of the day or night and that they or either of or any of them shall have free access to said premises for the purpose of inspecting said premises and the records of this applicant relating to the purchase and sale of alcohol and alcoholic beverages.

E. The County Auditor shall submit forthwith the application to the Board of County Commissioners for consideration at a general or special meeting. Upon approval of the application by the Board of County Commissioners, the County Auditor shall issue and deliver to the applicant an appropriate and numbered license authorizing the applicant to sell alcohol and alcoholic beverages at retail on the premises described in the application and license. A legal description of the premises must be specifically stated in the application and license. The license shall be displayed prominently at all times in a room where the licensee sells alcohol and alcoholic beverages. Upon rejection of application by the Board of County Commissioners, a refund to the applicant of the amount of money paid for such license shall be made.

F. All new applications must include Township Board approval if the premises where alcoholic beverages are to be sold or displayed are located within an organized Township (NDCC 5-01-07).

## SECTION 6. INVESTIGATION OF FITNESS

The Sheriff of RAMSEY County shall investigate the facts stated in the application, and the character reputation and fitness of the person or persons named in said application and shall report on such matters to the Board of County Commissioners. The Board at their discretion may require the applicant to submit such proof as they may require of the truth of

any allegation contained in the application. The Board at their discretion may at any time require any licensee to present to the Board an affidavit disclosing the ownership, management or actual control of the licensed business.

## SECTION 7. LICENSE ISSUED TO WHOM

No license shall be issued to any person unless he/she is a legal and bona fide resident and citizen of the state of North Dakota, or a business incorporated in the State of North Dakota. No license shall be issued to any person, firm or corporation as the representative or agent of another, and a license shall be issued only to the owner or owners of the business being conducted at the location sought to be licensed. If more than one person is the owner of said business for which a license is desired, the names of all owners must appear on the license or licenses issued. No license shall be issued to any person under the age of twenty-one years. The RAMSEY County Commission reserves the right to assess the suitability of the applications proposed location and to deny license application if the proposed site is deemed inappropriate or in conflict with existing actual land use.

## SECTION 8. MUST OBSERVE STATE LAW

A. DISPOSAL PROHIBITED ON CERTAIN DAYS--PENALTY. A person may not dispense or permit the consumption of alcoholic beverages on a licensed premise between those days and hours as established by North Dakota law, as found at NDCC, Section 5-02-05, or successor statute. It is the intent of the RAMSEY County Commission to be consistent with State law as to avoid confusion on the part of license holders. A person that violates this section is guilty of a misdemeanor.

B. STREET SALE OR USE PROHIBITED. The sale or serving or consumption of intoxicating liquor as herein defined upon or across any street alley or public way is prohibited.

C. PERSONS LESS THAN TWENTY-ONE YEARS PROHIBITED - EXCEPTIONS. Any persons under twenty-one years of age purchasing, attempting to purchase, or being in possession of alcoholic beverages, or furnishing money to any person for such purchase, or entering any licensed premises where such beverages are being sold or displayed, except within those enumerated exceptions as found in NDCC, Section 5-02-06 of the North Dakota Century Code is guilty of a misdemeanor.

D. PERSONS UNDER TWENTY-ONE-YEARS PROHIBITED, PENALTY, EXCEPTIONS. Except as permitted in NDCC, Section 5-02-06, a licensee who dispenses alcoholic beverages to an individual under the age of twenty-one years of age, or who permits an individual under twenty-one years of age to remain on the licensed premises while alcoholic beverages are being sold or displayed, is guilty of a misdemeanor, subject to NDCC, Sections 5-01-08, 5-01-08.1, and 5-01-08.2.

It is the intent of the RAMSEY COUNTY Commission to follow those enumerated exceptions as found in NDCC, Section 5-02-06.

E. TIME TO BE USED FOR LEGAL PURPOSES. Whenever this State observes Daylight Savings Time, all hours in this resolution relating to the sale, consumption and distribution of alcoholic beverages shall be determined by Daylight Savings Time.

SECTION 9. LICENSE NOT TRANSFERABLE

No license issued hereunder shall be transferable except to the executors or administrators of the estate of the deceased licensee.

SECTION 10. LICENSE TO BE POSTED

Licenses issued hereunder shall be posted in a conspicuous place in that portion of the premises for which the license has been issued.

