

AN ORDINANCE REGULATING THE SALE AT RETAIL OF INTOXICATING LIQUOR WITHIN THE CITY OF WASHBURN, NORTH DAKOTA, PROVIDING FOR SUCH SALES AT RETAIL BY DULY LICENSED PERSONS; ESTABLISHING REGULATIONS FOR THE OPERATION OF PLACES WHERE SUCH INTOXICATING LIQUOR IS SOLD, PROVIDING REGULATIONS FOR THE GRANTING OF LICENSES TO SELL INTOXICATING LIQUOR AT RETAIL, FIXING FEES FOR SUCH LICENSES, PROVIDING PENALTIES FOR THE VIOLATION THEREOF AND REPEALING ALL ORDINANCES IN CONFLICT HEREWITH.

BE IT ORDAINED BY THE BOARD OF CITY COMMISSIONERS OF THE CITY OF WASHBURN, NORTH DAKOTA:

SECTION 1. DEFINITIONS. The word "person" whenever used in this ordinance shall mean any individual who is a bona fide resident of the State of North Dakota, domestic private corporation organized under the laws of the State of North Dakota, or co-partnership, all of the members of which said co-partnership are bona fide residents of the State of North Dakota.

The terms "intoxicating liquor" and "liquor" whenever used in this ordinance shall mean and include such alcohol or alcoholic beverages as defined by the liquor control act of the State of North Dakota or any amendments or acts supplementary thereto.

The terms "sale" and "sell" shall mean and include all barters, and all manners or means of furnishing of intoxicating liquor or liquors, including the selling, exchange, barter, disposition of and keeping for sale of such intoxicating liquors.

The term "off sale" shall mean the sale of liquor in original packages for consumption off or away from the premises where sold, and an "off sale" license shall authorize the persons named therein to conduct such off sales at the place designated in such license and not elsewhere.

The term "on sale" shall mean the sale of liquor for consumption on the premises where sold only, and an "on sale" license shall authorize the persons named therein to conduct such sales at the place designated in such license and not elsewhere, and the "on sale" license issued pursuant to this ordinance shall permit "off sales" of liquor made under the terms and conditions hereinafter specified in this ordinance.

The terms "package" and "original package" shall mean and include container or receptacle holding liquor, 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 purchases.

The term "retailer" for the purposes of this ordinance shall be deemed to mean and include any person engaged in the sale and distribution of liquor, under any type of license except a wholesale license.

The term "wholesaler" for the purposes of this ordinance shall be deemed to mean and include any person engaged in the sale and distribution of liquor to person holding a retail license for the sale and distribution of intoxicating liquor ~~in~~ within the State of North Dakota or for the sale and distribution of intoxicating liquor in interstate commerce and which wholesaler has been duly licensed under the provisions of the Liquor Control Act of the State of North Dakota.

SECTION 2. MUST OBTAIN LICENSE: WHEN LICENSE EXPIRES. No person as defined in this ordinance shall sell, exchange, dispose of or keep for sale any intoxicating liquor as defined herein and as defined in the Liquor Control Act of the State of North Dakota or any amendments or acts supplementary thereto without first having obtained a license therefor as provided herein. All licenses granted under the provisions of this ordinance shall expire on the 30th day of June in each year.

SECTION 3. LICENSES TO BE ISSUED HEREUNDER. License for the sale of intoxicating liquor at retail as provided in this ordinance shall consist of two kinds, to-wit: "Off Sale" licenses and "On Sale" licenses. The licenses hereinafter issued and defined as "On Sale" licenses shall include the right to sell intoxicating liquor on the premises for which the license is issued, subject to the regulations as hereinafter in this ordinance set forth. The license fee for an "On Sale" and "Off Sale" license shall be the sum of \$1000.00 per annum, payable in advance and at the time of making application for the license as hereinafter set forth.

The license fee for an "Off Sale" license shall be the sum of \$600.00 per annum, payable in advance and at the time of making application for license as hereinafter set forth.

When a license is issued less than six months prior to June 30th, a license may be obtained for one-half of the annual license fee.

