

## **CHAPTER EIGHT**

### **BUSINESS REGULATIONS AND LICENSES**

#### ARTICLE 1 - GENERAL PROVISIONS

##### 8.0101 Licenses - Applicability of Article

Unless otherwise specifically provided, license 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.

Source: City of Medora Ordinances 1970, North Dakota League of Cities Model Municipal Ordinance Code - 1987, and Section 40-05-01 (24) NDCC

##### 8.0102 Licenses - Application

Any person desiring a license or permit under any ordinance of the City shall make a written application to the City therefore 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 name his proposed sureties on his bond in his application. Such application shall be verified.

Source: City of Medora Ordinances 1970, North Dakota League of Cities Model Municipal Ordinance Code - 1987, and Section 40-05-01 (24) NDCC

##### 8.0103 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. In the event such license or permit cannot be granted because it is not expressly authorized by the terms and conditions specified by an ordinance, the City Auditor cannot grant or deny the particular application for license or permit and the City Auditor shall report such application to the next meeting of the governing board for its

action thereon.

Source: City of Medora Ordinances 1970, North Dakota League of Cities Model Municipal Ordinance Code - 1987, and Section 40-05-01 (24) NDCC

#### 8.0104 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 year. All semi-annual licenses or permits shall commence on the first day of January and the first day of July and expire on the last day of June and the last day of December, respectively.
3. No license or permit shall be valid until signed and sealed nor shall any persons be deemed licensed until a license shall be duly issued to him.
4. Each license shall be dated the day of issuance thereof; but if the applicant or applicants shall have been acting without a license, the license shall commence with the date business commences; if the business calls for a yearly license then a license shall commence on the first day of January 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 the license record.

Source: City of Medora Ordinances 1970, North Dakota League of Cities Model Municipal Ordinance Code - 1987, and Section 40-05-01 (24) NDCC

#### 8.0105 Licenses - Not Transferable

No license or permit shall be assignable or transferable except by permission of the City Council. 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 place 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 authorize any person to act under it at more than one (1) place at the same time, or 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.

Source: City of Medora Ordinances 1970, North Dakota League of Cities Model Municipal Ordinance Code - 1987, and Section 40-05-01 (24) NDCC

#### 8.0106 Licenses - Revocation

All licenses granted shall be subject to ordinances 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 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 practice 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 licensee or those claiming under him, shall not be entitled to any return of any portion of the license fee previously paid to the City.

Source: City of Medora Ordinances 1970, North Dakota League of Cities Model Municipal Ordinance Code - 1987, and Section 40-05-01 (24) NDCC

#### 8.0107 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 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.

Source: City of Medora Ordinances 1970, North Dakota League of Cities Model Municipal Ordinance Code - 1987, and Section 40-05-01 (24) NDCC

#### 8.0108 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 January of each year.

Source: City of Medora Ordinances 1970, North Dakota League of Cities Model Municipal Ordinance Code - 1987, and Section 40-05-01 (24) NDCC

#### 8.0109 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 violations of ordinances or state laws by the licensee.

Source: City of Medora Ordinances 1970, North Dakota League of Cities Model Municipal Ordinance Code - 1987, and Section 40-05-01 (24) NDCC

#### 8.0110 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 in non-compliance with 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.

Source: City of Medora Ordinances 1970

## ARTICLE 2 - TRANSIENT MERCHANTS

### 8.0201 Definitions

For the purpose of this article:

1. "Transient Merchant" includes any person, individual, partnership, corporation, or limited liability company, either as principal or agent, who engages in, does, or transacts any temporary or transient business in the City of Medora or within one-half (1/2) mile of the municipal limits, either in one locality, or in traveling from place to place selling, or soliciting orders for future delivery of goods, wares, merchandise, personal property, and personal services, and taking photographs for present or future delivery, and who, for the purpose of carrying on such business, hires, leases, occupies or uses a building, structure, lot, tract, railroad car or motor vehicles for the exhibition and sale of such goods, wares, and merchandise above stated. The person, individual, co-partnership, corporation or limited liability company so engaged shall not be relieved from complying with the provisions of this article merely by reason of associating 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.

A temporary or transient business exists if the merchant engages or intends to engage in a business in the City of Medora for a period of time less than 61 days.

### 8.0202 License Required

It shall be unlawful to do business in the City of Medora as a transient merchant without having first secured a license as herein provided.

The commencement of sales shall not be permitted until the transient merchant license is granted and the bond is posted.

Upon receipt of the completed application to the City Auditor's office, the City Auditor shall collect the license fee as prescribed herein. The City Auditor shall notify the Chief of Police who shall have a 10-day period to run a police check on the applicant. At the expiration of the 10-day period and receipt of the report from the Chief of Police,

if any is available, the City Auditor shall submit the application to the City Council, which shall approve or disapprove the application as submitted. The City Council shall have 30 days in which to meet and approve or disapprove the license. If the application is approved by the City Council, the City Auditor shall issue a license to an applicant for a period of not to exceed 60 days from the date of issuance. If the merchant intends to conduct this business longer than 60 days, a new application must be filled out by the merchant and it again must be approved by the City Council.

All licenses, permits, or bonds required by this section or state law, including receipts showing the per diem fee paid, shall be properly displayed to the public at the site, building, structure, lot, tract, railroad car, or motor vehicle where the exhibition or sale of such goods, wares, merchandise, or services as hereinbefore described takes place.

Persons selling goods at a state convention, meeting, or seminar shall be exempt to the extent that goods are sold to the registrants and are the types of goods used in the registrants' trade or profession. Craft fairs with specific permission of the City Council shall also be exempt from the provisions of this ordinance.

An applicant for a transient merchant license shall also show proof that he has obtained the appropriate corresponding license from the county or Attorney General's office and has paid the appropriate license fee to the county or Attorney General's office as required by Section 51-04-03 of the North Dakota Century Code.

#### 8.0203 License Fee

The license fee to be required of all transient merchants for the transaction of such business within the City, as contemplated and provided for by Section 51-04-09, North Dakota Century Code, shall be fixed by resolution of the City Council.

#### 8.0204 License - Application for

Applicants for license under this article, whether an individual, partnership, corporation, or limited liability company, 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 or limited liability company, with the City Auditor, showing:

1. Applicant's name, present residence, present home address, present business address, present business telephone number, present residential telephone number, and, if a corporation or limited liability company, 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 (2) 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 (2) years;
5. The place or places in the City where it is proposed to carry on applicant's business and days 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. An itemized list of merchandise, goods, and wares to be offered for sale, reciting as to each item a description thereof, including the nature, character, and quality of the goods, wares or merchandise to be sold, or offered for sale, including the serial numbers, whether the same are proposed to be sold from stock in possession or by sample; at auction, by direct sale, or by direct sale and taking orders for future delivery; where the goods or property proposed to be sold are manufactured or produced.

The owner or seller of any goods, wares, merchandise, or any magazine, newspaper, periodical or publication, personal property or personal services, shall provide telephone numbers and addresses where the consumer may obtain information as to the authenticity of the items mentioned above, and also be a source for services which may be required in the event that these goods, wares, merchandise, personal property or personal services, as mentioned above, are not merchantable or become unworkable, unsafe, and/or in need of repair or replacement. The itemized list shall include the total number of each item to be sold and such information shall be provided therein as to the buyer or consumer.

