

CHAPTER EIGHT

BUSINESS REGULATIONS AND LICENSES

ARTICLE 1 - RESERVED FOR FUTURE USE

PAGES

ARTICLE 2 - SOLICITATION WITHOUT INVITATION

8.0201 Solicitation Without Invitation Prohibited	90
8.0202 Enforcement	90

ARTICLE 3 - ALCOHOLIC BEVERAGES

8.0301 Definition	90-91
8.0302 Exceptions	91
8.0303 License Required	91
8.0304 License - Term Of	91-93
8.0305 License - Classes Of	93
8.0306 License - Applicant Fitness	93
8.0307 License - Limit To One Applicant	93
8.0308 License - Limit Of Number	93
8.0309 License - Location Of	93-94
8.0310 License - Posting Of	94
8.0311 License - Transfer Of	94
8.0312 License Fees - Disposition Of	94
8.0313 Hours and Time Of Sale	94
8.0314 Licensee's Responsibility	94
8.0315 Cashing Certain Checks - Prohibited	95
8.0316 Sales Prohibited, Persons	95
8.0317 Minors in Licensed Premises	95
8.0318 Age Identification	95
8.0319 Street Sales Prohibited	95
8.0320 Premises, Equipment Of	95
8.0321 Closed or Screened Areas	95
8.0322 Purchase From Licensed Wholesaler	95
8.0323 Toilets Required	96
8.0324 Bottle Clubs	96
8.0325 Termination Of Revocation Of License	96-97

ARTICLE 4 - DANCES

8.0401 Notification To City	97
8.0402 Public Dance	97
8.0403 Policing Of Dances	97
8.0404 Penalty	97

ARTICLE 5 - SHOWS, CARNIVALS AND CIRCUSES

8.0501 License Required	97
8.0502 Fees For	97-98

BUSINESS RELATIONS AND LICENSES

ARTICLE 1 - RESERVED FOR FUTURE USE

ARTICLE 2 - SOLICITATION WITHOUT INVITATION

8.0201 Solicitation Without Invitation Prohibited

The practice of going in and upon private residences or privately owned property in the city by solicitors, peddlers, hawkers, itinerant merchants, transient vendors of merchandise, photographers and magazine and periodical subscription agents, not having been requested or invited to do so by the owner or owners, occupant or occupants of such private residences or private property, for the purpose of soliciting orders for the sale of goods, wares, and merchandise and/or for the purpose of disposing of and/or peddling or hawking the same, and for the purpose of soliciting subscriptions to magazines or periodicals and/or for the purpose of taking photographs is hereby declared to be a nuisance and unlawful.

Exempt from this ordinance are schools, churches, and other non profit organizations.

8.0203 Enforcement

The Ordinance Enforcer any and all police officers/deputies in the city and all City Officials are hereby required and directed to suppress the same and abate any such nuisance as is described in 8.0201.

ARTICLE 3 - ALCOHOLIC BEVERAGES

8.0301 Definitions

For the purpose of this article:

1. Alcoholic beverage: Shall mean any liquid suitable for drinking by human beings, which contains one-half of one percent or more of alcohol by volume.
2. Beer: Shall mean any malt beverage containing more than one-half of one percent of alcohol by volume.
3. Liquor: Shall mean any alcoholic beverage except beer.
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 all manner or means of furnishing alcoholic beverages, including the selling, 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 for the promotion of sports, which has at least 200 members at the time of application for license and which was in existence on November 3, 1936.
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 completely by delivery of the liquor sold to the actual purchaser thereon on the licensed premises.
10. On-sale: Shall mean the sale of alcoholic beverages for consumption only on the premises 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.

8.0302 Exception

1. This article shall not apply to wines delivered to priests, clergy and minister for sacramental use.
2. This article shall not be construed to apply to the following articles, when they are unfit for beverage purposes:
 - a. Denatured alcohol produced and used pursuant of Acts of Congress, and the regulations thereunder;
 - b. Patent, proprietary, medical, pharmaceutical, antiseptic and toilet preparations;
 - c. flavoring extracts, syrups, and food products;
 - d. Scientific, chemical, and industrial products; nor to the manufactured or sale of said articles containing alcohol.

8.0303 License Required

No person shall sell at retail within the city limits of this city any alcoholic beverage without first having obtained a license therefore as herein provided. This section shall not apply to public carriers engaged in interstate commerce.

