

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. 5484

AN ORDINANCE AMENDING SECTION 25-1506, OF ARTICLE 25-15,
OF CHAPTER 25, OF THE FARGO MUNICIPAL CODE
RELATING TO LICENSES - CLASSIFICATIONS

WHEREAS, the electorate of the City of Fargo has adopted a home rule charter in accordance with Chapter 40-05.1 of the North Dakota Century Code; and

WHEREAS, Section 40-05.1-06 of the North Dakota Century Code provides that the City shall have the right to implement home rule powers by ordinance; and

WHEREAS, Section 40-05.1-05 of the North Dakota Century Code provides that said home rule charter and any ordinances made pursuant thereto shall supersede state laws in conflict therewith and shall be liberally construed for such purpose; and

WHEREAS, the Board of City Commissioners deems it necessary and appropriate to implement such authority by the adoption of this ordinance;

NOW, THEREFORE,

Be it Ordained by the Board of City Commissioners of the City of Fargo:

Section 1. amendment.

Section 25-1506, of Article 25-15, of Chapter 25, of the Fargo Municipal Code, is amended as follows:

25-1506. – Licenses – Classifications.

Licenses authorizing the sale at retail of alcoholic beverages within the city of Fargo shall be divided into the following classes:

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H. Class E. - A "Class E" license, in the nature of a special permit, shall authorize the holder of an existing "on-sale" license to engage in the sale of alcoholic beverages (on-sale only) on such licensed premises as may be designated in the "Class E" license, subject to the following restrictions and conditions:

1. A Class "E" license may be issued only to persons currently holding a Class "AB", Class "ABH", "ABH-RZ", Class "A", Class "C", Class "F", Class "FA", Class FA-GOLF, Class "G", Class "H", Class "I", Class "N", Class "W", Class "FA-Entertainment", "RZ-V", VWB or Class "Z" license.

L. Class FA-GOLF. A Class "FA-GOLF" license shall authorize the licensee to sell "on-sale" only, subject to the following restrictions and conditions:

1. A Class "FA-GOLF" licensee may sell alcoholic beverages as the food and beverage concessionaire at a golf course which also holds a restaurant license or permit pursuant to the provisions of article 13-04 of the Fargo Municipal Code and which derives a percentage (hereinafter stated) of its gross receipts from the sale of prepared meals and not alcoholic beverages. A recipient of "FA-GOLF" license must derive at least 25% of its gross receipts from the sale of prepared meals and food products and not alcoholic beverages during the months when full golf course operations are open. During the remaining months of the year, said recipient must derive 50% or more of its gross receipts from the sale of prepared meals and not alcoholic beverages. It is the intention of this restriction that the purpose of a "FA-GOLF" license is to allow the sale of alcoholic beverages as an adjunct to the operation of the golf course and restaurant and not that of operating a full-time liquor establishment. Further, such licensee must be located at and serve a golf course of at least nine (9) or more holes. Said golf course must be USGA approved.
2. The Class "FA-GOLF" license shall authorize licensee to sell "on-sale" only and no licensee hereunder may conduct any "off-sale" liquor sales.
3. A licensee hereunder, which must also operate a restaurant under the provisions of this title, shall provide adequate off-street parking within the discretion of and subject to the approval of the commission.
4. A recipient of a license hereunder shall not be authorized to receive or be issued a live entertainment license as provided in section 25-1510.

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5. A "restaurant" shall mean an establishment providing multi-course meals of steak, fish, seafood and other similarly menued main courses, as well as hors d'oeuvres and desserts. Main course menu items shall be fully prepared and cooked on the premises and shall not be primarily pre-packaged, pre-processed, or pre-prepared food products intended for fast or convenient service. The hours within which sales of alcoholic beverages may be made shall coincide with the hours permitted by the state of North Dakota for the sale of alcoholic beverages and shall also be additionally limited as set forth herein. When the kitchen is not in full operation and a full menu service is not being offered to patrons, the sale and consumption of alcoholic beverages shall be discontinued within one hour after the cessation of full kitchen operation and the offering of a full menu service. It is the intention of this restriction that the purpose of an "FA-GOLF" license is to allow the sale of alcoholic beverages as an adjunct to the operation of the golf course and restaurant and not that of operating a full-time liquor establishment. A recipient of an "FA-GOLF" license shall provide a full and complete kitchen adequate for the preparation of food as required by this ordinance. Such kitchen shall be subject to approval by the commission.
- ~~6. A recipient of a license hereunder shall be allowed to serve alcoholic beverages only in areas which are specifically identified as the licensee's licensed premises. This shall not include, however, the parking lot or the golf course itself. Any service on the golf course itself shall be from one location or one mobile cart for a nine hole golf course for which an "E" permit shall be obtained by licensee. An eighteen hole golf course may have two locations or two mobile carts for which an "E" permit shall be obtained by licensee. The fee for an "E" permit as herein required is included in the annual fee and no additional charge will be made for the same. The licensee shall not be entitled to receive any other Class "E" license except for service on the golf course itself as aforesaid.~~
- ~~6. 7.~~ A Class "FA-GOLF" license is only available to the food and beverage concessionaire of a golf course as defined hereinbefore. Notwithstanding the closing time as allowed by state law and city ordinance, a licensee hereunder must close at 1:00 o'clock a.m. The license shall be site specific and shall not be transferred in any manner provided, however, the license may be transferred to a successor food and beverage concessionaire of a golf course. Upon cessation or termination of the business, said license shall revert to the city.
- ~~7. 8.~~ In addition to the foregoing restrictions and conditions, the Class "FA-GOLF" license shall be governed by all the provisions of this article applicable to Class "A" licenses and shall in addition, said licensee shall hold a restaurant license or permit pursuant to article 13-04 of the Fargo Municipal Code relating to restaurants.

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Section 2. Penalty.

A person who violates any section within Fargo Municipal Code Article 25-15 unless otherwise identified shall be deemed to have committed an infraction and shall be punished as provided in Section 1-0301 of the Fargo Municipal Code, as may be amended from time to time.

Section 3. Effective Date.

This ordinance shall be in full force and effect from and after its passage, approval and publication.

/s/
Dr. Timothy J. Mahoney, M.D., Mayor

Attest:

/s/
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Steven Sprague, City Auditor

First Reading: 6-9-25
Second Reading and Final Passage: 6-23-
Publication: 7-2-25