No license other than an "on sale" license shall be granted to any lodge or club as hereinbefore defined, and the license fee therefor shall be the sum of \$500.00 per year, payable in advance at the time of the making of the application for license; provided, however, that for the period between the taking effect of the Liquor Control Act of the State of North Dakota and the 30th day of June, 1937, the fee for such license shall be 7/12ths of the amount of the annual license fee as hereinbefore provided, and no license shall be issued during said period for any sum less the 7/12ths of such annual license fee. No license shall be issued to any lodge or club where sales or liquor in such lodge or club are made for the profit of any individual, and unless such profits made on the sale of such intoxicating liquor by such lodge or club are used only for benevolent purposes.

No license shall be issued hereunder for a term less than one year, except for the period between the time of the taking effect of the Liquor Control Act of the State of North Dakota and the 30th day of June, 1937.

SECTION 4. APPLICATION. Any person desiring a license to sell intoxicating liquor at retail as hereinbefore described shall make and file with the Board of City Commissioners of the City of Washburn, North Dakota, through the City Auditor an application for such license accompanied by the fee as hereinbefore described. Such application shall be verified by the person making the application. If the applicant is a corporation, it shall be verified by the president and secretary of such corporation; if an individual, by such individual, and if a co-partnership, by each member of said co-partnership, and if a club or lodge, by the duly elected presiding officer of such club. The following information, together with such other information as may from time to time be required by the Board of City Commissioners of said City shall be contained in such application:

(a) The name of the applicant. If the applicant is a corporation, the name and address of all persons holding one percent (1%) or more of the stock in said corporation; if the applicant is a co-partnership, the name and address and place of residence of each member of said co-partnership and any persons having any financial interest therein.

(b) Whether the applicant is a citizen of the United States and if a naturalized citizen, the date and place of naturalization. Whether the applicant is a resident of the State of North Dakota and the place of residence of the applicant for a period of one year last preceding the date of the application; if the applicant is a corporation, the date of incorporation, the state where incorporated, the amount of the authorized capital, the amount of the paid in capital, whether such corporation is a subsidiary of any corporation and if so, the name of the parent corporation, the purpose for which said corporation was incorporated, the names and address of the officers, directors and managing agents of said corporation and the names and address of all stockholders holding one per cent (1%) or more of the capital stock of such corporation.

(c) The legal description of the place for which license is sought.

(d) The name and address of the owner of the premises for which license is sought and if license is sought by person other than the owner of said premises, the terms of the lease under which said applicant holds possession of the premises, insofar as the terms of such lease and the rental to be paid therefor are concerned. The applicant shall when required by the Board of City Commissioners of the City of Washburn furnish to said Board of City Commissioners a copy of the lease under which he holds possession of said premises. If the license is sought by the owner of the premises sought to be licensed, the applicant shall state the time when such applicant acquired title thereto.

(e) Whether the taxes on such property are delinquent.

(f) Whether the applicant has ever engaged in the sale or distribution of liquor prior to this application, and if so, the date and type of business and the place where so engaged, whether within or without the State of North Dakota. If the application is for a renewal license, that date applicant first began to operate; provided, however, that this provision shall not apply to a license first issued hereunder.

(g) Whether the applicant has ever had a license revoked or cancelled by any municipal, state or Federal Authority, and if so, the date of such cancellation, the place and authority cancelling the same and the reason for such cancellation.

(h) 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 intoxicating liquor; and if so, the dates, names and places and courts in which said convictions were had.

(i) Whether the applicant has ever had a license for the sale of intoxicating liquor revoked for any violation of the state laws or local ordinances, and if so, the names of the bodies revoking such license, the dates of such revocations and the reasons assigned therefor.

(j) Whether the applicant has ever been convicted of any other crime than stated in Sections H and I 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 terms of sentence passed and the Court in which convicted.

(k) The name and address as hereinbefore provided for all co-partners, all members of said co-partnership having any financial interest in the said business, silent or otherwise, and the name and address of the person who will have charge, management or control of the establishment for which license is sought.

(l) 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 such license is sought, and if so, the name and address of such person, together with a statement of the interest so held.

(m) Whether the applicant has any agreement, understanding or intention to have any agreement or understanding with any person, co-partnership or corporation to obtain for any other person or to transfer to any other person this license or to obtain it for any other than for the specific use of the applicant, and if so, the names and addresses of such persons and the conditions of such agreement.

(n) Whether the applicant has any interest whatsoever, directly or indirectly, in any other liquor establishment, 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 liquor either at wholesale or retail and within the borders of the United States.

(o) The occupations which the applicant has followed during the past five years.

(p) The names and addresses of at least three business references and a brief statement of the nature and extent of the business relations with such persons.