SECTION 11. TERMINATION AND REVOCATION OF LICENSES

Licenses issued pursuant to this ordinance shall be revoked, or in appropriate cases, suspended, for the following causes:

- A. The death of the licensee unless the license is transferred to his executors or administrators.
- B. When the licensee has been adjudged bankrupt.
- C. When the licensee has been convicted of any felony.
- D. When the licensee ceases to be a legal, bona fide resident and citizen of the State of North Dakota, or a business incorporated in the State of North Dakota.
- E. When the license or permit to the licensee from the State of North Dakota has been suspended or revoked.
- F. When the business of the licensee at the location licensed shall be conducted in violation of law or shall constitute a nuisance.
- G. When the licensee or any agent or employee shall refuse to permit the Sheriff, States Attorney, or other health or peace officer to enter upon the licensed premises for the purpose of inspection, or to determine whether the premises are being conducted in

accordance with the law of the State of North Dakota and this ordinance.

H. When the licensee or any agent or servant of such licensee shall violate any provision of this resolution or any law of the State of North Dakota relating to the manufacture, sale or distribution of alcoholic beverages.

I. When the licensee makes any misstatement or concealment of fact in an application for a license, or in any affidavit required under the provisions of Section 5.

When a license is terminated, or revoked for cause, or the licensee voluntarily ceases to do business, no part of the licensee fee previously paid to the County of RAMSEY shall be returned to said licensee or those claiming under him.

Any license issued hereunder may be suspended or revoked for cause shown at any time by the Board of County Commissioners, subject to review by the Courts.

#### SECTION 12. TOILETS AND LAVATORIES

The premises where licenses are granted must be equipped with adequate and sufficient lavatory and toilet facilities separately maintained for men and women and kept in a clean and sanitary condition.

#### SECTION 13. LICENSEE RESPONSIBLE FOR CONDUCT OF PLACE OF BUSINESS

Every licensee is hereby made responsible for the conduct of his place of business and is required to maintain order and sobriety in such place of business. No intoxicated person or persons shall be permitted to remain upon the premises or to be sold intoxicating liquor by any person holding any license issued pursuant to this ordinance.

#### SECTION 14. ENTERTAINMENT

No live performance/entertainment on a licensed premise shall contain:

- A. The performance of acts, or simulated acts, of sexual intercourse, masturbation, bestiality, oral copulation, flagellation or any sexual acts which are prohibited by law, whether by a paid entertainer or by any patron;
- B. The actual or simulated touching, of the, buttocks, anus or genitals;
- C. The actual or simulated displaying of the pubic hair, anus, vulva or genitals.
- D. Each licensee shall maintain on file, at its licensed premises, a list of all entertainers/dancers and their photo identification, such as a driver's license, containing a photograph and the age of all entertainers/dancers. This list shall

be made available to law enforcement officers upon request.

The licensee shall not permit a person to make a live performance on the licensed premise if the licensee is not able to obtain the required identification for the performer.

These restrictions apply to all licensed premises.

#### SECTION 15. DISPOSITION OF FEES

All license fees collected by RAMSEY County under this ordinance shall be deposited with the County Treasurer to be credited to the General Fund of RAMSEY County.

#### SECTION 16. INSPECTION OF LICENSED PREMISES TO BE ALLOWED

The licensee accepts the license privilege upon the condition, which need not elsewhere be expressed, that the Sheriff or any health or peace officer of the County, may at any time enter upon the premises licensed under this resolution for the purpose of determining whether the premises are being conducted in compliance with this resolution and the laws of the State of North Dakota.

#### SECTION 17. HEARING ON ALLEGED VIOLATIONS

Any person having information that a licensed retailer of alcoholic beverages has violated any provisions of this Ordinance may file with the States Attorney an affidavit specifically setting forth such violation. Upon receipt of such affidavit, the States attorney shall set the matter for a hearing not later than the next regular meeting of the RAMSEY County Commission, or in the alternative forward the affidavit to the North Dakota Attorney General. If a hearing is scheduled before the RAMSEY County Commission, a notice of hearing shall either be served upon the owner or representative of the licensed establishment or must be mailed to the licensee by registered mail no less than five (5) days prior to the hearing. A record of the hearing shall be made by stenographic notes or by the use of an electronic recording device.

