

**ORDINANCE 2.a**

AN ORDINANCE RELATING TO THE PURCHASE OF ALCOHOLIC BEVERAGES BY OR FOR A PERSON UNDER TWENTY-ONE (21) YEARS OF AGE, THE FURNISHING OF FALSE EVIDENCE AS TO AGE, AND PROVIDING A PENALTY.

Section 1.

In this ordinance, unless the context or subject matter otherwise requires, "alcoholic beverages" shall mean those beverages as defined in Section 5-01-01 of the North Dakota Century Code.

Section 2.

It shall be unlawful for any person under the age of twenty-one (21) years to purchase or attempt to purchase or have in his or her possession any alcoholic beverages within the City of Park River.

Section 3.

Superseded by statute (see N.D.C.C. § 5-01-09)

Section 4.

superseded by statute, (see N.D.C.C. § 5-01-09)

Section 5.

It shall be unlawful for any person under the age of twenty-one (21) years to make any false statement, or to furnish, represent, or exhibit any false or fictitious registration card or other document or evidence for the purpose of procuring the sale to him or her any alcoholic beverages.

Section 6.

(superseded by statute)

-Revised 12-30-15

## ORDINANCE 2.B.

AN ORDINANCE REGULATING THE SALE AT RETAIL OF ALCOHOLIC BEVERAGES WITHIN THE CITY OF PARK RIVER, PROVIDING FOR SUCH SALES AT RETAIL BY DULY LICENSED PERSONS, ESTABLISHING REGULATIONS FOR THE GRANTING OF LICENSES TO SELL ALCOHOLIC BEVERAGES AT RETAIL, AND FIXING FEES FOR SUCH LICENSES.

### Section 1.

#### Definitions.

The term “alcoholic beverages” whenever used in this Ordinance shall mean and include such liquid suitable for drinking by human beings, which contains one-half percent (½%) or more alcohol by volume.

The term “beer” whenever used in this Ordinance shall mean any malt beverage containing more than one-half of one percent of alcohol by volume.

The term “club license” shall mean a license issued to any charitable or non-profit corporation, club, or association.

The term “Food and Beverage Specialty License” shall mean a license issued to a restaurant serving meals in a traditional restaurant setting which serves on-sale beer and/or on-sale wine with meals. Said license may allow the service of only beer and/or wine between the hours of 11:00 a.m. and 11:00 p.m. on the licensed premises.

The term “off sale” shall mean the sale of alcoholic beverages in original packages for consumption off or away from the premises where sold, and an “off sale” license shall authorize the persons named therein to conduct such off sales at the place designated in such license and not elsewhere.

The term “on sale” shall mean the sale of alcoholic beverages for consumption on the premises where sold only, and an “on sale” license shall authorize the persons named therein to conduct such on sales at the place designated in such license and not elsewhere.

The term “package” and “original package” shall mean and include any container or receptacle holding alcoholic beverages, which container or receptacle is corked or sealed by the manufacturer and which cork or seal has not been removed or broken prior to the sale of such package to the purchaser.

The word “*person*” whenever used in this ordinance shall mean any individual who is a bona fide resident of the State of North Dakota, domestic private corporation organized under the laws of the state of North Dakota, or co-partnership, of which all of the members of said co-partnership are bona fide resident of the State of North Dakota.

The term “*retailer*” for the purposes of this ordinance shall be deemed to mean and include any person engaged in the sale and distribution of alcoholic beverages under any type of license except a wholesale license.

The terms “*sale*” and “*sell*” shall mean and include all barter and all manners or means of furnishing of alcoholic beverages, including and selling, exchange, barter, disposition of, and keeping for sale of such alcoholic beverages.

The term "wine" means the alcoholic beverage obtained by fermentation of agricultural products containing natural or added sugar or such beverage fortified with brandy and containing not more than twenty-four percent alcohol by volume.

(Section 1 revised 4-9-18, 5/14, 2018 )

#### Section 2.

MUST OBTAIN LICENSE, WHEN LICENSES EXPIRE. No person as defined in this ordinance shall sell, exchange, dispose of, or keep for sale any alcoholic beverages as defined herein without first having obtained a license therefore as herein provided. All licenses granted under the provisions of this ordinance shall expire on the 30<sup>th</sup> day of June in each year, except that temporary club licenses may be issued on a monthly basis.