It shall be unlawful for any transient merchant to advertise, represent, or hold forth any item as being sold for an insurance, bankrupt, insolvent, assignee, trustee, testator, executor, administrator, personal representative, receiver, syndicate, wholesaler, or manufacturer, or closing out sale, or as a sale of any goods, wares, and merchandise damaged by smoke, fire, water, or otherwise, or in any other similar form, unless such transient merchant shall file with his application for a transient merchant license an affidavit showing all the facts relating to the reasons and character of the sale so to be advertised or represented, and showing that the sale is, in fact, as it is to be advertised and represented, including a statement of:

1. The names of the persons from whom the goods, wares, and merchandise were obtained;
2. The date of their delivery to the applicant;
3. The place from which the goods, wares, and merchandise were last taken;
4. All details necessary to exactly locate and fully itemize all goods, wares, and merchandise to be sold.

If the affidavit filed as prescribed above shows that the sale is not of the kind or character proposed to be advertised or represented, or fails to disclose the facts as required, then the City Auditor shall reject the application. Should a license be issued to the applicant, it must state that the applicant is authorized and licensed to sell such goods, wares, and merchandise and advertise and represent the same as being sold as such insurance, bankrupt, insolvent, assignee, trustee, testator, executor, administrator, personal representative, receiver, syndicate, wholesaler, or manufacturer, or closing out sale or as a sale of any goods, wares, and merchandise damaged by smoke, fire, water or otherwise as shown in the affidavit. The affidavit must be sworn to by the applicant before a person authorized to administer oaths.

#### 8.0205 Bond

In addition to the payment of any fee and as a prerequisite for the obtaining of such a license, all transient merchants shall obtain and file with the City Auditor a surety bond or cash deposit in lieu thereof, the amount to be determined by the City Council at

the time the City Council reviews the application of the transient merchant. Said bond shall run to the benefit of the City and shall remain in full force and effect until such time, if any, the City Council cancels the bond. Said bond shall not be less than \$1,000.00 nor more than \$50,000.00 and shall, by its terms, guarantee that such licensee, his agents, representatives, or auctioneers, perform all of their contractual obligations incurred while doing business within the City and, should such licensee default or fail to perform any such obligations, that any person aggrieved thereby shall then be empowered to have and recover his claim against such licensee directly from such performance bond. Such performance bond shall either be in the cash deposited with the City Auditor or in the form of a surety bond written by a surety company authorized to do business within the state. Action on the bond may be brought in the name of the City to the use of the aggrieved person.

The contents and surety therein shall be subject to the approval of the City Attorney and shall be conditioned that said applicant will in all things conform to the laws and ordinances relating to transient merchants and further conditioned upon full compliance with all material, oral or written statements and representations made by the applicant, his agent, representatives, or auctioneers, with reference to merchandise or services sold or offered for sale, and on the faithful performance under all warranties made with reference thereto, 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 or growing out of any misrepresentation or deception practiced on any person transacting such business with such applicant, whether said misrepresentations or deceptions were made or practiced by the owners or by their servants, agents, or employees, of any character whatsoever, printed or circulated with reference to the goods, wares, or merchandise sold or any part thereof.

No sale under the purview of this chapter shall be conducted in the name of any person other than the bona fide owner of the goods, wares, and merchandise.

Pursuant to Section 51-04-08.1 NDCC, a transient merchant selling merchandise only in flea markets, craft fairs, fairs, carnivals, circuses, or similar activities regulated by city or county governments, fair associations, convention bureaus, other political subdivisions, or local trade organizations, are exempt from the requirements of Section 51-04-02 and 51-04-03 NDCC relating to application for license and bond.

Any auction conducted on behalf of a resident selling personal items or a resident's business liquidation shall be exempt from this license procedure. Single event charitable auctions and craft fairs specifically approved by the City Council shall also be

exempt.

Persons who have an established route and schedule and have been conducting business in this state for two (2) consecutive years may be exempt from the provisions of this ordinance by the City Council.

Source: City of Medora Ordinances 1986, North Dakota League of Cities Model Municipal Ordinance Code - 1987, Sections 51-04-03 and 51-04-08.1 NDCC

#### 8.0206 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 as the applicant's true and lawful agent with full power and authority to acknowledge service or 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 given 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 of right or error by reason of such acknowledgment of service or manner of service. Immediately upon service of process upon the City Auditor, the City Auditor shall send to the licensee at the licensee's last known address, by certified mail, a copy of said process.

Prior to the issuance of a transient merchant's license and approval of the bond, the applicant shall, in writing, appoint the City Auditor his agent to accept service of process in any action or proceeding involving the applicant and arising out the sale for which the license is sought.

Source: Section 51-04-07 NDCC, City of Medora Ordinances 1986, and North Dakota League of Cities Model Municipal Ordinance Code 1987

#### Section 8-0207 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 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.

When a transient merchant licensed under this chapter engages in or transacts any business regulated by this chapter and it is inapplicable or inappropriate to display the license as required, such transient merchant so licensed must have the license in immediate possession at all times when engaging in or transacting any such business. The licensee must display the license when requested to do so by any person. However, a person charged with violating this requirement may not be convicted, fined, or assessed court costs, provided the license is produced in court or to the arresting officer and the license was valid at the time of the arrest.

Source: City of Medora Ordinances 1986, North Dakota League of Cities Model Municipal Ordinance Code 1987, and Section 51-04-03.1 NDCC

Section 8.0208      Transfer

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

Source: City of Medora Ordinances 1986, North Dakota League of Cities Model Municipal Ordinance Code 1987, and Section 51-04-09 NDCC

Section 8.0209      Enforcement and Penalty

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 provide the Chief of Police a copy of the application and license.

When it appears that any stock of goods, wares, and merchandise has been brought into the City by a person not a resident of the city, and that is claimed, represented, or advertised that such stock is to be closed out at reduced prices, such facts are prima facie evidence that the person, partnership, corporation, limited liability company, or agency so offering the goods, wares, or merchandise for sale is a transient merchant. Any transient merchant violating any provisions of this chapter for which another penalty is not specifically provided, is guilty of a Class B misdemeanor, as defined by the North Dakota Century Code.

Source: City of Medora Ordinances 1986, North Dakota League of Cities Model

Ordinance Code 1987, and Sections 51-04-06, 51-04-09, and 51-04-10  
NDCC

Section 8.0210      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 (5) days prior to the date set for the hearing.

Source: City of Medora Ordinances 1986, North Dakota League of Cities Model Municipal Ordinance Code 1987, and Section 51-04-09 NDCC

Section 8.0211      Expiration of License

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

Source: City of Medora Ordinances 1986, North Dakota League of Cities Model Municipal Ordinance Code 1987, and Section 51-04-09 NDCC

### ARTICLE 3 - HAWKERS AND PEDDLERS

#### Section 8.0301 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, limited liability company, association, club, partnership or society, or any other organization. The words "hawker" and "peddler" as used herein shall include any person, whether a resident of the City or not, 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 as a part of a scheme or design to evade the provisions of this article shall be deemed a hawker or peddler subject to the provisions of this article. This article shall not apply to residents selling goods for a non-profit purpose.

Source: City of Medora Ordinances 1970, North Dakota League of Cities Model Municipal Ordinance Code 1987, Section 40-05-01 (26) and, generally, Chapter 51-04 NDCC

#### Section 8.0302 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 therefor.

Source: City of Medora Ordinances 1970, North Dakota League of Cities Model Municipal Ordinance Code 1987, Section 40-05-01 (26) and, generally, Chapter 51-04 NDCC

#### Section 8.0303 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 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; and
7. A statement as to whether or not the applicant has been convicted of any crimes, misdemeanors or violations of any municipal ordinance, the nature of the offense and the punishment or penalty assessed therefor.