8.0304 License - Term Of

1. All licenses issued hereunder shall be for a period of not more than one year and shall expire on the 31st day of December in each year, or license is revoked.. Where a license is granted for a period less than a year any subsequent renewal thereof must be made for the full annual term. Yearly renewal form completed and returned by Nov. 30th.
2. If an application is made for license year hereunder during the license year for the unexpired portion of such year, the fees therefore shall be as follows:
 - a. The annual license which shall be for less than one year, shall be pro-rated monthly,
3. The legal description and the address of the premises for which license is sought.
4. The date on which the applicant acquired title to the premises sought to be licensed, and if the applicant does not have title to said premises, the name and address of the owner of the premises together with a copy of the applicant's lease, if written, under which he holds possession of said premises.
5. Whether there are any delinquent taxes against the premises sought to be licensed.

6. Whether the applicant has ever engaged in the sale or distribution of alcoholic beverages prior to this application, and if so, the date and type of business and place where so engaged whether within or without the State of North Dakota, the date the applicant first began to operate.
7. Whether the applicant has ever had a license revoked or canceled by any municipal, state or federal authority, and if so, the date of such cancellation, the place and authority canceling same, and the reason for such cancellation.
8. 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 alcoholic beverages, and if so, the dates, names of places, and courts, in which said convictions were had.
9. Whether the applicant has ever had a license for the sale of alcoholic beverages revoked for any violation of state laws or local ordinances, and if so, the names of the bodies revoking such license, the dates of such revocation, and the reasons assigned therefore.
10. Whether the applicant has ever been convicted of any other crime than stated in subsection (8) and (9) 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.
11. The name and address and the place of residence for a period of one year prior to the date of application of any person who will have charge, management, or control of the establishment for which license is sought.
12. Whether any person other than the applicant has any right, title, estate or interest in the lease hold or in the furniture, fixtures, or equipment in the premises for which license is sought, and if so, the name and address of such person, together with a statement of the interest so held.
13. Whether the applicant has any interest whatsoever, directly or indirectly, in any other establishment dispensing alcoholic beverages, 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 alcoholic beverages, either at wholesale or retail, and within the borders of the United States.
14. The occupations which the applicant has followed during the past five years.
15. The names and addresses of at least three business references.
16. Whether the applicant is rated by any commercial agency, and if so, the name and address of said agency.
17. Whether the applicant is engaged in any other business or intends to be engaged in any other business that the sale of alcoholic beverages under the license for which application is made, and if so, the type of business, and if an employee, the name and address of the employer.
18. The classification of license applied for.
19. If the applicant is a lodge or a club, the date of organization, the number of members, the purpose for which organized, and the sale of alcoholic beverages are to be applied; and whenever required by the governing body a list of the members belonging to such lodge or club.

20. Whether or not the personal property taxes of the applicant are delinquent, and if a co-partnership, whether or not the personal property taxes of each member of the co-partnership are delinquent, and whether or not the personal property taxes levied against the property to be used in conducting the business are delinquent.
21. A statement by the applicant that he consents to entry and inspection of the premises for which license is sought or any part thereof at any time by any police officer, sheriff, or any peace officer of the City or of the State of North Dakota.
22. All applications and renewals must be notarized before submission for approval.

8.0305 License - Classes Of

1. On and off sale liquor licenses at an annual fee of \$1200.00 dollars.
2. Off sale liquor license at an annual fee of \$1200.00 dollars.
3. On and Off sale beer license at an annual fee of \$1200.00 dollars.
4. Off sale beer license at an annual fee of \$1200.00 dollars.
5. Beer and wine on sale only license at an annual fee of \$100.00 dollars.
5a. Must be sold and/or consumed with food

8.0306 License - Applicant Fitness

The chief of police or such other person or officer as may be designated by the governing body shall, upon the filing of an application, investigate the facts as stated in the application and the character, reputation, and fitness of the applicant, and shall report on said matters to the governing body.

8.0307 License - Limit To Two Applicant (Resolution 7-17-09)

Not more than two license of each classification shall be issued or granted to any applicant, and each license shall be valid only for the specific premises licensed.

8.0308 License - Limit Of Number

The maximum number of each classification of license which may be issued shall be limited to two per each 500 population according to the last official census.