(Section 2 revised 5/14/2018)

#### Section 3.

#### LICENSES TO BE ISSUED HEREUNDER.

- 1.) Licenses for the sale of alcoholic beverages at retail as provided in this ordinance shall consist of four (4) kinds, to-wit: “off sale” licenses, “on sale” licenses, “~~on and off sale~~Food and Beverage Specialty” licenses, and “club” licenses. “on sale” and “off sale” licenses may be issued contemporaneously to the same entity. Fees for said licenses shall be included on the schedule of fees and rates which is included in these ordinances and adopted herein by reference.



- 2.) In case of the death of a licensee, such license shall be immediately transferred to the estate of the deceased. In case the estate desires to continue the business, the Personal representative of the estate of the decedent shall apply to the city council for a conditional license up to 45 days to carry on the business.

(Section 3 revised 5/~~14~~<sup>14</sup>/2018)

#### Section 4.

APPLICATION. Any person desiring to sell alcoholic beverages as hereinbefore described shall make and file with the City Council of the city of Park River, through the City Auditor, an application for such license accompanied by the fee as hereinbefore provided. Such application shall be verified by the person making the application. If the applicant is a corporation or if applying for a club license, it shall be verified by the president and secretary of said corporation or organization; if an individual, by such individual; and if a co-partnership, by each member of said co-partnership. The following information, together with such other information as may from time to time be required by the City Council of said city, shall be contained in such application.

- 1.) The name of the applicant. If the applicant is a corporation, the name and address of all persons holding one percent (1%) or more of the stock in said corporation; if the applicant is a co-partnership, the name and address and place of residence of each member of said co-partnership and any persons having any financial interest therein.
- 2.) Whether the applicant is a citizen of the United States, or if a naturalized citizen, the date and place of naturalization. Whether the applicant is a resident of the State of North Dakota. If the applicant is a corporation, the date of incorporation, the state where incorporated, the amount of the authorized capital, amount of the paid in capital, whether such corporation is a subsidiary of any corporation and if so, the name of the parent corporation, the purpose for which said corporation was incorporated, the names and addresses of the officers, directors, and managing agents of said corporation, and the names and addresses of all stockholders holding one percent (1%) or more of the capital stock of such corporation.
- 3.) The legal description of the place for which license is sought.

- 4.) Whether the taxes on such property are delinquent.
- 5.) Whether the applicant has ever engaged in the sale or distribution of liquor prior to this application, and if so, the date and type of business and the place where so engaged, whether within or without the State of North Dakota. If the applicant is for a renewal license, the date the applicant first began to operate; provided, however, that this provision shall not apply to a license first issued hereunder.
- 6.) Whether the applicant has ever had a license revoked or canceled by any municipal, state, or federal authority, and if so, the date of such cancellation, the place and authority canceling the same, and the reason for such cancellation.
- 7.) 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.
- 8.) 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 names of bodies revoking such license, the dates of such revocations, and the reasons assigned therefore.
- 9.) Whether the applicant has ever been convicted of any other crime than stated in Section 7.) or 8.) hereof, in this state or any other state or 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.
- 10.) The name and address as hereinbefore provided for all co-partners, all members of said co-partnership having any financial interest in the said business, silent or otherwise, and the names and address of the person who will have charge, management, or control of the establishment for which license is sought.
- 11.) Whether any other person than 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.

- 12.) Whether the applicant has any agreement, understanding, or intention to have any agreement or understanding with any person, co-partnership, or corporation to obtain for any other person or to transfer to any other person this license or to obtain it for any other than for the specific use of the applicant, and if so, the names and addresses of such persons and the conditions of such agreement.
- 13.) Whether the applicant has any interest whatsoever, directly or indirectly, in any other liquor establishment, either in 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 holders of capital stock in any corporation dealing in liquor either at wholesale or retail and within the borders of the United States.
- 14.) The occupations which the occupant has followed during the past one (1) year.
- 15.) Whether the applicant is engaged in any other business or intends to engage in any other business than the sale of liquor under the license applied for; and if so, the type of business and the name and address of employer.
- 16.) The classification of license applied for, whether "on sale", "off sale", "Food and Beverage Specialty License (beer only and/or wine only)" or "club" (annual or temporary/monthly). Applicants may be awarded both "on sale" and "off sale" licenses contemporaneously.

#### Section 5.

INVESTIGATION OF FITNESS. The City Council of the City of Park River or such other person or officer as may be designated by said City Council shall, upon the application being filed, investigate the facts as stated in the application and the character, reputation, and fitness of the applicant. If such investigation is made by a person other than the City Council, he shall report all such matters to said City Council.

