

ORDINANCE NO. 1544

An ordinance amending Chapter 5 of the Code of the City of Jamestown, North Dakota by amending Section 5-3 concerning the unlawful possession of alcohol in the City of Jamestown.

WHEREAS, the City of Jamestown has the authority to enact ordinances to protect the health, safety, and welfare of the citizens of the City of Jamestown;

WHEREAS, pursuant to Chapter 40-50.1 of the North Dakota Century Code and the Home Rule charter of the City of Jamestown, the city has the authority to provide for the public, health, safety, and morals of the City by regulating the sale and consumption of alcoholic beverages;

WHEREAS, the City of Jamestown municipal code Section 5-3 prohibits the possession of alcohol except upon private or licensed premises; and

WHEREAS, the City of Jamestown desires to allow on-sale licensed holders to utilize the sidewalks pursuant to a permitting process set forth in Article VIII of Chapter 25 of the City code.

NOW THEREFORE, be it ordered by the City Council of the City of Jamestown, North Dakota, that Chapter 5, Section 5-3, be amended and re-enacted as follows:

Sec. 5-3. Unlawful possession of alcoholic beverages.

It shall be an infraction for any person to possess in a public place in the city, any alcoholic beverages except that contained in a sealed original package or with the United States and the state liquor tax stamps unbroken. This shall be a strict liability offense with a fine of at least \$50.00. This Section shall not apply under the following circumstances:

- (1) Hospitals, including the North Dakota State Hospital;
- (2) As allowed in Chapter 5 of this Code, including any amendments thereto; and
- (3) As allowed in Article VIII of Chapter 25 of this Code, including any amendments thereto.

For purposes of this Section, "public place" shall mean an indoor or outdoor area, whether privately or publicly owned, to which the public has access by right or by invitation, expressed or implied, whether by payment of money or not, but not a place when used exclusively by one (1) or more individuals for a private gathering or other personal purpose.

ATTEST:

Sarah Hellekson
City Auditor / City Administrator

APPROVED:

Dwaine Heinrich
Mayor

Introduced by Council Member Steele
Seconded by Council Member Kamlitz
First Reading: May 3, 2021
Second Reading: May 11, 2021
Final Passage: May 11, 2021

Roll Call No. 1 showed: 5 ayes, 0 nays, 0 absent.