

ORDINANCE NO. 481

AN ORDINANCE REPEALING AND REENACTING SECTION 9-406 OF ARTICLE 4 OF CHAPTER IX OF THE CITY OF WATFORD CITY ORDINANCES RELATING TO ALCOHOL RELATED OFFENSES

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

9-406 Individuals Under Twenty-One Years Of Age Prohibited From Using Alcoholic Beverages Or Entering Licensed Premises – Penalty - Exceptions.

A.

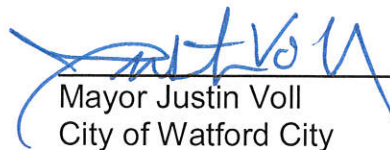
1. Except as permitted in this section, an individual under twenty-one years of age may not manufacture or attempt to manufacture, purchase or attempt to purchase, consume or have recently consumed other than during a religious service, be under the influence of, be in possession of, or furnish money to any individual for the purchase of an alcoholic beverage.
2. An individual under twenty-one years of age may not enter any licensed premises where alcoholic beverages are being sold or displayed, except:
 - a. A restaurant if accompanied by a parent or legal guardian;
 - b. If the individual is an independent contractor or the independent contractor's employee engaged in contract work and is not engaged in selling, dispensing, delivering, or consuming alcoholic beverages;
 - c. If the individual is a law enforcement officer or other public official who enters the premises in the performance of official duty; or
 - d. If the individual enters the premises for training, education, or research purposes under the supervision of an individual twenty-one or more years of age with prior notification of the local licensing authority.
3. A violation of this section is a class B misdemeanor.
4. The court, under this section, may refer the individual to an outpatient addiction facility licensed by the department of human services for evaluation and appropriate counseling or treatment.
5. The offense of consumption occurs in the jurisdiction of consumption or the jurisdiction where the offender is arrested.
6. An individual under twenty-one years of age is immune from criminal prosecution under this section if that individual contacted law enforcement or emergency medical services and reported that another individual under twenty-one years of age was in need of medical assistance due to alcohol consumption, provided assistance to the individual in need of medical assistance until assistance arrived and remained on the scene, or was the individual in need of medical assistance and cooperated with medical assistance and law enforcement personnel on the scene. The maximum number of individuals that may be immune for any one occurrence is five individuals.

B.

1. An individual under twenty-one years of age may not remain in a restaurant where alcoholic beverages are being sold except if the restaurant is separated from the room in which alcoholic beverages are opened or mixed and gross sales of food are at least equal to gross sales of alcoholic beverages which are consumed in the dining area, or if the individual is employed by the restaurant as a food waiter, food waitress, busboy, or busgirl under the direct supervision of an individual twenty-one or more years of age and is not engaged in the sale, dispensing, delivery, or consumption of alcoholic beverages.
2. An individual under twenty-one years of age may enter and remain on the licensed premises if the individual is an independent contractor or the independent contractor's employee engaged in contract work and is not engaged in selling, dispensing, delivering, or consuming alcoholic beverages; if the individual is a law enforcement officer or other public official who enters the premises in the performance of official duty; or if the individual enters the licensed premises for training, education, or research purposes under the supervision of an individual twenty-one or more years of age with prior notification of the local licensing authority.
3. An individual under twenty-one years of age may remain in an area of a site where beer, wine, or sparkling wine is sold in accordance with the conditions of an event permit issued pursuant to section 6-532.
4. A restaurant may employ an individual who is eighteen years of age or older but under twenty-one years of age as provided in subsection 1 to serve and collect money for alcoholic beverages, if the individual is under the direct supervision of an individual twenty-one or more years of age, but may not be engaged in mixing, dispensing, or consuming alcoholic beverages. Any establishment that sells alcoholic beverages may employ an individual from eighteen to twenty-one years of age to work on the premises as a musician, disc jockey, or entertainer, or to perform duties directly related to working as a musician, disc jockey, or entertainer if the individual is under the direct supervision of an individual twenty-one or more years of age.
5. For purposes of this section, an individual is not twenty-one years of age until eight a.m. on that individual's twenty-first birthday.
6. If an individual is convicted of this section, the court shall consider the following in mitigation:
 - a. After consuming the alcohol, the underage individual was in need of medical assistance as a result of consuming alcohol; and
 - b. Within twelve hours after the underage individual consumed the alcohol, the defendant contacted law enforcement or emergency medical personnel to report that the underage individual was in need of medical assistance as a result of consuming alcohol.

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

WHEREUPON, the motion was passed and the Ordinance declared adopted this 19th day of June, 2018.



Mayor Justin Voll
City of Watford City

ATTEST:



Peni Peterson, City Auditor

First Reading: 06/04/2018
Second Reading: 06/19/2018
Published: n/a