#### Section 6.



LICENSES TO BE ISSUED, TO WHOM, DISCRETION OF COUNCIL, LIMITATION, AS TO NUMBER.

- 1.) No license shall be issued to any applicant unless he is a legal and bona fide resident and citizen of the State of North Dakota. No license shall be issued to any person, co-partnership, or corporation engaged in business as the representative or agent of another, A license may be issued only to the owner or owners of the business being conducted at the location for which license is sought, except as allowed under 2.b.3.

No license shall be issued to any person under the age of twenty-one (21) years; nor to any person deemed by the City Council of Park River to be morally unfit to engage in a business for which license is sought. No license shall be issued, when in the discretion of the City Council, it would be contrary to the peace, safety, health, and morals of the people of the City of Park River, considering any of the following criteria:

- A.) existing establishments fulfill needs of community;
- B.) overtaxes city's limited traffic and law enforcement facilities;
- C.) premises not fit for sale of alcoholic beverages;
- D.) bad moral character of applicant;
- E.) applicant does not have sufficient assets for successful operation of alcoholic beverage establishment;
- F.) peculiar circumstances warranting the not issuing of a license.

The total number of alcoholic beverage licenses in force in any one (1) year shall not exceed one (1) for each four hundred (400) or major fraction thereof of the total population of the city. These restrictions shall not apply to renewals to licenses but no new licenses shall be granted if the renewal and new licenses exceed the above limitations. The term "total population" shall mean the population of the City of Park River as determined by the most recent official federal regular or special census.

These restrictions shall not apply to the following, where a person may, if qualified, have a license issued to him regardless of the number of licenses then outstanding:

- A.) to any motel constructed after the adoption of this ordinance, within the city which contains twenty-five (25) or more rental units and which shall have an operational dining area as an integral part of the motel, which dining area for the service of food to the public shall be equal to or greater in square foot area than the portion of the motel premises designated and used as the alcoholic beverage service area;

the food premises of such motel shall operate daily, not fewer hours than the alcoholic beverage portion of the premises shall operate, and that all of the twenty-five (25) motel units shall in some manner physically attached into a continuous, integral part. Any present licensee operating a motel with less than twenty-five (25) rental units shall not lose its license solely for having less than twenty-five (25) units.

B.) To a licensee or transferee of a licensee, which licensee in the past held a Walsh County alcoholic beverage license, but which license or transferee of a license is now subject to the licensing authority by virtue of the licensed premises being annexed to the city, if the Walsh County license was valid and in effect at the time of annexation; provided that, however, licenses granted under this exception will not be counted against the numerical limitation set above.

B.)C.) To a restaurant within the city with an operational dining area for the service of food to the public, which is granted a Food and Beverage Specialty Restaurant license. Said license shall dispense only Beer and Wine and shall be limited to serving the same within the hours of 11:00 am and 11:00 p.m.

2.) The total number of club licenses as defined in this ordinance shall not exceed three (3) in force in any one (1) year.

(Section 6 revised 4-9-18, 5/~~17~~<sup>14</sup>/2018)

#### Section 7.

LICENSE NOT TO BE GRANTED WHEN REAL PROPERTY TAXES DELINQUENT. No license in this ordinance shall be granted to any person as defined in this ordinance, where the real property taxes on the property to be used in such business for which license is sought are delinquent, or where the individual, any person, a member of a co-partnership, or financially interested in such business or any corporation seeking the license has delinquent real property taxes on any property owned by such person or persons.

(Section 7 revised 5/~~17~~<sup>14</sup>/2018)

#### Section 8.

(superseded by statute see N.D.C.C. § 5-01-09)



Section 9.

PERSONS UNDER TWENTY-ONE (21) YEARS OF AGE NOT PERMITTED ON LICENSED PREMISES.

- A.) -Any establishment where alcoholic beverages are sold may employ persons from eighteen (18) to twenty-one (21) years of age to work in the capacity of musicians under the direct supervision of a person over twenty-one (21) years of age, or also may allow people between eighteen (18) and twenty-one (21) to be used as a musician under the employ of another person, such as the owner or operator of a musical group.
- B.) An individual under twenty-one years of age may enter and remain on a licensed premises while alcohol is being sold or displayed, at the discretion of the owner of the licensed premises, if:
1. The individual is accompanied by a parent or guardian who is twenty-one years of age or older. For purposes of this section, "guardian" means an individual who has the legal responsibility for the health and well-being of the individual under twenty-one years of age;
  2. The individual is on the premises to consume a meal or in an emergency situation;
  3. The premises serves at a tabletop, food that is prepared in a kitchen with at least an indoor grill;
  4. The individual is not on the licensed premises after ten p.m.; and
  5. The owner of the licensed premises has obtained a certificate of permission from the City of Park River showing they have met the local requirements for safeguarding the safety and well-being of minor children as follows:
    - a) Removing All advertisements and other decoration displaying crude or obscene language, nudity, or other profane or obscene material from the areas to which minor children will frequent while present with their parents (e.g., bathrooms, dining areas, common areas, etc.)
    - b) Participating in any and all training recommended or required by the Walsh County Health District or the City of Park River related to service of alcohol and/or proximity of alcohol to individuals under the age of 21