8.0309 License - Location Of

No license shall be issued or transferred to any person, firm or corporation to engage in the sale of beer or alcoholic beverages within the City of Sawyer without approval as to the location of said licensed business by the Governing Board. The application for approval shall be in writing filed with the Board. Public hearing shall then be had of said application, upon notice published in the official newspaper of the City two (2) times, the first publication to be at least 15 days before the hearing date set for hearing said application. At the time of hearing the Board shall in its discretion determine if said location is in harmony with the public interest and welfare of the community, and shall consider among other things the following factors:

1. The convenience of police regulation.
2. Public health and sanitation.
3. Proximity of other licensed businesses

4. Proximity of schools, churches, funeral homes, public buildings, or buildings used by or for minors.
5. Any protest of neighboring property owners or occupants.
6. Zoning regulations
7. Proposed on or off sale or both of licensee.
8. Interference with or proximity to residential property.
9. Interference with neighboring property.
10. Suitability of premises for sale of beer, liquor or alcoholic beverages.
11. Public convenience and necessity.

8.0310 License - Posting Of

License issued hereunder shall be posted in a conspicuous place in the premises for which the license has been issued.

8.0311 License - Transfer Of

No license under the provision of this Article shall be transferable without authorization of the City Council and any attempt to do so shall constitute a violation of the provisions of this Article.

8.0312 License Fees - Disposition Of

All license fees collected under this Article shall be transferable to the treasure of this city and credited to the general fund of the city.

8.0313 Hours and Time Of Sale

No licensee shall sell, serve, or permit to be sold, served or consumed on the premises named in the license any alcoholic beverages other than between the hours of 4:00 pm and 2:00 am when school is in session, between the hours of Noon and 2:00 am when school is not in session, or as prohibited by State Law. (rev 10-5-2020)

8.03014 Licensee's Responsibility

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, permitting no disorderly conduct on the premises. Alcoholic beverages shall not be served to any intoxicated person, nor shall any intoxicated person be permitted to remain upon the premises.

8.0315 Cashing Certain Checks - Prohibited

No licensee hereunder shall cash any bank check, voucher, order, or document of any kind drawn by a County Welfare Board, or any state or federal agency in payment for wages made for work done on any so-called work relief project, or for relief purposes, which by its terms authorizes or permits any person presenting such bank check, voucher, order or document to receive payment of money.

8.0316 Sales Prohibited, Persons

No licensee, his agent, or employee shall sell any alcoholic beverages to a person under 21 years of age, a habitual drunkard, an incompetent, or an intoxicated person.

8.0317 Minors In Licensed Premises

No licensee shall permit any person under 21 years of age to remain on the licensed premises while alcoholic beverages are being sold or displayed thereon, except that a person under 21 years may remain in a restaurant where alcoholic beverages are being sold if accompanied by a parent or legal guardian.

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 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.

8.0318 Age Identification

Before selling alcoholic beverages to any person, or before determining whether any person shall remain upon the licensed premises, a licensee, his agent or employee may require a statement in writing and signed by said person of such person's age. Any person who makes a false statement as to his or her age, or signs a name other than his own or her own to any such statement, shall be guilty of a violation of this Article.

8.0319 Street Sales Prohibited

The sale or consumption of alcoholic beverages upon or across any street, alley, or public way is prohibited unless special permit and/or permission by City Council.

8.0320 Premises, Equipment Of

Premises licensed hereunder for on-sale alcoholic beverages shall be equipped with tables, chairs, booths and stools in sufficient number to accommodate reasonably the patrons

8.0321 Closed Or Screened Areas

No premises licensed for on-sale or alcoholic beverages shall contain any side room, closed booths, or other screened enclosures, nor shall any screen, partition, curtain, blind, or obstruction of any kind prevent a clear view at all times of all parts of the interior of the premises licensed. All booths located in such premises shall open directly into the main part of said premises and shall be accessible from the aisles therein .Needs to include a fenced area. If any alcohol is to be outside physical premises, a temporary fence must be in place prior to event.

8.0322 Purchase From Licensed Wholesaler

No licensee hereunder shall purchase, have or possess any alcoholic beverages other than those purchased from a wholesaler duly licensed by the State of North Dakota pursuant to the provisions of Title V of the North Dakota Century Code; and each licensee hereunder shall keep on file all invoices covering purchases by him of such alcoholic beverages showing the name and licensee and shall be a t all times open to inspection by any police officer or peace officer in the State of North Dakota.