Source: City of Medora Ordinances 1970, North Dakota League of Cities Model Municipal Ordinance Code 1987, Section 40-05-01 (26) and, generally, Chapter 51-04 NDCC

#### Section 8.0304      Fees

The license fee to be required of all hawkers and peddlers for the transaction of business within the City shall be fixed by resolution.

Source: City of Medora Ordinances 1970, North Dakota League of Cities Model Municipal Ordinance Code 1987, Section 40-05-01 (26) and, generally, Chapter 51-04 NDCC

#### Section 8.0305      Exhibition of License

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

Source: City of Medora Ordinances 1970, North Dakota League of Cities Model Municipal Ordinance Code 1987, Section 40-05-01 (26) and, generally, Chapter 51-04 NDCC

Section 8.0306      Transfer

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

Source:      City of Medora Ordinances 1970, North Dakota League of Cities Model Municipal Ordinance Code 1987, Section 40-05-01 (26) and, generally, Chapter 51-04 NDCC

Section 8.0307      Use of Streets

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

Source:      City of Medora Ordinances 1970, North Dakota League of Cities Model Municipal Ordinance Code 1987, Section 40-05-01 (26) and, generally, Chapter 51-04 NDCC

Section 8.0308      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.

Source:      City of Medora Ordinances 1970, North Dakota League of Cities Model Municipal Ordinance Code 1987, Section 40-05-01 (26) and, generally, Chapter 51-04 NDCC

Section 8.0309      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.

Source: City of Medora Ordinances 1970, North Dakota League of Cities Model Municipal Ordinance Code 1987, Section 40-05-01 (26) and, generally, Chapter 51-04 NDCC

## ARTICLE 4 - RUNNERS, SOLICITORS, AND CANVASSERS

### Section 8.0401      Definitions

A "runner", "solicitor", or "canvasser" is defined as any individual, whether a 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, limited liability company 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.

Source:      City of Medora Ordinances 1970, North Dakota League of Cities Model  
Municipal Ordinance Code 1987, and Section 40-05-01 (1, 26, 28) NDCC

### Section 8.0402      Exceptions

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

Source:      City of Medora Ordinances 1970, North Dakota League of Cities Model  
Municipal Ordinance Code 1987, and Section 40-05-01 (1, 26, 28) NDCC

### Section 8.0403      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.

Source:      City of Medora Ordinances 1970, North Dakota League of Cities Model  
Municipal Ordinance Code 1987, and Section 40-05-01 (1, 26, 28) NDCC

Section 8.0404      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 the license number; and
7. A statement as to whether or not the applicant has been convicted of any crimes, misdemeanors or violations of any municipal ordinance, the nature of the offense and punishment or penalty assessed therefor.

Source: City of Medora Ordinances 1970, North Dakota League of Cities Model Municipal Ordinance Code 1987, and Section 40-05-01 (1, 26, 28) NDCC

Section 8.0405      Fees

The license fee to be required of all runners, solicitors, and canvassers for the transaction of business within the City shall be fixed by resolution.

Source: City of Medora Ordinances 1970, North Dakota League of Cities Model Municipal Ordinance Code 1987, and Section 40-05-01 (1, 26, 28) NDCC

Section 8.0406      Exhibition of License

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

Source: City of Medora Ordinances 1970, North Dakota League of Cities Model Municipal Ordinance Code 1987, and Section 40-05-01 (1, 26, 28) NDCC

Section 8.0407      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.

Source:            City of Medora Ordinances 1970, North Dakota League of Cities Model Municipal Ordinance Code 1987, and Section 40-05-01 (1, 26, 28) NDCC

Section 8.0408      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 purposes 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.

Source:            City of Medora Ordinances 1970, North Dakota League of Cities Model Municipal Ordinance Code 1987, and Section 40-05-01 (1, 26, 28) NDCC

Section 8.0409      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.

Source:            City of Medora Ordinances 1970, North Dakota League of Cities Model Municipal Ordinance Code 1987, and Section 40-05-01 (1, 26, 28) NDCC

Section 8.0410      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 or canvassing in an unlawful manner or in such 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 his last known address at least five (5) days prior to the date set for the hearing.

Source: City of Medora Ordinances 1970, North Dakota League of Cities Model Municipal Ordinance Code 1987, and Section 40-05-01 (1, 26, 28) NDCC

ARTICLE 5 - FLEA MARKETS - RODEOS - CRAFT FAIRS - CIRCUSES, ETC.

8.0501 Permits Required

All flea markets, craft fairs/shows, rodeos, carnivals, circuses, or similar activities where merchandise is sold within the City of Medora's zoning boundaries shall submit an application to obtain a permit from the City Auditor. The City Council may request whatever information it deems appropriate regarding the proposed event. The City may approve or deny the application for permit, require a deposit or bond, or place appropriate restrictions upon the event. The City may charge a fee for such permit, to be fixed by resolution of the City Council.

ARTICLE 6 - OUTSIDE DISPLAY OF MERCHANDISE

8.0601 Prohibited

Dry goods and/or merchandise shall not be displayed outside.

## ARTICLE 7 - ALCOHOLIC BEVERAGES

### 8.0701 Definitions

For the purpose of this article:

1. "Alcohol" shall mean neutral spirits distilled at or above one hundred ninety degrees proof, whether or not such product is subsequently reduced, for non-industrial use.
2. "Alcoholic Beverages" shall mean any liquid suitable for drinking by human beings, which contains one-half of one per cent or more of alcohol by volume.
3. "Beer" shall mean any malt beverage containing more than one-half of one per cent of alcohol by volume.
4. "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 200 members at the time of application for license and which was in existence on November 3,1936.
5. "Distilled Spirits" shall mean any alcoholic beverage that is not beer, wine, sparkling wine, or alcohol.
6. "Licensed Premises" shall mean the premises on which beer, liquor, or alcoholic beverages are normally sold or dispersed and must be delineated by diagram or blueprint which must be included with the license application or the license renewal application.
7. "Licensee" shall mean any person, firm, corporation, limited liability company, association, or club which shall have secured a license pursuant to provisions of this chapter or their agent or employee.
8. "Liquor" shall mean any alcoholic beverage except beer.
9. "Micro-Brew Pub" shall mean a brewer that brews twenty-five or fewer barrels of beer per week and sells beer produced or manufactured on the premises for consumption on or off the premises, or serves beer produced or manufactured on the premises for purposes of sampling the beer.

10. "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 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.
11. "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.
12. "Package" and "Original Package" shall mean and include any container or receptacle containing an alcoholic beverage, which 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.
13. "Person" shall mean and include any individual, corporation, association, lodge or club, partnership, limited liability company, or any other organization; and shall include the singular and plural.
14. "Retail Sale" shall mean the sale of alcoholic beverages for use or consumption and not for resale.
15. "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.
16. "Sparkling Wine" shall mean wine made effervescent with carbon dioxide.
17. "Wine" shall mean 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 per cent alcohol by volume.

Source: City of Medora Ordinances 1970, North Dakota League of Cities Model

Municipal Ordinance Code 1987, and Section 5-01-01 NDCC

8.0702 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.

Source: Section 5-01-02 NDCC

8.0703 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.