(q) Whether the applicant is rated by any commercial agency, and if so, the name and address of such agency.

(r) Whether the applicant is engaged in any other business or intends to engage in any other business than the sale of liquor under the license applied for, if so, the type of business, and the name and address of employer.

(s) The classification of license applied for, whether "on sale", "off sale" or license for lodge or club.

(t) Where the license is sought for a lodge or club as herein defined, the date of the organization of such club, the number of members therein, the purpose for which organized and the purpose for which profits to be derived from the business engaged in pursuant to such license are to be applied. Whenever required by the Board of City Commissioners of the City of Washburn, such applicant shall furnish and file with the Board of City Commissioners a list of the members belonging to such lodge or club.

(u) Whether or not the personal property taxes of the applicant or if a co-partnership, whether or not the personal property taxes of each member of the co-partnership and each person financially interested therein are delinquent, and whether or not the personal property taxes levied against the property to be used in conducting the business are delinquent.

SECTION 5. BOND. No license shall be issued for the retail sale of liquor until the applicant shall first file with the Board of City Commissioners of the City of Washburn a bond issued by some surety company authorized to transact business in the State of North Dakota in the sum of \$1000.00 for an "off sale" license or for a lodge or club and the sum of \$1000.00 for an "on sale" license for any person other than a lodge or club. Such bond shall be approved as to legality and form by the City Attorney of the City of Washburn and as to sufficiency by the Board of City Commissioners of said City of Washburn or in lieu of such bond cash or bonds of the United States of America of a par value of the amounts hereinbefore set forth, to-wit: \$1000.00 for an "off sale" license other than lodge or club. Said bond shall be conditioned as follows:

(a) That the licensee will obey all laws and ordinances relating to the business licensed.

(b) That the licensee will pay when due all taxes, all personal property taxes on the property used in the business for which license is sought, all license fees, penalties and other charges as provided by law or by this ordinance.

(c) That in the event of any violation of any provision of the laws of the State of North Dakota relating to the business for which license has been granted for the sale of intoxicating liquor or in the event of any violation of this ordinance, the licensee will pay all fines and costs assessed against him by any court having jurisdiction over such violation.

(d) That the licensee will pay to the extent of the amount of such bond any damages for death or injury caused by or resulting from the violation of any provision of law or of this ordinance relating to the business for which such license has been granted and further conditioned that such recovery may also be had against the surety on such bond. The amount specified in any bond required hereunder is hereby declared to be a penalty, and the amount recoverable shall be measured by the actual damages; provided, that the surety on such bond shall not be liable for any amount in excess of the penal sum of such bond. All such bonds shall be for the benefit of the obligee, to-wit: City of Washburn and of all persons suffering damages by reason of the breach of the conditions thereof. Such bond shall run to the City of Washburn as obligee. In case of the deposit of Government bonds, the licensee shall be permitted to clip and take all interest bearing coupons from such bonds at such time as the bonds indicate such coupons to be payable.

SECTION 6. INVESTIGATION OF FITNESS. The Board of City Commissioners of the City of Washburn or such other person or officer as may be designated by said Board of City Commissioners shall, upon the application's being filed, investigate the facts as stated in the application and the character, reputation and fitness of the applicant. If such investigation is made by a person other than the Board of City Commissioners, he shall report all such matters to the said Board of City Commissioners.

SECTION 7. LICENSES TO BE ISSUED TO WHOM. No license shall be issued to any applicant unless he is a legal and bona fide resident and citizen of the State of North Dakota and has been a ~~resident~~ resident of the City of Washburn for at least a year prior to the filing of the application. No license shall be issued to any person, co-partnership or corporation engaged in business as the representative or agent of another. A license may be issued only to the owner or owners of the business being conducted at the location for which license is sought.

No license shall be issued to any person under the age of twenty-one (21) years or to any person deemed by the Board of City Commissioners of the City of Washburn to be morally unfit to engage in the business for which license is sought.

SECTION 8. LICENSE ~~##~~ NOT TO BE GRANTED WHEN PERSONAL PROPERTY TAXES DELINQUENT. No license shall be granted either for "off sale" or "on sale" of intoxicating liquor to any person, as defined in this ordinance, where the personal property taxes on the property to be used in such business for which license is sought are delinquent, or where ~~the~~ individual, any person, a member of a co-partnership or financially interested in such business or any corporation seeking the license has delinquent property taxes on any property owned by such person or persons.

