

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. 4718

AN ORDINANCE AMENDING SECTION 25-1509.C AND
SECTION 25-1515 OF ARTICLE 25-15 OF CHAPTER 25
OF THE FARGO MUNICIPAL CODE RELATING TO
ALCOHOLIC BEVERAGES

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

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

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

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

12 NOW, THEREFORE,

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

14 Section 1. Amendment.

15 Section 25-1509 of Article 25-15 of Chapter 25 of the Fargo Municipal Code is
16 hereby amended to read as follows:

17 25-1509. Restrictions on sale, service or dispensing of alcoholic beverages.--

18 * * *

19 C. Any person under 21 years of age may enter and remain in a restaurant
20 where alcoholic beverages are being sold if the restaurant is separated from
21 the room in which alcoholic beverages are opened or mixed and if gross
22 sales of food are at least equal to gross sales of alcoholic beverages which
23 are consumed in the dining area. Any person who is employed by the
restaurant as a food waiter, food waitress, busboy or busgirl may not engage
in the sale, dispensing, delivery or consumption of alcoholic beverages;
provided, that any person who is between ~~19~~ 18 and 21 years of age may be
employed by the restaurant to serve and collect money for alcoholic

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1 beverages, if the person is under the direct supervision of a person 21 or
2 more years of age. A law enforcement officer, or person cooperating with
3 and under the control of such law enforcement officer, under the age of 21
4 years may enter premises where alcoholic beverages are sold, dispensed, or
5 consumed in the performance of an official duty. Any establishment where
6 alcoholic beverages are sold may employ persons from 18 to 21 years of age
7 to work in the capacity of musicians under the direct supervision of a person
8 over 21 years of age. Any person under 21 years of age may enter and
9 remain on the license premises if the person is an independent contractor or
10 the independent contractor's employee engaged in contract work and is not
11 engaged in selling, dispensing, delivering or consuming alcoholic beverages.
12 Any person under 21 years of age may remain in the area of and event
13 where beer, wine, or sparkling wine is sold in accordance with the conditions
14 of an event permit issued pursuant to § 5-02-01.1, N.D.C.C., and the city
15 comparable ordinance § 25-1506(G)(4).

16 * * *

17 Section 2. Amendment.

18 Section 25-1515 of Article 25-15 of Chapter 25 of the Fargo Municipal Code is
19 hereby amended to read as follows:

20 25-1515. Penalty.--Any person, firm or corporation violating §§ 25-1509 or
21 25-1513 of this article shall, upon conviction thereof, be punished by a fine not to exceed
22 \$500 or by imprisonment not to exceed 30 days, or by both such fine and imprisonment, in
23 the discretion of the court, the court to have power to suspend said sentence and to revoke
24 the suspension thereof is guilty of a Class B misdemeanor. Every person, firm or
25 corporation violating an ordinance which is punishable as a Class B misdemeanor shall
26 be punished by a fine not to exceed \$1,000.00, or by imprisonment not to exceed 30 days,
27 or by both such fine and imprisonment, in the discretion of the court; the court to have
28 power to suspend said sentence and to revoke the suspension thereof.

29 Every person, firm or corporation violating any other sections of this article shall,
30 upon conviction thereof, be punished by a fine not to exceed \$500; the court to have power
31 to suspend said sentence and to revoke the suspension thereof.

32 Section 3. Penalty.

33 A person who willfully violates this ordinance is guilty of a Class B
misdemeanor. Every person, firm or corporation violating an ordinance which is

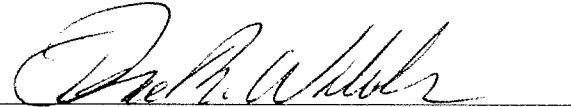
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1 punishable as a Class B misdemeanor shall be punished by a fine not to exceed
2 \$1,000.00, or by imprisonment not to exceed 30 days, or by both such fine and
imprisonment, in the discretion of the court; the court to have power to suspend said
sentence and to revoke the suspension thereof.

3 Section 4. Effective Date.


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

6 

7 Dennis R. Walaker, Mayor

8 (SEAL)

9 Attest:

10 
11 Steven Sprague, City Auditor

12 First Reading: 09-21-2009
13 Second Reading: 10-05-2009
14 Final Passage: 10-05-2009
15 Publication: 10-26-2009
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