Source: Section 5-02-01 NDCC

8.0704 Licenses - Class of - Fee

1. On and off-sale liquor license at an annual fee of \$800.00.
2. On and off-sale beer license at an annual fee of \$200.00.

Source: Section 5-02-03 NDCC and City of Medora Ordinances 1970 and 1975

8.0705 Licenses - Limit of Number

The maximum number of each classification of license which may be issued shall be set by the City Council.

Source: Section 5-02-09 NDCC  
8.0706 Licenses - Term of

1. All licenses issued hereunder shall be for a period of not more than one (1) year and shall expire on the 31st day of December in each year. Where a license is granted for a period less than one (1) year any subsequent renewal thereof must be made for the full annual term.
2. If an application is made for license hereunder during the license year for the unexpired portion of such year, the fee for said license shall be proportional to represent the number of whole months which said license will be in effect.

Source: North Dakota League of Cities Model Municipal Ordinance Code 1987 and Sections 5-02-03 and 5-02-09 NDCC

8.0707 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 County of Billings, and be a person of good moral character.
2. If applicant is a corporation or limited liability company, the manager of the licensed premises and the officers, directors, and stockholders must be legal residents 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 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 an offense determined by the City Council 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 NDCC.
5. Building in which business is to be conducted must meet local and state requirements regarding sanitation and safety.
6. Taxes on property for which application for license is made must not be delinquent.
7. 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 licensee.
8. The City Council may require the applicant to set forth such other information in the application as is necessary in order to enable them to determine whether a license should be granted.
9. Applicant may not have any financial interest in any wholesale alcoholic beverage business.

Every applicant, as a portion of his written application, shall be required to promise and agree to abide by and obey all applicable laws of the state and all applicable ordinances of the city insofar as such laws or ordinances may be concerned with his operation of the licensed premises and any activities conducted thereon.

There shall also be incorporated on any such application the following consent which shall be signed by the applicant:

"The applicant herein does expressly consent that any member of the City Council and any police officer of the City or any person or persons duly authorized by the City Council may enter upon the premises described in this application at any reasonable hour of the day or night, and at such times they shall have free access to all portions of the property comprising the licensed premises for the purpose of inspecting such premises for any possible violation of any of the laws of the state or of any of the ordinances of the City, whether they pertain specifically to the sale of alcoholic

beverages or not. Such access shall be permitted for such purposes without the necessity of a search warrant."

Source: Section 5-02-02 NDCC

8.0708 Application for Liquor License

Any person desiring a license to sell alcoholic beverages at retail 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 partnership, the name and address and place of residence of each member of said partnership; if the applicant is a corporation or limited liability company, the names and addresses of the officers of the corporation or limited liability company 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 partnership, the same preceding information for each member of said partnership; and if the applicant is a corporation or limited liability company, the date of incorporation, the state where incorporated, the purpose for which said corporation was incorporated, and if such corporation is a 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, and the date the applicant first began to operate.

7. Whether the applicant had ever had a license revoked or canceled by a 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.
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 names 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 not 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 the 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 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.
13. Whether the applicant has any interest whatsoever directly or indirectly, in any 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 holders 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. 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 anytime by any police officer, sheriff or any peace officer of this City or of the State of North Dakota.
20. Such other and further information as the governing body may from time to time require.

Source: Sections 5-02-02 and 5-02-09 NDCC and North Dakota League of Cities Model Municipal Ordinance Code 1987

#### 8.0709 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.

Source: Sections 5-02-02 and 5-02-09 NDCC and North Dakota League of Cities Model Municipal Ordinance Code 1987

#### 8.0710 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 filed with the board. At the time of hearing 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 regulations.
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 license.
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.
11. Public convenience and necessity.

Source: City of Medora Ordinances 1970, North Dakota League of Cities Model Municipal Ordinance Code 1987, and Section 5-02-09 NDCC

#### 8.0711 License - Granting

After the governing body of the City has received the application as provided herein they shall meet and consider the same. If they find that the applicant meets the qualifications for a license and are satisfied as to the completeness and the accuracy of the information contained in the application, they may grant the license. If they find that the applicant does not meet with the qualifications or they are not satisfied as to the

completeness or accuracy of the information they may request that the applicant supply more verified information to the governing body or they may reject the application.

Source: North Dakota League of Cities Model Municipal Ordinance Code 1987 and Section 5-02-09 NDCC

8.0712 License and Posting of

Each license issued under the provisions of this chapter must be given an identification number, and a permanent record thereof must be kept by the City Auditor, showing the name and address of the licensee and a description of the licensed premises. All licenses must be displayed at all times in a prominent place on the premises described in the application for the license.

Source: Section 5-02-09 NDCC and North Dakota League of Cities Model Municipal Ordinance Code 1987

8.0713 License - Transfer of or Change of Location

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

No change of location of a licensed premises shall be permitted or considered unless the licensee shall first make a written application for such change to the City Council, clearly stating when and to what location the change is requested. Upon receipt of such written application, public notice thereof shall be given by publication one time in the official newspaper of the City, advising the general public of the time and place, not less than 30 days and not more than 60 days after the publication of such public notice, when the City Council shall meet to consider such application for change of location as well as any other applications for alcoholic beverage licenses that may be submitted. Such an application for change of location may be granted only upon a majority vote of the members of the City Council.

It is the intention hereof to serve notice on all concerned that change of locations of retail liquor establishments shall not necessarily be freely granted and that the policy of the City Council shall be to deny such requests if it appears that the change is, in effect, granting of a new license to a different type of establishment as distinguished from a simple change of location of an existing retail business.

Source; Section 5-02-09 NDCC and North Dakota League of Cities Model

Municipal Ordinance Code 1987

8.0714 License Fees - Disposition of

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

Source: North Dakota League of Cities Model Municipal Ordinance Code 1987 and Section 5-02-09 NDCC

8.0715 Hours and Time of Sale - Penalty

Any person who dispenses or permits the consumption of alcoholic beverages on licensed premises after 1:00 a. m. on Sundays, before 12:00 Noon on Sundays, or between the hours of 1:00 a. m. and 8:00 a. m. on all other days of the week, or who dispenses alcoholic beverages or permits consumption of alcoholic beverages on licensed premises on Christmas Day, after 1:00 a. m. on Thanksgiving Day, or after 6:00 p. m. on Christmas Eve is guilty of an offense. Any offense is punishable by a fine of \$500.00 and/or 30 days in jail or both.

Source: Section 5-02-05 NDCC

8.0716 Licensee's Responsibility

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, permitting no disorderly conduct on the premises. Alcoholic beverages shall not be served to any intoxicated person, nor shall any intoxicated person be permitted to remain upon the premises.

Source: Sections 5-01-06.1, 5-01-09, and 5-02-09 NDCC

8.0717 Gambling Prohibited - Exceptions

No licensee hereunder shall be permitted to have or maintain on the licensed premises any gambling device, slot machine, punch board, or any other machine or device of similar nature, nor shall gambling, whether by cards, dice, or otherwise, of any nature, be permitted upon the licensed premises when prohibited by state law. 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 of any such violation. This

section shall not apply to gambling or games of chance conducted by a licensee under the authority of City ordinance or state law.