SECTION 9. SELLING, SERVING OR DISPENSING INTOXICATING LIQUOR. No licensee, his agent or employee, shall sell, serve or dispense any intoxicating liquor to any habitual drunkard, person under guardianship or to any person under twenty-one (21) years of age. No licensee shall permit any person under twenty-one (21) years of age to be furnished with any liquor on the premises for which license is granted under any license issued pursuant to this ordinance. No person under twenty-one years of age shall purchase, attempt to purchase, receive or drink any intoxicating liquor in any public place or on any street or alley within the limits of the City of Washburn. Whosoever shall in any way procure or furnish liquor for the use of any person heretofore in this section named shall be deemed to have sold it to such person and to have violated the terms and conditions of this ordinance.

No sale of intoxicating liquor shall be made to any person in any club or lodge who is not a regular member thereof in good standing. No sale of intoxicating liquor shall be made in any such club or lodge at any time when the club or lodge rooms or any part thereof ordinarily occupied by such club or lodge shall be open to the use of person other than members of such club or lodge.

SECTION 10. PERSONS UNDER TWENTY-ONE YEARS OF AGE NOT PERMITTED ON LICENSED PREMISES. No person under twenty-one (21) years of age shall be permitted to enter any establishment selling, serving or dispensing intoxicating liquor on the premises licensed for the "on sale" of liquor hereunder; provided, however, that in places where the licensee is engaged in the business of furnishing meals, such person under twenty-one (21) years of age may enter said premises for the purpose of obtaining meals but shall not be served, purchase or in any manner procure or be permitted by the licensee or his employees in any manner to purchase, to be served or procure intoxicating liquor while upon said premises.

SECTION 11. HOURS AND TIME OF SALE. No licensee licensed pursuant to this ordinance shall sell, serve or permit to be sold, served or consumed on the premises named in the license any intoxicating liquor before 8 o'clock A. M. or after 12 o'clock P. M. on any day. No sale or dispensing of intoxicating liquor shall be made on Sunday, Good Friday, Memorial Day, Independence Day, Armistice Day, Thanksgiving Day, Christmas Day or any election day, either City or General. Nothing in the ordinance shall be construed as permitting the sale or dispensing of such intoxicating liquor where such sales are prohibited hereby. An election day shall be construed to mean the entire day during which such election is held and not as designated at the time of the closing of the polls.

SECTION 12. "OFF SALE" LICENSEE TO FORBID CONSUMPTION OF INTOXICATING LIQUOR ON LICENSED PREMISES: SALE TO BE COMPLETED ON PREMISES: DELIVERY PROHIBITED. No person holding an "off sale" license hereunder shall permit the consumption of intoxicating liquor upon the licensed premises or the opening of the container containing alcoholic beverage, the same being the original package in which the sale is made on the premises where sold. All sale of intoxicating liquor made by a licensee holding an "off sale" license shall be completed upon the licensed premises by the delivery of the container containing the intoxicating liquor sold to the purchaser upon such premises. No delivery shall be made by an person holding an "off sale" license to any person or premises other than that licensed hereunder.

SECTION 13. STREET SALE OR USE PROHIBITED. The sale or serving or consumption of intoxicating liquor as defined in this ordinance upon or across any street, alley or public way is prohibited.

SECTION 14. CASHING OF CHECKS PROHIBITED. Except in the case of a club or lodge as herein defined, no person holding an "on sale" license, issued pursuant to the terms of this ordinance, shall be permitted to cash any bank check, voucher, order or document of any kind, which by its terms authorized or permits the payment to any person presenting such bank check, voucher, order or document to receive payment of money. No such licensee shall permit such bank check, voucher, order or other document as hereinbefore described to be cashed by any person within one hundred feet of the premises for which said license is issued; provided, however, that stores or places not holding "on sale" license for the sale of liquor shall not be construed to be prohibited from cashing such check, vouchers, or other documents should their places of business be located within the distance as hereinbefore defined; and provided further, that to a bona fide customer the licensee hereunder may take in payment a check drawn by the purchaser of intoxicating liquor upon his or her own bank account and not otherwise.

SECTION 15. DANCING PROHIBITED. Except in the case of a club or lodge as hereinbefore defined, no dancing shall be permitted in any establishment or on any premises holding an "on sale" license. No "onsale" license shall be issued for any premises or rooms which are adjacent to any dance hall, which dance hall is not entirely separated from such licensed premises by means of a permanent wall or partition containing no communicating doors or openings into such dance hall.