C.) An individual under twenty-one years of age may not remain in a restaurant where alcoholic beverages are being sold except if the restaurant is separated from the room in which alcoholic beverages are opened or mixed and gross sales of food are at least equal to gross sales of alcoholic beverages which are consumed in the dining area, or if the individual is employed by the restaurant as a food waiter, food waitress, busboy, or busgirl under the direct supervision of an individual twenty-one or more years of age and is not engaged in the sale, dispensing, delivery, or consumption of alcoholic beverages.

D.) An individual under twenty-one years of age may enter and remain on the licensed premises if the individual is an independent contractor or the independent contractor's employee engaged in contract work and is not engaged in selling, dispensing, delivering, or consuming alcoholic beverages; if the individual is a law enforcement officer or other public official who enters the premises in the performance of official duty; or if the individual enters the licensed premises for training, education, or research purposes under the supervision of an individual twenty-one or more years of age with prior notification of the local licensing authority.

(Section 9 revised 5/~~14~~/2018)

#### Section 10.

HOURS AND TIME OF SALE. No licensee licensed pursuant to this Ordinance shall sell, serve, or permit to be sold any intoxicating alcoholic beverage served or consumed on the premise named in the license before 8:00 AM or after 2:00 AM on any weekday or before 11:00 a.m. on Sunday, and no sale or dispensing of intoxicating alcoholic beverage shall be made after 2:00 AM on Thanksgiving Day until 8:00 AM the day after Thanksgiving, after 6:00 PM on Christmas Eve, and no sales on Christmas Day or as prohibited by ND state law. Lights must be out, curtains down, and all customers out of the establishment by 2:00 AM.

GENERAL PENALTY. Whenever in this Code or in any ordinance of the city any act is prohibited or is made or declared to be unlawful or an offense, or whenever in this code be or any ordinance the doing of any act is required or the failure to do any act is declared to be unlawful, where no specific penalty is provided therefore, any person upon conviction for the violation of any such provision of this Code or any ordinance shall be punished by a fine not



exceeding One Thousand Five Hundred Dollars (\$1,500.00) or by imprisonment not to exceed thirty (30) days, or by both such fine and imprisonment, for each such offense. Each day any violation of any provision of this Code or of any ordinance shall continue shall constitute a separate offense. In the construction and interpretation of this section, the revocation of a license or permit shall not be considered as a recovery or penalty so as to bar any other penalty from being enforced.

(Sec. 10 revised 11/16/2015, 12-30-15, 5/14/2018)

#### Section 11.

“OFF SALE” LICENSE TO FORBID CONSUMPTION OF ALCOHOLIC BEVERAGES ON LICENSED PREMISES; SALE TO BE COMPLETED ON PREMISES; DELIVERY PROHIBITED. No person holding an “off sale” license hereunder shall permit the consumption of alcoholic beverages upon the licensed premises or the opening of the container containing the alcoholic beverage, the same being the original package in which the sale is made on the premises where sold. All sales of alcoholic beverages made by a licensee holding an “off sale” license shall be completed upon the licensed premises by the delivery of the container containing the alcoholic beverages sold to the purchaser upon such premises. No delivery shall be made by any person holding an “off sale” license to any person at premises other than the licensed hereunder, unless the holder also holds an “on-sale” license for the same premises.

(Section 11 revised 5/14/2018)

#### Section 12.

STREET SALE OR USE PROHIBITED. The sale or serving or consumption of alcoholic beverages as defined in this Ordinance upon or across any street, alley, or public way is prohibited, except by special permit of the City Council.

#### Section 13.

BOND. A bond shall not be required from anyone obtaining a alcoholic beverage license starting with July 1, 1957.

(revised 5/14/2018)

Section 14.