Source: Sections 5-02-09, 12.1-28-01, 12.1-28-02, and Chapter 53-06.1 NDCC

#### 8.0718 Sales Prohibited - Persons

A person knowingly delivering alcoholic beverages to a person under 21 years of age, except as allowed under Section 5-02-06 NDCC, or to a habitual drunkard, an incompetent, or an obviously intoxicated person, is guilty of an offense, subject to Sections 5-01-08, 5-01-08.1, 5-01-08.2, and 5-01-09 NDCC.

Source: North Dakota League of Cities Model Municipal Ordinance Code 1987 and Sections 5-01-08, 5-01-08.1, 5-01-08.2, 5-01-09, and 5-02-06 NDCC

#### 8.0719 Minors on Licensed Premises

Except as permitted in this section, any licensee who dispenses alcoholic beverages to a person under 21 years of age, or who permits such a person to remain on the licensed premises while alcoholic beverages are being sold or displayed, is guilty of an offense, subject to Sections 5-01-08, 5-01-08.1, and 5-01-08.2 NDCC. Any person under 21 years of age may remain in a restaurant where alcoholic beverages are being sold if the restaurant is separated from the room in which alcoholic beverages are opened or mixed and gross sales are at least equal to gross sales of alcoholic beverages which are consumed in the dining area, if the person is employed by the restaurant as a food waiter, food waitress, bus boy or bus girl, under the direct supervision of a person 21 or more years of age and is not engaged in the sale, dispensing, delivery, or consumption of alcoholic beverages, or if the person is a law enforcement officer entering the premises in the performance of official duty. Any person who is 19 years of age or older, but under 21 years of age, may be employed by the restaurant to serve and collect money for alcoholic beverages, if the person is under the direct supervision of a person 21 or more years of age, but may not be engaged in mixing, dispensing, or consuming alcoholic beverages. Any establishment where alcoholic beverages are sold may employ persons from 18 to 21 years of age to work in the capacity of musicians under the direct supervision of a person 21 or more years of age.

Source: Section 5-02-06 NDCC

#### 8.0720 Age Identification

Any licensee may keep a book and may require anyone who has shown documentary proof of his age, which substantiates his age to allow the purchase of alcoholic beverages, to sign the book if the age of that person is in question. The book must show the date of the purchase, the identification used in making the purchase, and the appropriate numbers of such identification, the address of the purchaser, and the purchaser's signature. Any person who misrepresents or misstates that person's age or the age of any other person or who misrepresents his age through presentation of any document purporting to show that person to be of legal age to purchase alcoholic beverages is guilty of an offense.

Source: Section 5-01-08.1 NDCC

#### 8.0721 Street Sales Prohibited

The sale or consumption of alcoholic beverages upon or across any street, alley, or public way is prohibited except by special event permit.

Source: City of Medora Ordinances 1970, North Dakota League of Cities Model Municipal Ordinance Code 1987, and Section 5-02-09 NDCC

#### 8.0722 Equipment of Premises

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.

Source: City of Medora Ordinances 1970, North Dakota League of Cities Model Municipal Ordinance Code 1987, and Section 5-02-09 NDCC

#### 8.0723 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 5 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 of the State of North Dakota.

Source: City of Medora Ordinances 1970, North Dakota League of Cities Model

Municipal Ordinance Code 1987, and Section 5-02-09 NDCC

8.0724 Toilets Required

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.

Source: City of Medora Ordinances 1970, North Dakota League of Cities Model Municipal Ordinance Code 1987, and Section 5-02-09 NDCC

8.0725 Deliveries - Off Licensed Premises - Service

1. It shall be unlawful for any person, firm, corporation or limited liability company 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, corporation or limited liability company 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.

Source: City of Medora Ordinances 1970, North Dakota League of Cities Model Municipal Ordinance Code 1987, and Section 5-02-09 NDCC

8.0726 Termination, Suspension, or Revocation of License

1. Licenses issued pursuant to this article shall be deemed canceled 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 the 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 has been convicted of a violation of any provision of this article, or of the laws of the State of North Dakota pertaining to alcoholic beverages, or of a felony under the laws of the United States, the State of North Dakota, or of any other state if the United States.
  - e. When, following the receipt by the City Council of an affidavit alleging a violation of he provisions of this Title 5 N.D.C.C., and upon proper notice and hearing thereon, the City Council finds the violation charged in the affidavits has been proved by evidence, as provided in N.D.C.C. 5-02-10 and N.D.C.C. 5-05-11.
  - f. When the licensee ceases to possess the qualifications required of an applicant for a license as set out in this article.
  - g. When the license or permit of the license from the United States Government of the State of North Dakota to sell alcoholic beverages at the location licensed has been terminated or revoked.
  - h. When the licensee ceases to be a legal bona fide resident and citizen of the Sate of North Dakota, or ceases to be a legal bona fide resident of the County of Billings.
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 f violating any of the provisions of this article.
  - b. When, following the receipt by the City Council of an affidavit alleging a violation of the provisions of the Title 5 N.D.C.C., and upon proper notie and hearing thereon, the City Council finds the violation charged in the affidavit has been proved by the evidence.
  - c. When the business of the licensee of the location licensed shall be conducted in violation of health or sanitary regulations or other ordinances of the City.

- d. When the licensee, if an individual, or one of the partners if the licensee be a partnership, or one of the officers or the manager if the licensee be a corporation of limited liability company, be convicted on 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 detailed shall not be deemed to be exclusive and such license may also be canceled 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 or 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.

8.0727      Special Event Alcoholic Beverage Permit

1.      Authorization and Fee. The City Council may by permit authorize a qualified alcoholic beverage licensee licensed under this chapter to engage in the sale of alcoholic beverages at events designated by the permit. For the purpose of this section, "qualified alcoholic beverage licensee" means a licensee in a city that imposed a City Lodging and Restaurant tax on July 31, 1993, who paid such tax and continues to pay any such tax imposed by the city or a licensee in a county, or a licensee in a city that did not impose a City Lodging and Restaurant tax on July 31, 1993. The fee for such local permit shall be set at \$25.00 per day and such permit shall not be valid for a period greater than 14 days, and may include Sundays. A permit under this section must be perfected five (5) days before the event.
2.      Application for Permits. An alcoholic beverage licensee desiring to conduct a special event or a public dance or a music festival wherein alcoholic beverages will be sold, or to sell alcoholic beverages at a special event, public dance or music festival conducted by any other person shall make an application for a special permit to do so to the governing body. The application shall set forth:
  - a.      The name of the applicant;
  - b.      The time or period for which the permit is desired;
  - c.      A description of the special event, public dance or music festival

conducted, including the sponsoring person or organization;

- d. The place where such special event, public dance or music festival is to be conducted or held.
3. Refusal and Revocation of Permit for Cause. The governing body of the City shall issue such permit and shall revoke a permit already issued where it appears that:
- a. The permit at site is likely to become a public nuisance or detrimental to public morals;
  - b. Alcoholic beverages or controlled substances are being sold or given away except as provided by such permit;
  - c. Any of the ordinances of the City or the laws of the State of North Dakota are being violated;
  - d. In the sole judgment of the governing body, protests to the issuing of such permits are made either orally or in writing, by a sufficient number of people living in the neighborhood of the site for which the application for such permit is made to warrant refusal or revocation of such permit as being in the public interest.
4. State and Local Laws Apply. The sale or dispensation of alcoholic beverages pursuant to a permit issued under this section shall fully comply with all state laws and with the remaining provisions of this chapter which are consistent with the purposes and intent of this section.