SECTION 16, LICENSE NOT TRANSFERABLE: BOARD OF CITY COMMISSIONERS TO APPROVE LOCATION CHANGES. No license issued hereunder shall be transferable except as provided by the Liquor Control Act of the State of North Dakota, and no change of location shall be permitted without first making application and receiving the approval of the Board of City Commissioners of the City of Washburn therefor.

SECTION 17. PERSONS UNDER TWENTY-ONE YEARS OF AGE NOT TO BE EMPLOYED. No person under twenty-one years of age shall be employed in any room or rooms constituting the place in which intoxicating liquor is sold pursuant to an "on sale" license issued under this ordinance.

SECTION 18. LICENSEE RESPONSIBLE FOR CONDUCT OF PLACE OF BUSINESS. 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. No intoxicated person or persons shall be permitted to remain upon the premises or to be sold intoxicating liquor by any person holding any license issued pursuant to this ordinance. No licensee hereunder shall be permitted to extend any credit or to sell to any person upon credit any intoxicating liquor or alcohol. No licensee hereunder shall be permitted to own or have in his possession and located on the premises for which license is obtained pursuant to this ordinance any slot machine, gambling device, punch board, pin ball or any other machine or device of similar nature. The possession of such machines upon the premises licensed shall be sufficient cause for the revocation of the license issued hereunder, and such license shall be revoked should any such slot machine, punch board, pin ball or other machine or device as herein defined be found upon the licensed premises.

SECTION 19. INSPECTION OF LICENSED PREMISES TO BE ALLOWED POLICE OFFICERS. In addition to the requirements as hereinbefore ~~stated~~ stated to be set forth in the application made by a person seeking the license for the sale of intoxicating liquor, such person, co-partnership, corporation, club or lodge seeking such license shall state therein that he consents to any police officer, sheriff or any peace officer of the City of Washburn or of the State of North Dakota entering upon the premises for which license is sought for the purpose of inspecting said premises and any part thereof at any time, and that such person seeking such application waives all rights, constitutional or otherwise, against unreasonable searches or seizures and further conditions that any liquor found upon said premises or any property found thereon held in violation of the laws of the State of North Dakota or of this ordinance may be seized and taken away by such officer, and that such intoxicating liquor or other property so seized may be received in evidence against him in any procedure brought pursuant to the laws of the State of North Dakota or this ordinance.

SECTION 20. LICENSE TO BE POSTED. Licenses issued to licensees hereunder shall be posted in a conspicuous place in the premises for which the license has been issued.

SECTION 21. ONE LICENSE TO A PERSON. Not more than one retail license, either "off sale" or "on sale" shall be directly or indirectly issued or granted to any person nor shall more than one license be issued for the premises licensed for the retail sale of liquor either "off sale" or "on sale".

SECTION 22. SALE OF "ALCOHOL" IN MORE THAN GALLON CONTAINERS PROHIBITED. No "alcohol" as the term is commonly known and understood, shall be sold by any person holding a license hereunder except in sealed containers containing not more than one wine gallon. No licensee shall open or permit to be opened on said premises any container containing "alcohol" as the term is commonly known and understood; provided, however, that the term "alcohol" as used herein shall not be construed as meaning beverages commonly known and described by their various names, such as whiskey, brandy, wine, gin and the like.

SECTION 23. NO LIQUOR PERMITTED TO BE SOLD UNLESS STAMP TAX PAID AND LIQUOR PURCHASED FROM WHOLESALER LICENSED UNDER LIQUOR CONTROL ACT. No intoxicating liquor shall be permitted to be owned, held or possessed upon any licensed premises or by any person to whom a license for the retail sale of liquor has been issued unless the stamp tax as provided by the Liquor Control Act of the State of North Dakota has been properly affixed to the containers thereof and unless the taxes on said intoxicating liquor have been paid. The possession of any container of intoxicating liquor, which container does not bear the proper stamps issued by the State of North Dakota pursuant to the Liquor Control Act of the State of North Dakota shall be deemed to be illegal and a violation of this ordinance.

