

Filed - City of Beulah

Date: 5-17-84

ORDINANCE NO. 277

City Auditor

AN ORDINANCE ESTABLISHING QUALIFICATIONS FOR OBTAINING AN ALCOHOLIC BEVERAGE LICENSE WITHIN THE CITY OF BEULAH, MERCER COUNTY, NORTH DAKOTA.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BEULAH, MERCER COUNTY, NORTH DAKOTA, AS FOLLOWS:


1. License Required. It shall be unlawful for any person to engage in the sale of beer, liquor or alcoholic beverages within the City without first obtaining a license therefore. (NDCC 40-05-01(29)).
2. Qualifications. In addition to qualifications or other requirements which are now or may hereafter be prescribed by the laws of the State of North Dakota or by the ordinances or resolutions of the governing body of the City of Beulah, no license shall be issued to any applicant unless such applicant shall file a sworn application therefore, accompanied by the required fee, and shall show in such application that he possesses the following qualifications:
 - a. Applicant other than corporate applicant must be a legal and bona fide resident and citizen of the State of North Dakota, and have been a resident of the City of Beulah for at least thirty (30) days immediately prior to the filing of the application. The residency requirement herein is a continuing requirement during the term of any license issued hereunder.

- b. Applicant or manager must not have been convicted of an offense determined by the attorney general to have a direct bearing upon an applicant's or manager's ability to serve the public as an alcoholic beverage retailer; or, following conviction of any offense, is determined not to be sufficiently rehabilitated under Section 12.1-33-02.1.
- c. Applicant shall not have had revoked, within five (5) years next preceding his application for any license issued to him pursuant to ordinances or resolutions of the City of Beulah to the laws of the State of North Dakota, or any state, to sell beer, alcohol, or alcoholic beverages.
- d. If the applicant is a partnership, all members of the partnership must be personally qualified to obtain a license, except that the limited or managing partner (provided that the limited or managing partner has a 10% or more interest in the partnership), shall be the only partner required to meet the requirement that he be a resident of the City as set out above.
- e. If the applicant is a corporation, all officers and directors thereof, and any stockholders holding more than five percent (5%) of stock of such corporation, and the person or persons who shall conduct and manage the licensed premises for the corporation must possess all the qualifications required herein for an individual licensee, provided; however, that the requirements as to being a resident and citizen of the State of North Dakota and a resident of this City shall not apply to non-resident


officers, directors and stockholders of such corporation, but such requirements shall apply to any officer, director, or stockholder who is also the manager of the licensed premises or who is engaged or employed at the licensed premises, in any capacity, in the conduct and operation of the licensed premises.

- f. No license shall be issued to any person, firm or corporation engaged in business as the representative of agent of another and the license will be issued only to the owner or owners of the business to be conducted at the location for which the license is sought. No applicant shall directly or indirectly own, control or have any interest whatsoever in any other liquor establishment which is licensed to sell beer or liquor within the City of Beulah.
- g. No applicant shall enter into any agreement or understanding with any other person with respect to the use, operation, or management of any beer or liquor establishment licensed within the City.

- 3. Failure to comply with the provisions of this ordinance shall be grounds for revocation of the license.
- 4. That all ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.
- 5. This ordinance shall be in full force and effect from and after its final passage and adoption.


DAROLD BENZ, Mayor

ATTEST:


ROBERT F. WENDEL, City Auditor

First Reading: April 16, 1984.

Second Reading: May 7, 1984

Final Passage and Adoption: May 7, 1984