Source: Section 5-02-01.1 NDCC and City of Medora Ordinances 1977

8.0728 Sunday Alcoholic Beverage Permit

1. The City of Medora may issue a Sunday alcoholic beverage permit to a qualified alcoholic beverage licensee licensed under this chapter or to a publicly owned or operated facility. For the purpose of this section, "qualified alcoholic beverage licensee" has the same meaning as in Section 8.0629.
2. The authority for issuing the permit rests solely with the City Council. The

permit may be granted only upon proper application to and approval by the City Council and must include payment of the fee determined by the governing body. A permit granted by the City Council may be effective for more than one Sunday. A permit granted for more than 25 consecutive Sundays will be charged a fee of \$5.00 per Sunday. Any permit for less than 25 consecutive Sundays shall be charged a fee of \$15.00 per Sunday. A five-day notice is required.

3. Under the permit, alcoholic beverages may be distributed and dancing may be permitted in the establishment or facility. The City Council may permit dancing and the distribution of alcoholic beverages between the hours of 12:00 Noon on Sunday and 1:00 a. m. on Monday. The general public may be permitted to participate in the consumption of alcoholic beverages distributed under the authority of the permit. The establishment or facility granted the permit shall enforce the requirements of this section.
4. Any person who dispenses, sells, or permits the consumption of alcoholic beverages in violation of this section or furnishes information required by this section which is false or misleading is guilty of an offense as prescribed in Section 5-02-05.1 NDCC.

Source: Section 5-02-05.1 NDCC

8.0729      Sunday Beer and Wine Sales

1. Eating establishments may dispense and sell beer and wine in conjunction with the sale of prepared meals on Sunday between the hours of 12:00 Noon and 9:00 p.m. for consumption only in that part of the eating establishment habitually used for the serving of prepared meals, excluding any room that has a bar in it where alcoholic beverages are mixed, opened or stored, provided they comply with all requirements of this section.
2. As used in this section "eating establishment" means a restaurant or other commercial establishment that is licensed to engage in the sale of alcoholic beverages at retail, and which derives fifty per cent or more of its annual gross receipts from the sale of prepared meals and not alcoholic beverages.
3. A licensee who desires to dispense and sell beer and wine on Sundays shall submit, with the application for license renewal, a statement certifying gross food sales and liquor sales for the previous calendar year.

4. Establishments at which Sunday beer and wine sales are permitted shall be issued licenses containing a notation that Sunday beer and wine sales are permitted.
5. An applicant who desires to dispense and sell beer and wine on Sundays shall pay an application fee of \$100.00 at the time the application is filed, in addition to any other fees imposed pursuant to this chapter.

If any section, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

Source: City of Medora Ordinances 1987 and Sections 5-02-05.1 and 5-02-09 NDCC

8.0730 Penalties

Any person, firm, corporation, limited liability company, or association violating any of the provisions of this article shall, upon conviction thereof, be subject to a fine of not to exceed \$500.00 or to imprisonment of not to exceed 30 days; or on the discretion of the court to both such fine and imprisonment; and in addition to both such fine and imprisonment all powers, right, and privileges given by any license granted under the terms of this article may be terminated or revoked in accordance with Section 8.0726 of this article.

Section 3: Repeal of Ordinances in Conflict. All Ordinances and parts of Ordinances on conflict herewith are hereby repealed.

Section 4: Severability. In the event any section of this Ordinance is held invalid by a court of competent jurisdiction, the invalidity shall extend only to the section affected, and other sections of this Chapter shall continue in full force and effect.

Section 5: Effective Date. This ordinance shall be in full force and effect from and after final passage.

Source: Sections 5-02-09 and 40-05-06 NDCC and Section 1.0104 Medora City Code

ARTICLE 8 - GAMES OF CHANCE

8.0801 Definitions

1. The definitions in NDCC Section 53-06.1-01, and the rules promulgated by the state Attorney General pursuant thereto, and all subsequent amendments are incorporated herein by reference.
2. A "local license" is one authorized under NDCC Section 53-06.1-03 or Section 53-06.1-05 and any subsequent amendments thereto.

Source: Sections 53-06.1-01, 53-06.1-03, and 53-06.1-05 NDCC

#### 8.0802 Organizations Eligible Under this Ordinance - Use of Proceeds

Non-profit veteran organizations, other charitable, educational, religious, and fraternal organizations, civic and service clubs, and public spirited organizations, as those terms are defined by this ordinance, are eligible to conduct games of chance under the conditions of this ordinance. The entire net proceeds of such games of chance are to be devoted to educational, charitable, patriotic, fraternal, religious or other public spirited uses as defined by this ordinance. Notwithstanding any other provision of this article, an organization that has been issued a local license may use the net proceeds to directly benefit the organization.

Source: Section 53-06.1-02 NDCC

#### 8.0803 City Council Approval Required

Any eligible organization not required to be licensed by the Attorney General of the State of North Dakota, these being all eligible organizations which do not maintain a building for the use of its members and guests and offer meals or liquor or both as part of its operation, shall apply in writing to the governing body of the City for permission to conduct games of chance at least 30 days prior to each occasion, stating the particular game of chance, time, place, and educational, charitable, patriotic, fraternal, religious, or other public spirited uses to which the proceeds will be devoted. The governing body may, at its own discretion and upon application by an eligible organization, grant permission for such games for specifically designated times, places, and uses, covering a period of one year. Fees for such permission or authorization shall be fixed by resolution of the City Council for an authorization covering more than one occasion for a period up to and including one year. A copy of each resolution or permit granted by the City under this ordinance shall be sent to the Attorney General not later than 30 days after issuance.

The governing body shall have the power, on its own motion based on reasonable

grounds or on written complaint, to suspend or revoke an authorization in accordance with Chapter 28-32 of the North Dakota Century Code for violation of this ordinance by the authorized organization or any officer, director, agent, member, or employee of such organization.

Source: Sections 53-06.1-03 (1) and 53-06.1-05 NDCC

8.0804 Persons Permitted to Conduct Games of Chance - Premises -  
Equipment- Expenses - Compensation

1. No person, except a member of an eligible organization may hold, operate, or conduct any game of chance under this ordinance.
2. No person, except a member of an eligible organization or an employee of an eligible organization, may assist in the holding, operating, or conducting of any game of chance under this ordinance.
3. No item of expense shall be incurred or paid in connection with the holding, operating, or conducting of any game of chance held, operated, or conducted pursuant to this ordinance, except bona fide expenses in reasonable amounts as provided under Section 8. No games of chance shall be conducted with any equipment other than equipment owned by or rented at a reasonable rate from an eligible organization or licensed distributor.
4. The governing board of an eligible organization shall be primarily responsible for the proper utilization of the entire net proceeds of any game of chance held in accordance with this ordinance.
5. The premises where any game of chance is being held, operated, or conducted, or where it is intended that such game will be held, shall be open to inspection by representatives of the governing body authorizing games of chance, and by peace officers of the City, county, or state.
6. When any merchandise prize is awarded in a game of chance, its value shall be its current retail price.
7. Equipment, prizes, and supplies for games of chance shall not be purchased or sold at prices in excess of the usual price thereof.
8. The entire net proceeds derived from the holding of games of chance must

be devoted within one year from the date such proceeds were earned to the uses permitted by this ordinance. Any organization desiring to hold the net proceeds of games of chance for a period longer than one year from the date such proceeds were earned must apply to the governing body for special permission, and upon good cause shown, the governing body may grant the request.

