

ALCOHOLIC BEVERAGES

CHAPTER 111

HOUSE BILL NO. 1512
(Gerl)

SPECIAL EVENT ALCOHOLIC BEVERAGE PERMIT

AN ACT to amend and reenact section 5-02-01.1 and subsection 2 of section 53-02-05 of the North Dakota Century Code, relating to allowing the on and off sale of alcoholic beverages by special permit at special events, and allowing an alcoholic beverage licensee to conduct special events and sell beverages on and off sale.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT.) Section 5-02-01.1 of the 1977 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

5-02-01.1. SPECIAL PERMIT AUTHORIZED.) The local governing body and the attorney general may by special permit authorize an on sale, off sale, or on or off sale alcoholic beverage licensee to engage in the sale of alcoholic beverages at special events on such licensed premises as may be designated by such the permit. A fee for such the local special permit may be set by ordinance or resolution at not more than twenty-five dollars. The permit shall not be valid for a period greater than three consecutive days. The local governing body may establish such rules and ~~regulations~~ as it may deem proper to regulate and restrict the operation of a special permit.

SECTION 2. AMENDMENT.) Subsection 2 of section 53-02-05 of the 1977 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

2. An on sale, off sale, or on or off sale alcoholic beverage licensee desiring to conduct a special event, public dance, or music festival wherein alcoholic beverages will be sold shall make an application for a special permit to do so to the governing body of the municipality or organized township in which it is to be conducted, if it is to be conducted within the limits of any city or organized township. In all other cases, the application shall be made to the board of county commissioners of the county in which such special event, dance, or music festival is to be conducted. The application shall set forth the information required in subsection 1.

Not approved or disapproved by the Governor

Filed March 6, 1979

CHAPTER 112

HOUSE BILL NO. 1353
(Kloubec)

SUNDAY CONVENTION ALCOHOLIC
BEVERAGE PERMIT

AN ACT to create and enact section 5-02-05.1 of the North Dakota Century Code, providing for a special Sunday convention alcoholic beverage permit which may be issued by the governing body of a city to a private club, lodge, motel, or hotel serving as a state or national convention headquarters; to amend and reenact section 5-02-05, subsection 11 of section 12.1-30-02, and subsection 29 of section 12.1-30-03 of the North Dakota Century Code, relating to prohibited liquor disposal on certain days, personal property sales allowable on Sunday, and businesses allowed to operate on Sunday; and providing a penalty.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT.) Section 5-02-05 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

5-02-05. DISPOSAL PROHIBITED ON CERTAIN DAYS - PENALTY.) Anyone Except as permitted by section 5-02-05.1, any person who dispenses or permits the consumption of alcoholic beverages on licensed premises after one ~~o¹e¹e¹e¹e¹e¹k~~ a.m. on Sundays, before eight ~~o¹e¹e¹e¹e¹e¹k~~ a.m. on Mondays, or between the hours of one ~~o¹e¹e¹e¹e¹e¹k~~ a.m. and eight ~~o¹e¹e¹e¹e¹e¹k~~ a.m. on all other days of the week, or who so dispenses or permits such consumption on Memorial Day, Good Friday, Thanksgiving Day, Christmas Day, or after six ~~o¹e¹e¹e¹e¹e¹k~~ p.m. on Christmas Eve, or between the hours of one ~~o¹e¹e¹e¹e¹e¹k~~ a.m. and eight ~~o¹e¹e¹e¹e¹e¹k~~ p.m. on the day of any statewide special, primary, or general election is guilty of a class A misdemeanor.

SECTION 2.) Section 5-02-05.1 of the North Dakota Century Code is hereby created and enacted to read as follows:

5-02-05.1. SPECIAL SUNDAY CONVENTION ALCOHOLIC BEVERAGE PERMIT.)

1. Any city may issue a special Sunday convention alcoholic beverage permit to a private club, lodge, motel, or hotel,

as defined under municipal ordinances and licensed as a retail alcoholic beverage establishment pursuant to chapter 5-02, which serves as the headquarters for the state or national convention of a bona fide organization recognized by the governing body of the city in which the convention is held.

2. The authority for issuing such special permit shall rest solely with the governing body of the city. A special permit shall be granted only upon proper application to and approval by the governing body, and shall include payment of a fee determined by such governing body. A special permit granted by the city shall be effective for one Sunday only.
3. Under the special permit, alcoholic beverages may be distributed and dancing may be permitted in those rooms of the private club, lodge, motel, or hotel which have been specifically reserved for convention activities, but shall not be permitted in bar and lounge areas containing the permanent bar fixtures and normally open to the public. A city may permit dancing and the distribution of alcoholic beverages between the hours of twelve noon on the specified Sunday and one a.m. on Monday. Under no circumstances shall the general public be permitted to participate in the consumption of alcoholic beverages distributed under the authority and conditions of the special permit. It shall be the duty of the private club, lodge, motel, or hotel granted the special permit to enforce the requirements of this section and the conditions established by the city under the permit.
4. The special Sunday convention alcoholic beverage permit shall not be granted to allow the distribution of alcoholic beverages at gatherings or meetings which, in the opinion of the governing body of the city, are primarily local in nature.
5. Any person who dispenses, sells, or permits the consumption of alcoholic beverages in violation of this section or the conditions of a special permit, or who furnishes information required by this section which is false or misleading, shall be guilty of a class A misdemeanor.

SECTION 3. AMENDMENT.) Subsection 11 of section 12.1-30-02 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

11. Beer and alcoholic beverages ~~but only~~ until one o'clock a.m., except as provided by section 5-02-05.1.

SECTION 4. AMENDMENT.) Subsection 29 of section 12.1-30-03 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

29. Premises licensed to dispense beer and alcoholic beverages within the limits prescribed in ~~section~~ sections 5-02-05 and 5-02-05.1.

Not approved or disapproved by the Governor

Filed March 13, 1979