#### SECTION 18. SANCTIONING OF LICENSEE FOR VIOLATIONS

If after such hearing, the RAMSEY County Commission finds the violation alleged in the affidavit has been proven by a preponderance of the evidence, an order must be served upon the licensee by registered mail. The RAMSEY County Commission may revoke or suspend the Licensee's license for a period of time. The RAMSEY County Commission may alternatively order less restrictive alternatives based upon the facts presented. Such action may be appealed to the RAMSEY County District Court by following the appeal procedure set forth in NDCC, Chapter 28-32, except that the order of the RAMSEY County

Commission is inoperative while the appeal is pending.

SECTION 19. WITNESSES-SUBPOENA-FEES

The Chairman of the RAMSEY County Commission has the authority to administer an oath to witnesses called to the hearing on the alleged violation. Any witnesses called by the States Attorney, except a peace officer while on duty, shall receive the same fees and mileage as a witness in a civil case in RAMSEY County District Court.

Nothing in this Ordinance shall be construed to preclude the RAMSEY County States Attorney from filing criminal charges enumerated in Title 5 of the North Dakota Century Code.

SECTION 20. RESPONSIBLE ALCOHOL SERVER TRAINING

- A. Responsible Alcohol Server Training shall not be mandatory within RAMSEY County. The server training shall be approved by the Ramsey County Sheriff's Department and/or its designee.
- B. Responsible Alcohol Server Training classes shall be provided to those who own, manage, or are engaged in the sale of or service of alcoholic beverages in RAMSEY County pursuant to a RAMSEY County issued license. The Lake Region District Health Unit or its assigned person or entity, shall provide for the County, a Four (4) hour training for said owners, managers, or those engaged in the sale or service of alcoholic beverages.
- C. A licensed alcohol establishment shall:
  - 1. Have all employees shall successfully complete a Responsible Alcohol Server Training course presented by the Lake Region District Health Unit or other server training provider approved by the Ramsey County Sheriff and/or Designee. This training must be completed within 75 days of employment.
  - 2. All employees shall maintain a valid Responsible Alcohol Server Training Certificate while employed at the establishment.
  - 3. Pay all fees, if applicable, incurred to provide the Responsible Alcohol Server Training for their employees. These fees shall be paid to the Lake Region District Health Unit or the assigned training provider.



- D. All certificates issued by the Lake Region District Health Unit, or the assigned provider, shall be valid for three (3) years from the date of issuance. The certificate of training must be renewed prior to its expiration.
- E. Each licensee mandated to have its employees receive the Responsible Alcohol Server Training under this Ordinance shall maintain on file, at its licensed premises, a list of all employees and their certification status. This list shall be made available to law enforcement officers upon request.
- F. The Lake Region District Health Unit shall coordinate the dates and times of the Responsible Alcohol Server Training, and make the information known to the public. Applications for the Responsible Alcohol Server Training shall be submitted to the Lake Region District Health Unit. Applications shall be verified and shall contain such information as determined by the Lake Region District Health Unit or approved training provider, that may be reasonable required for the purposes of determining competence and eligibility.
- G. All Responsible Alcohol Server Trainings to be provided under this Ordinance shall receive prior approval by the Lake Region District Health Unit.
- H. An approved Responsible Alcohol Server Training program shall include, but not be limited to the following topics:
  - 1. Reducing accessibility of alcoholic beverages to minors.
  - 2. How to handle over-consumption of alcohol beverages.
  - 3. Over serving of alcoholic beverages.
  - 4. The potential of civil liability upon the establishment or employees.
  - 5. Local ordinances pertaining to the sale, dispensation, and delivery of alcoholic beverages.
- I. The Lake Region District Health Unit may authorize and approve a person or entity for the administration of an approved Responsible Alcohol Server Training program.

SECTION 21. SAVING CLAUSE

Should any word, phrase, clause, sentence or paragraph of this Resolution be adjudged to deprive any person of constitutional or state rights, the remaining provisions would have been adopted and shall remain in full force and effect. All rights, privileges, and prohibitions of the North Dakota Century Code not provided for in this Resolution shall be considered a part of this resolution.

SECTION 22. EFFECTIVE DATE-- REPEAL

All resolutions in conflict herewith are repealed. This resolution shall take effect January 1, 2019 - All present licensees will be required to meet all the requirements of this resolution before their licenses will be renewed. No new licenses will be issued until the applicant complies with these regulations.

Adopted, as amended, by the Board of Ramsey County Commissioners at Devils Lake, North Dakota this 20<sup>th</sup> day of November, 2018.



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Chair, Ramsey County Commission

ATTEST:



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Ramsey County Auditor