9. No person, firm, corporation, association or organization convicted of a felony or a Class A misdemeanor, or determined to have participated in organized crime or unlawful gambling, shall be permitted to sell, distribute, conduct or assist in games of chance under this ordinance.

Source: Section 53-06.1-06 NDCC

8.0805 Bingo Games - Method of Play

1. The equipment used in the playing of bingo and the method of play shall be such that each card shall have an equal opportunity to be a winner. The objects or balls to be drawn shall be essentially the same as to size, shape, weight, balance and all other characteristics which may include their selection. All objects or balls shall be present in the receptacle before each game is begun. All numbers announced shall be plainly and clearly audible or visible to all the players present. Where more than one room is used for any one game, the receptacle and the caller must be present in the room where the greatest number of players shall be located. Bingo playing cards may be part of a deck, group, or series of cards or sheets, no two of which shall be alike. Such deck, group or series shall not be so prepared or arranged as to prefer any card or sheet.
2. The particular arrangement of numbers required to be covered in order to win the bingo game and the prize shall be clearly and audibly or visibly described and announced to the players immediately before each game is begun.
3. Any player shall be entitled to call for a verification of all numbers drawn at the time a bingo winner is determined, and for verification of the objects or balls remaining in the receptacle and not yet drawn. The verification shall be made in the immediate presence of the member designated to be in charge of the occasion, but if such member is also the caller, then in the immediate presence of an officer of the eligible organization.

4. No person who is not physically present on the premises where the bingo game is actually conducted shall be allowed to participate as a player in the game.
5. No person shall act as a caller or assistant to the caller in the conduct of any game of bingo unless such person is a member or employee of the eligible organization conducting such game or a member of an organization auxiliary to the licensee.

Source: Section 53-06.1-03 and Section 8.0701 of the Medora City Code

8.0806 Punchboards and Jars - Sale of Chances

The provisions of Sections 53-06.1-08 and 53-06.1-08.1 NDCC and any subsequent amendments thereto are hereby incorporated by reference as though set forth in full.

Source: Sections 53-06.1-08 and 53-06.1-08.1 NDCC and Section 8.0701 Medora City Code

8.0807 Statement of Receipts - Expenses

1. All moneys collected or received from games of chance and admissions thereto, except cash prizes of \$100.00 or less paid immediately, must be deposited in a special account of the eligible organization which shall contain only such money. Cash prizes of more than \$100.00, the purchase prices of merchandise prizes, and all expenses for such games of chance shall be withdrawn from such account by consecutively numbered checks duly signed by a specified officer or officers of the eligible organization and payable to a specific person or organization. There shall also be written on the check the nature of the expense or prize for which the check is drawn. No check shall be drawn to "cash" or a fictitious payee.
2. No part of the net proceeds after they have been devoted to an eligible use participant shall be used by the donee to pay any person for services rendered or materials purchased in connection with the conducting of games of chance by the donor organization.
3. No item of expense shall be incurred or paid in connection with holding,

operating, or conducting any game of chance pursuant to this ordinance, except bona fide expenses of a reasonable amount actually and necessarily incurred and directly attributable only to the conduct of the games of chance, and shall not include overhead, capital costs and general maintenance. Total expenses for games of chance shall not exceed the amount of the total adjusted gross proceeds from each such occasion as set forth in Section 53-06.1-11 (3).

4. Expenses for games of chance shall be incurred only for the following purposes:
  - a. The purchase of necessary goods, wares, and merchandise.
  - b. Payment for services rendered which are reasonably necessary for repair of equipment and for operating or conducting games of chance.
  - c. For rent if the premises or equipment are rented, or for janitorial services if premises are not rented.
  - d. Accountant's fees.
  - e. License fees.
  - f. Utility expenses.
  - g. Taxes.
  - h. Those expenses allowed by state statute and rules and regulations of the Attorney General's office.

For purposes of this subsection, the following terms shall have the following meanings: "Goods, wares, and merchandise" means bingo equipment, jars, pull tabs, punchboards and raffle tickets as defined by Section 8.0701 hereof, articles of a minor nature such as pencils, crayons, tickets, envelopes, paper clips, and coupons necessary to the conduct of games of chance; "Services rendered" means repair to equipment, reasonable compensation to members for conducting games of chance, and to bookkeepers or accountants, not more than two in the aggregate, for services in preparing financial reports, and a reasonable amount for rental

of premises, utilities, and for janitorial service.

Source: Section 53-06.1-11 NDCC

8.0808 Examination of Books and Records

Representatives of the governing body of the City shall have the power to examine or cause to be examined the books and records of any eligible organization licensed or authorized to conduct games of chance under this ordinance so far as such books and records relate to any transaction connected with the holding, operating, and conducting of any game of chance.

Source: Section 53-06.1-13 NDCC

8.0809 Form and Display of License

Each authorization required under this ordinance shall contain a statement of the name and address of the authorized eligible organization and such other information as the authorizing authority may designate.

Each license or permit issued for the conduct of any game or games of chance shall be conspicuously displayed at the place where the same is to be conducted at all times during any game of chance and for at least 30 minutes thereafter. The sale of a raffle ticket shall not require the display of the license or authorizing resolution.

Source: Section 53-06.1-15 NDCC

8.0810 When Playing or Conducting Games of Chance Lawful

Notwithstanding any other provision of this chapter, it shall not be unlawful to play or conduct games of chance pursuant to Chapter 53-06.1 of the North Dakota Century Code, as that section may be amended from time to time, in accordance with that chapter and implementing rules and regulations of the Attorney General and guidelines established by the City and set forth in this chapter.

Source: Chapter 53-06.1 NDCC

8.0811 Local License - Application

1. An application for a local license shall be made on a form provided by the

City Auditor, shall be sworn to under oath by an officer of the organization making such application and shall contain the following information:

- (a) The full legal name of the organization;
- (b) The mailing address of the organization;
- (c) An indication as to which of the following classes of exempt organizations describe the applicant:
  - (1) Veterans;
  - (2) Charitable;
  - (3) Educational;
  - (4) Religious;
  - (5) Fraternal;
  - (6) Civic and service club;
  - (7) Other public-spirited organization; or
  - (8) College fraternity or sorority.
- (d) A brief recitation of the facts which establish that the organization applying for the local license is an eligible organization of the class indicated on the application;
- (e) A statement as to whether the local license is to authorize bingo or a raffle and the time and place at which the games of chance will be conducted during the period of time in which the local license is in effect;
- (f) A statement as to the length of time for which the local license is to be in effect;
- (g) A description of the educational, charitable, patriotic, fraternal, religious or other public-spirited uses to which the entire net proceeds will be devoted;
- (h) The office held in the organization by the person applying for a local license on behalf of the organization.
- (i) A fee shall be fixed by resolution of the City Council.

2. If the applicant for a local license is a college fraternity or sorority, the applicant shall file with the City Auditor a signed acknowledgment by the administration of the college or university with which the applicant is affiliated to the effect that the applicant is a recognized fraternity or sorority.

Source: Sections 53-06.1-03 and 53-06.1-05 NDCC

8.0812 Local License - Method of Granting

1. The City Auditor shall present any application for a local license to the next meeting of the City Council, whether a regularly scheduled meeting or a special meeting, whereupon the Council may approve or disapprove the same by way of a resolution passed by the majority of the members then present and voting. Alternatively, the Council, by majority vote of the members then present and voting, may postpone action thereon indefinitely or until a time and place certain, of which the applicant shall be notified. A postponement by the Council of action on the application may be made any number of times in the like manner.
2. The City Council shall have the power to issue a local license for a lesser period of time, or for fewer games of chance, than requested by the applicant without requiring that the application be amended.
3. If the Council approves the issuance of a local license, the City Auditor shall, within three business days thereafter, issue a local license to the applicant.