8.0323 Toilets Required

That the premises where On-Sale License is granted must be equipped with adequate and
95
sufficient lavatories and toilets, and kept in a clean and sanitary condition. The On-Sale License may be
revoked when the foregoing requirements, or any other health ordinance or regulation, is not, at all times
strictly observed.

8.0324 Bottle Clubs

No person shall operate an establishment whereby persons are allowed to bring their own
alcoholic beverages on the premises where the proprietor sell soft drinks, mix, ice or charges for bringing
such beverages on the premises.

8.0325 Termination Of Revocation Of Licenses

1. Licenses issued pursuant to this article shall be deemed canceled and revoked and terminated
upon the happening of any one or more of the following contingencies:
 - a. The death of the licensee unless upon application to the governing body by personal
representative of the decedent, the governing body shall consent to the carrying on of
the business by the personal representative.
 - b. When the licensee ceases business at the location licensed, unless a new location has
been approved.
 - c. When the licensee be adjudged bankrupt.
 - d. When the licensee ceases to possess the qualifications required for an applicant for a
license as set out in this Article.
 - e. When the license or permit of the licensee from the United States Government or the
State of North Dakota to sell alcoholic beverages at the location licensed has been
terminated or been revoked.
2. License issued pursuant to this ordinance may, at the discretion of the governing body, be either
revoked or suspended for such period of time as deemed appropriate, upon the following
grounds:
 - a. When the licensee has been convicted of violating any of the provisions of this
Article.
 - b. When the business of the licensee at the location licensed shall be conducted in
violation of health or sanitary regulations or other ordinances of the city.
 - c. When the licensee, if an individual, or one of the partners, if the licensee by a
partnership, or one of the officers or the manager if the licensee by a corporation, be
convicted in the municipal court of the city of drunkenness of disorderly conduct, or
if any appeal be taken from such conviction then when such conviction be sustained
by the higher court or courts.
3. Such causes are herein before detailed shall not be deemed to be exclusive and such license may
also be canceled and revoked or suspended at any time by the governing body for any

cause deemed by said governing body to be sufficient cause and justified by reason of public health or public morals. Such termination shall be subject only to review by the courts of the State of North Dakota.

96

4. When any license is terminated or revoked for cause, 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.

ARTICLE 4 - DANCES

8.0401 Notification To City

No dance, public or private, shall be held in the city without the prior notification to the governing board or chief of police of the proposed dance at least 10 days prior to the occasion of the dance.

8.0402 Public Dance

Sponsor of a public dance shall notwithstanding subsection 8.0403 herein provide at his own cost no less than two police officers inside the dance hall who are approved by the governing board.
EXOTIC Dancers are not allowed

8.0403 Policing Of Dances

All dances shall be properly policed by at least one individual paid for by the sponsor of the dance and approved by the chief of police. If so directed by the chief, more than one officer shall be provided.

8.0404 Penalty

Any violation of the subsection shall carry a fine of \$500.00.

ARTICLE 5 - SHOWS, CARNIVALS AND CIRCUSES

8.0501 License Required

No person, firm, association or corporation shall exhibit or cause to be exhibited or assist in exhibiting any natural or artificial curiosity or conduct a circus, menagerie, tent show, carnival, or carnival show, continuous theatrical performance, shooting gallery, or other like exhibition without first obtaining license from the city.

8.0502 Fee For

The fees to secure license to conduct the exhibitions mentioned in the foregoing section shall be as follows:

Any carnival, per day	\$250.00
Any circus, per day	\$250.00

In addition to the above fees any carnival or circus granted a license shall deposit with the City Auditor cash bond in the amount of \$500.00 guaranteeing that the premises upon which such carnival or circus is located shall be cleaned after the showing of such carnival or circus to the satisfaction of the City Engineer and upon certification of the City Engineer to the City Auditor or if the city has not City Engineer upon determination of the City Auditor that the same has been done said cash deposit shall be returned to the licensee. Provided, further, that in addition to such fees, an additional fee in an amount from \$100.00 to \$500.00 to be fixed by the governing body shall be paid at the time of obtaining license to

provide for fire and police protection and additional policing in connection with the showing of such carnival or circus.

Signed Mayor, Wayne Flores

First Reading: November 3rd, 2025

Second Reading: December 1st, 2025

Final Reading: January 5th, 2026 Motion to approve by Susan Schmidt, Second by Mike Beeter, Golden Melland and Tom Kempf Aye.

Signed City Auditor, Tessa Miller