No licensee hereunder shall purchase, have or possess any intoxicating liquor unless he has purchased the same from a wholesaler duly licensed pursuant to the provisions of the Liquor Control Act of the State of North Dakota. Each licensee hereunder shall keep on file all invoices covering purchases by him of intoxicating liquor showing the name and license number of the wholesaler and the name of the municipality issuing such wholesale license. Such records shall be retained in possession of the licensee and at all times shall be open to inspection by any police officer or peace officer of the State of North Dakota. Each licensee licensed under this ordinance shall keep a book showing the kinds and quantities of all liquor purchased by him, together with the name of the person from whom purchased, the license number of the wholesaler selling such liquor to said licensee and the name of the municipality issuing such wholesale license.

SECTION 24. LOCATION. No license shall be issued for any building, room or place within three hundred feet of any church, public or parochial school or synagogue, and in determining such distance, the distance shall be measured by the ordinary route of travel from the nearest point upon the grounds upon which such church, public or parochial school or synagogue is located to the entrance of the premises for which license is sought. No license shall be issued to any applicant for the sale of intoxicating liquor outside of the following described district; On Jewell Avenue between Walnut and Maple streets and facing Jewell Avenue, in said city of Washburn, North Dakota. No license shall be issued for the sale of intoxicating liquor where the premises sought to be licensed is located in any basement or below the first floor of any building. No license for the retail sale of intoxicating liquor shall be issued for any premises above the first or ground floor of any building or premises, except in the case of lodge or club, as in this ordinance defined; provided, however, that nothing herein shall be construed as to prohibit any hotel keeper or inn keeper holding a license ^{issued} pursuant to this ordinance from delivering liquor to duly registered guests in their rooms in such hotel or inn. No liquor shall be sold except in a building separate from all other buildings or other business establishments. That liquor sold by any person holding a license under this ordinance shall not be consumed in any business place where people congregate for the purpose of obtaining meals or amusement.

SECTION 25. SIGNS, ADVERTISING AND MATERIAL. No licensee hereunder shall be permitted to display in such windows any bottle, package or other container showing the liquor kept on said premises for sale or for any other purpose. No window display or other display in show windows shall be made showing prices for any class of liquor permitted to be sold pursuant to this ordinance. No licensee hereunder shall be permitted to display outside of the premises licensed any Neon Sign, electric sign or any sign of any description containing any words or words showing or tending to show that the premises is a liquor store or place where liquor is sold. He shall be permitted to place in letters not exceeding four inches in height upon the door or windows of the licensed premises the words "Licensed Liquor Store" City of Washburn, License number and no other words. No licensee hereunder shall be permitted to advertise by means of any billboard or out door advertising, which advertising shows or tends to show other than that the advertiser and licensee is the operator of a liquor store. No bill board advertising shall contain the name of any brand of intoxicating liquor or the price thereof. No licensee hereunder shall be permitted to advertise in any newspaper, circular delivered from house to house or in any other publication which has circulation throughout the city the names or prices of any brand of liquor kept or sold by him, or showing or tending to show other than that the licensee is the operator of a liquor store.

SECTION 26. BOOTHS AND WINDOWS. No license for the retail sale of liquor shall maintain or suffer to be constructed, maintained or placed in the premises licensed any side room, closed booth or other enclosure. All booths ~~#####~~ located in such premises shall open into the main part of said premises and shall be accessible from the aisles therein and shall not have any screen, curtain, partition, door or blind or any obstruction of any kind preventing clear view into booths from the main room or aisle of said premises. ~~#####~~ No licensee for the retail sale of liquor shall be permitted to place in the windows or door of the licensed premises any sign, advertising matter, paper, cards or any other material which shall in any manner obstruct the view into the said premises and through the same from the street level in front of said premises/. The view from the street level and through the windows and door of said premises at all times shall be maintained in an open, clear and unobstructed manner from the street, and no screen, partition or other matter obstructing the view through any portion of the said licensed premises shall be maintained therein at any time.

SECTION 27. REVOCATION OF LICENSE. Licenses issued pursuant to this ordinance shall be cancelled for the following causes:

- A. The death of the licensee.
- B. When the licensee ceases business at the location licensed and a permit for change of location has been denied.
- C. When the licensee is adjudged bankrupt.
- D. When the licensee has been convicted of the violation of any provision of this ordinance or of a felony under the laws of the United States, the State of North Dakota or any other state of the United States.
- E. When the licensee ceases to be a legal bona fide resident and citizen of the State of North Dakota.
- F. When the license or permit of the licensee from the United States Government to sell intoxicating liquor has been terminated or revoked.
- G. When the business of the licensee at the location licensed shall be conducted in violation of health and sanitary regulations or other ordinances of the City of Washburn.
- H. When the licensee has made any false statement in his application for license.