Source: Sections 53-06.1-03 and 53-06.1-05 NDCC

8.0813 Local License - Form and Contents

A local license shall be signed by the City Auditor, Deputy City Auditor, or other delegate who shall also affix thereto the official seal of the City. the local license shall state the name of the licensee to whom issued, the address of the licensee, the games of chance authorized under such local license, the particular times and places where and when such games may be operated, and the date upon which the local license first becomes effective and the period of time during which the local license shall remain in effect following such date. No local license will be issued to a college fraternity or sorority hereunder with an initial effective date which is less than thirty days after the

date when the application for such local license was filed with the City Auditor. Further, the maximum period of time for which a local license may remain in effect is one year next following the initial effective date of the local license.

Source: Sections 53-06.1-03 and 53-06.1-05 NDCC

8.0814 Local License - Suspension or Revocation

1. A failure to comply with any of these requirements or with any of the laws of the state or the rules and regulations of the Attorney General governing games of chance shall be cause for revocation or suspension of an eligible organization's permit to conduct games of chance at a particular site.
2. The City Council may revoke or suspend a permit granted pursuant to this article upon notice to the eligible organization and after hearing to consider revocation or suspension before the City Council. Such notice shall specify the time and place when and where the hearing shall be held and shall be served on the eligible organization in the same manner as provided by law for service of the summons in a civil action or by certified mail.

Source: Sections 53-06.1-01 and 53-06.1-03 NDCC

8.0815 Local License - Site Approval

1. As part of its application for site approval for use with a state Class B license, an applicant shall submit duplicate copies of all documents filed or to be filed with the state Attorney General with respect to the Class B state license which the applicant intends to use at the site for which approval is sought.
2. No organization shall be allowed authorization for more than three sites at the same time within the City during one license period.
3. No organization may conduct more than six blackjack or twenty-one tables simultaneously at the same site within the City.
4. An applicant for site approval, by making such application, engages and agrees to comply with all rules, regulations, and other restrictions imposed by this division or by the City Council enacting separate regulations. The City Council hereby reserves the power to issue additional rules and regulations by way of resolution which shall be retroactively binding on the

applicant.

5. The application fee for site approval shall be fixed per site by resolution of the City Council.
6. No grant of site approval to an organization with respect to all or a portion of a license period shall be construed as a commitment or representation that the organization will receive approval to use the same site or sites or any other site during the next or any subsequent license period. The City Council reserves the right, with respect to a request for renewal of a site approval by an organization holding a current site approval, to refuse to renew approval for any one or more of the currently approved sites and, furthermore, to refuse to grant any new site approvals in lieu of those for which renewal is denied.

Source: Sections 53-06.1-01 and 53-06.1-03 NDCC

8.0816 License for Blackjack Dealer or Blackjack Pit Boss

1. No person shall serve or act as a dealer or pit boss in a site authorized to conduct games of chance under the Class B provisions of the state charitable gaming laws for the game of blackjack (21) unless he shall first be licensed as a blackjack dealer in accordance with state law.
2. Such person must further be fingerprinted in accordance with state law. The police department is available for the actual fingerprinting and the charges for same shall be fixed by resolution of the City Council.
3. Such person must comply with all of the licensing and fingerprinting requirements as delegated by state law and state process. A person holding a valid dealer's license shall conspicuously display it about his person while actively serving as a blackjack dealer or blackjack pit boss.
4. Such person shall comply with any and all other state laws and regulations pertaining to conducting and assisting games of chance as authorized by state law.

Source: Sections 53-06.1-01 and 53-06.1-03 NDCC

8.0817 Local License - Miscellaneous Provisions

1. If the City Council is requested to grant special permission to a local licensee to hold the entire proceeds of games of chance for a period in excess of three months, as provided in North Dakota Century Code Section 53-06.1-06 (7), then the grant or denial of permission shall be by resolution of a majority of the members present and voting, which resolution shall be entered upon the minutes of the City Council and a copy of which shall be sent to the office of the Attorney General of the state.
2. There is no limit to the number of local licenses which may become consecutively or concurrently issued to an organization but each license must be separately applied for in the manner prescribed in this chapter.
3. Applications for designation as a local "civic and service club" or as an "other public-spirited organization" shall conform as nearly as practical with the requirements imposed by this chapter for the issuance of a local license.
4. No one shall conduct or participate in a game of chance upon premises licensed under Chapter 8 of the Medora City Code when, pursuant to that chapter, the consumption or dispensing of alcoholic beverages upon the premises is forbidden.
5. Pursuant to North Dakota Century Code Section 53-06.1-03 only one eligible organization at a time may be authorized to conduct games of chance at a specific location; except that a raffle drawing may be conducted for special occasions when one of the following conditions is met:
  - a. When the area for the raffle drawing is physically separated from the area where gaming is conducted by the regular licensee;
  - b. When, upon request of the licensee, the license is suspended for that specific day by the Attorney General.
6. Individuals under the age of twenty-one may not conduct, assist, or play games of chance in licensed premises, as those licensed premises are defined and described in Chapter 8 of the Medora City Code. Individuals eighteen years of age or older may conduct or assist in the conduct of any raffle or bingo operation except at licensed premises. There is no age restriction as to individuals playing raffles and bingo; except that individuals under the age of twenty-one may not play any games of chance

on those licensed premises as defined and described in Chapter 8 of the Medora City Code.

7. No person, except a member or employee of an eligible organization or a member of an organized auxiliary to an eligible organization may assist in the holding, operation or conducting of any games of chance.
8. If an eligible organization withdraws its games of chance from an approved site without the City Council's consent, no other organization may conduct games of chance at that location for a sixty day period. An organization withdrawing from one location must wait sixty days to operate in a new location. The organization must submit to the City Auditor a final report for the previous location, including the final money balance and explanation for closing the previous location.
9. If a liquor license for a site at which games of chance are conducted is sold or transferred, site approval for games of chance at that site shall be re-authorized for the remainder of the period for which granted with the consent and approval of the buyer or grantee of the liquor license.
10. A copy of all information to be submitted to the state by the applicant seeking a license to conduct games of chance within the city limits must also be provided to the City Auditor at the time the application for site approval is submitted.

Source: Sections 53-06.1-01, 53-06.1-03, 53-06.1-06 (7) NDCC

8.0818 Penalty for Violation of Ordinance - Forfeiture of Authorization - Ineligibility for Two Years

Any person who knowingly makes a false statement in any application for a local license or in any statement annexed thereto, or fails to keep sufficient books and records to substantiate the receipts, expenses or uses resulting from games of chance conducted under this ordinance, or who falsifies any books or records so far as they relate to any transaction connected with the holding, operating, and conducting of any game of chance or who violates any of the provisions of this ordinance or any term of an authorization shall be subject to a fine in the maximum amount of \$500.00, imprisonment for a period not to exceed 30 days, or both. Any organization so doing shall be subject to a fine not to exceed the amount of \$500.00. If convicted, such organization or person shall forfeit any license or authority resolution issued to it pursuant to this ordinance and shall be

ineligible to re-apply for a license or authorization for two years thereafter.

Source: Section 53-06.1-16 NDCC