LICENSE IS NOT TRANSFERRABLE: CITY COUNCIL TO APPROVE CHANGES. No license issued hereunder shall be transferrable except upon the approval by a majority vote of the City Council at any general or special meeting, and likewise no change of location shall be permitted except by the approval as stated above.

Section 15.

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 on the premises or to be sold alcoholic beverages by any person holding any license issued pursuant to this Ordinance.

Section 16.

INSPECTION OF LICENSED PREMISES TO BE ALLOWED BY POLICE OFFICERS. In addition to the requirements as hereinbefore stated to be set forth in the application made by a person seeking the license for the sale of alcoholic beverages, such person, co-partnership- or corporation seeking such license shall state therein that he consents to any police officer, sheriff, or any peace officer of the City of Park River or the State of North Dakota entering upon the premises for which license is sought for the purpose of inspecting said premises and any part thereof at any time, and that such person seeking such application waives all rights. Constitutional or otherwise, against unreasonable searches or seizures and further conditions that any alcoholic beverage found upon said premises or any property found therein held in violation of the laws of the State of North Dakota or of this Ordinance may be seized and taken away by such officer, and that such alcoholic beverages or other property so seized may be received in evidence against him in any procedure brought pursuant to the laws of the State of North Dakota or this Ordinance.

Section 17.

LICENSE TO BE POSTED. Licenses issued to licensees hereunder shall be posted in a conspicuous place in the premises for which the license has been issued.



Section 18.

PURCHASED 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 5 of the North Dakota Century Code. Each licensee hereunder shall keep on file all invoices covering purchase of such alcoholic beverages showing the name and license number of the wholesaler. 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 of the State of the North Dakota.

(Section 18 revised 5/--/2018)

Section 19.

LOCATION.

- 1.) No license shall be issued for any building, room, or place within one hundred fifty feet (150') of any church, public, or parochial school, or synagogue, and in determining such distance, the distance shall be measured by the ordinary route of travel from the nearest point upon the grounds upon which such church, public or parochial school, or synagogue is located to the entrance of the premises for which license is sought.
- 2.) No license shall be used at any location other than the permanent one on file with the license application except for a temporary use not to exceed twenty-four (24) hours, upon filing an application with the City Auditor at least thirty (30) days in advance, and provided it complies with Section 1 above and that it complies with the State statutes in all respects. The liability insurance of the licensee shall cover the temporary location. It is understood that this temporary use is to be used only for such events as banquets for a number of people greater than can be accommodated at the at the licensee's location, and is to be used for such cases as conventions, public festivities such as hospital banquets, large meetings of organizations, and that meals to be served are a prerequisite to this use. Dancing may be allowed if it complies with State statutes.

Section 20.

BOOTHS, DOORS, AND WINDOWS. No licensee for the retail sale of alcoholic beverage shall maintain, construct, or permit closed booths, balconies, or side rooms in the premises licensed. No licensee shall obstruct the view through the front door of his premises with advertising, lettering, or other material except a sign as follows, in lettering from one to two inches (1" – 2") high, "Licensed Liquor Dealer – No Minors Allowed". The view from the street level and through the windows and doors of said premises at all times shall be maintained in an open, clear, and unobstructed manner from the street and no screen partition or other matter obstructing the view through any portion of the said licensed premises shall be maintained therein at any time over sixty-six inches (66") above the sidewalk level.

#### Section 21.

REVOCAION OF LICENSE. Licenses issued pursuant to this Ordinance may be canceled for the following causes:

- 1.) Death of the licensee; except as allowed under Section 2.b.3. herein;
- 2.) When the licensee ceases business at the location licensed and a permit for change of location has been denied;
- 3.) When the licensee be adjudged bankrupt;
- 4.) When the licensee has been convicted of the violation of any provision of this Ordinance or of any felony under the laws of the United States, the State of North Dakota, or any other state of the United States;
- 5.) When the licensee ceases to be a legal bona fide resident and citizen of the State of North Dakota;
- 6.) When the license or permit of the licensee from the United States government or State of North Dakota to sell alcoholic beverages has been terminated or revoked;
- 7.) When the business of the licensee at the location licensed shall be conducted in violation of the health or sanitary regulations or other Ordinances of the City of Park River; and
- 8.) When the licensee has made any false statement in his application for license.

Such causes as hereinbefore described shall not be deemed to be exclusive and such license may be terminated at any time by the City Council



of the City of Park River. Said license may be revoked for any cause deemed by the City Council 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. When any license is revoked 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.

Section 22.