Such causes as hereinbefore described shall not be deemed to be exclusive and such license may be terminated at any time by the Board of City Commissioners of the City of Washburn and said license revoked for any cause deemed by the Board of City Commissioners to be sufficient cause and justified by reason of public health or public morals. Such terminations shall be subject only to review by the Courts of the State of North Dakota. When any license is revoked 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.

SECTION 28. DISPOSITION OF LICENSE FEES. All license fees collected under this ordinance shall be paid over to the treasurer of the City of Washburn and credited to the general fund of the said City.

SECTION 29. SANITARY REQUIREMENTS. All premises licensed pursuant to this ordinance must provide adequate and sufficient lavatories and toilets and meet such other health and sanitary regulations as may be prescribed by the Board of City Commissioners of the City of Washburn.

SECTION 30. FEMALE BAR TENDERS PROHIBITED. No female person shall be permitted by any licensee to tend bar or to serve liquor at any bar where liquor is sold pursuant to an "on sale" license granted pursuant to the terms of this ordinance; provided, however, that waitresses in a place where meals are served may deliver to the customer purchasing or eating meals at tables either within or outside of booths liquor which has been placed in the containers in which the same is served by male bar tenders or dispensers of such liquor in the licensed establishment.

SECTION 31. POLICE POWERS DEFINED. This ordinance is declared to be an exercise of the police power directly affecting and designed to promote the peace, safety, public health and public morals and well being of the people of the city.

SECTION 32. SAVING CLAUSE. If any portion of this ordinance shall be judged unconstitutional or contrary to the laws of the State of North Dakota, such section shall not invalidate the remaining portion of this ordinance, and it is hereby expressly declared that all of the remaining portions of this ordinance would have been adopted notwithstanding the invalid portions thereof and that such portions not declared unconstitutional or contrary to the laws of the State of North Dakota shall remain in full force and effect.

SECTION 33. PENALTY. Any person, co-partnership or corporation which shall violate any of the provisions of this ordinance shall upon conviction thereof be fined not more than One Hundred (\$100.00) Dollars or imprisonment not exceeding ninety (90) days or by both such fine or imprisonment and in addition there the license issued hereunder shall be cancelled.

SECTION 34. ORDINANCE EFFECTIVE WHEN. This ordinance shall be in force and take effect upon the taking effect of the Liquor Control Act of the State of North Dakota and upon passage and publication of the title and penalty clause hereof.

C. M. Diesen
President City Commission

Attest

E. I. Schulz
City Auditor

First reading Nov. 30, 1936
Second " Dec. 7, 1936
Passed and approved
Dec. 7, 1936

BE IT ORDAINED BY THE BOARD OF CITY COMMISSIONERS OF THE CITY OF WASHBURN, NORTH DAKOTA

TO AMEND SECTION NO. 3 of ORDINANCE NO. 48, being an ordinance to regulate the sale of Intoxicating liquors, to read as follows;

License for sale of intoxicating liquor at retail as provided in this ordinance shall consist of one kind only, to-wit: "Off Sale" and "On Sale". The licenses hereafter issued and defined as "Off Sale" and "On Sale" licenses shall include the right to sell intoxicating liquors on the premises for which license is issued, for consumption on the premises, or to take out in unbroken containers, subject to the regulations hereinafter in this ordinance set forth.

The license fee for "Off Sale" and "On Sale" shall be the sum of \$1500.00 per annum, payable annually or semi-annually, in advance at time of making application for the license.

No more than two "Off Sale" and "On Sale" license shall be issued in the City of Washburn, unless population increases enough to warrant an additional license.

No other license than an "On Sale" license shall be issued or granted to any lodge or club, and license fee therefor shall be \$50.00 per annum, payable in advance;; Provided such lodge or club does not operate more than 24 times during the year.

No license shall be issued to any lodge or club where sale of liquor in such lodge or club are made for the profit of any individual, and unless such profits are used only for benevolent purposes.

[Signature]
.....
President of the Board of City Commissioners

Attest
[Signature]
.....
City Auditor

first reading June 5 1961
second reading June 19-1961
final passage u 19-1961