

ORDINANCE NO. 463

AN ORDINANCE AMENDING SECTION 6-501 OF ARTICLE V OF CHAPTER VI OF THE CITY OF WATFORD CITY ORDINANCES RELATING TO DEFINING SALE

Be it ordained by the City Council of the City of Watford City, North Dakota:

6-501 Definitions


For the purpose of this article:

1. "Alcoholic beverages" shall mean any liquid suitable for drinking by human beings, which contains one-half of one percent or more of alcohol by volume. Alcohol shall mean neutral spirits distilled at or above 190 degree proof, whether or not such product is subsequently reduced, for non-industrial use.
2. "Beer" shall mean any malt beverage containing more than one-half of one percent of alcohol by volume.
3. "Liquor" shall mean and include any alcoholic beverage except beer and wine.
4. "Person" shall mean and include any individual, firm, corporation, association, club, co-partnership, society, or any other organization; and shall include the singular and the plural.
5. "Sale" and "sell" shall mean furnishing or dispensing alcoholic beverages, including sale, exchange, barter, disposition of, and keeping for sale of such alcoholic beverages.
6. "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.
7. "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. "Licensed Premises" shall mean the physical location upon which any of the classes of licenses set out in Section 6-505 of these ordinances are issued.
8. "Retail sale" shall mean the sale of alcoholic beverages for use or consumption and not for resale.

9. "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. If a full bottle of wine has been opened and the contents partially consumed, a licensee whose gross sales of food are at least thirty percent of the gross sales of alcoholic beverages that are consumed on the premises may permit an individual purchasing the bottle in conjunction with the purchase of a meal to remove the bottle on leaving the licensed premises if the licensee recorks the bottle, seals the bottle with a seal that must be made conspicuously inoperative to reopen the bottle, and places a receipt of sale with the bottle. The removal of the bottle under these conditions is not an off sale of wine and is permitted without an off sale license.
10. "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.
11. "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 percent alcohol by volume.
12. "Growler" means a glass or ceramic container not less than thirty-two fluid ounces (0.94 liters) and not more than two liters (67.62 fluid ounces) that is not filled prior to sale. The Growler must have the volume of the container permanently visible on it, and it must be stated in usual units of measure for this amount of fluid. The container may be filled with beer at the licensed premises for off-premises consumption only. At the time of sale, the business shall apply a paper or plastic adhesive band, strip, or sleeve to the container and extended over the top of the twist-type closure, cork, stopper or plug forming a seal that must be broken upon opening of the container. The name of the business must be visible on the applied adhesive seal.

Gravos moved the adoption of the foregoing Ordinance. The motion was seconded by Sanford. On roll call vote of the Council members, the following Council members voted "AYE": Liebel, Beard, Devlin, Sanford, Riely, and Gravos, and the following Council members voted "NAY": none. Absent and not voting: none.

WHEREUPON, the motion was passed and the Ordinance declared adopted this 21st day of November, 2017.



Mayor Justin Voll
City of Watford City

ATTEST:



Peni Peterson, City Auditor

First Reading: 11/06/2017
Second Reading: 11/21/2017
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