DISPOSITION OF LICENSE FEES. All license fees collected under this Ordinance shall be paid over to the Auditor of the City of Park River and credited to the general fund of said city.

Section 23.

SANITARY REQUIREMENTS. All premises licensed pursuant to this Ordinance must provide adequate and sufficient lavatories and toilets and meet such other health and sanitary regulations as may be prescribed by the City Council of the City of Park River.

Section 24.

POLICE POWERS DEFINED. This ordinance is declared to be an exercise of the police power directly affecting and designed to promote the peace, safety, public health, public morals, and well-being of the people of the City of Park River.

ORDINANCE 2.c.

AN ORDINANCE PROVIDING FOR A CABARET LICENSE AND PROVIDING FOR MISCELLANEOUS REGULATIONS OF SEXUALLY ORIENTATED BUSINESSES.

Section 1.

- a. Entertainment – shall be defined for purposes of this Ordinance to mean all forms and types of performing or entertaining for patrons on licenses premises without regard as to whether such entertainment is provided by means of live performances or manually operated, electronic systems designed for stereophonic play back of prerecorded signals; provided, however, that entertainment shall not be deemed to include the use of any television, radio or coin operated music machine.
- b. Live performances – shall be designated for the purpose of this Ordinance to mean any person who for consideration, monetary or otherwise, performs in person on a licensed premises as a singer, musician, dancer, comedian, model, or any other type of entertainer.

Section 2.

No licensee under this Chapter shall permit entertainment for more than one day a week any given week without first having obtained a cabaret license as hereinafter provided.

Section 3.

The licensee fee for a cabaret license shall be included on the schedule of fees and rates which is included in these ordinances and adopted herein by reference. (revised 12-30-15)

Section 4.

The license fee set forth in subsection 3. of this Section shall be for a period of one year from July 1 to June 30 and shall be payable in advance at any time of the issuance of the license. Licenses taken out after July 1 shall expire on June 30 of the succeeding year. (revised 6-2009)

Section 5.

The application for cabaret license shall be made by the licensee on forms provided by the City Auditor's office of the City of Park River. The granting of a cabaret license shall be subject to the approval of the City Council and it may be suspended or revoked in conformance with procedures established under Section 6.



#### Section 6.

No live performances are permitted on a licensed premises which contain any form of dancing. Such prohibition on dancing does not include the incidental movement or choreography of singers or musicians which are made in connection with their singing or playing of a musical instrument. This restriction applies to all licensed premises whether or not they have a cabaret license.

#### Section 7.

No live performances are permitted on a licensed premises which involve the removal of clothing, garments or any other costume. Such prohibition does not include the removal of headwear or footwear; or the incidental removal of a tie, suit coat, sport coat, jacket, sweater or similar outer garments. Incidental removal for purposes of this section shall mean the removal of a garment or article of clothing which is not part of the act or performance. The restriction applies to all licensed premises whether or not they have a cabaret license.

#### Section 8.

No entertainment on a licensed premises shall contain:

- a. The performance of acts or simulated acts, of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual acts which are prohibited by law;
- b. The actual or simulated touching, caressing or fondling of the breasts, buttocks, anus or genitals;
- c. The actual or simulated displaying of the pubic hair, anus, vulva or genitals; or the nipples of a female.

This restriction applies to all licensed premises whether or not they have a cabaret license.

#### Section 9.

- a. No employee entertainer or performer may touch the breasts, buttocks, anus or genitals of another person.
- b. No patron, using any part of his or her body including the hands, may knowingly make contact with the breasts, buttocks, anus or genitals of any employee, entertainer or performer.
- c. A patron may not place any money on the person or in or on the costume of an employee, entertainer or performer, provided that incidental hand to hand contact occurring during the act is not prohibited.

#### Section 10.

A licensee shall have the duty and responsibility to make available for inspection by an on-duty Law Enforcement Official an identification card, such as a driver's license, containing a photograph and the age of all entertainers or performers on the licensed premises. The licensee shall not permit a person to make a live performance on the licensed premises if the licensee is not able to obtain the required identification from the performer.

Section 11.

A separate offense and violation shall be deemed committed on each day on which a violation occurs or continues. In addition, violation of this ordinance constitutes sufficient grounds for suspending, revoking or non-renewing an alcohol beverage license issued by the City of Park River.

Section 12.

Any person who violates this ordinance shall be found guilty of a Class B Misdemeanor.

Section 13.

This Ordinance shall take effect upon passage and publication as required by law.

(adopted 6-6-2005, revised 12-30-15),