

ORDINANCE NO. 1561

An ordinance amending and re-enacting Section 5-6, Article 1, of the Code of the City of Jamestown, North Dakota by modifying the penalty for individuals who consume, purchase, or possess alcoholic beverages under the age of twenty-one (21) years.

WHEREAS, the North Dakota legislature reduced the penalty for individuals who are under the age of twenty-one (21) years from possessing alcohol from a B Misdemeanor to an Infraction; and

WHEREAS, the City of Jamestown desires to modify its ordinance to be in compliance with the changes to 5-01-08 of the North Dakota Century Code to take effect in August of 2021.

NOW THEREFORE, be it ordered by the City Council of the City of Jamestown, North Dakota, that Section 5-6, be amended and re-enacted as follows:

Sec. 5-6. - Persons under twenty-one years of age prohibited from using alcoholic beverages or entering licensed premises; penalty.

(a) Except as permitted in this section and Section 5-02-06 of the North Dakota Century Code, a person under twenty-one (21) years of age may not manufacture or attempt to manufacture, purchase or attempt to purchase, consume or have recently consumed other than during a religious service, be under the influence of, be in possession of, or furnish money to any person for the purchase of an alcoholic beverage.

(b) A person under twenty-one (21) years of age may not enter any licensed premises where alcoholic beverages are being sold or displayed, except:

(1) A restaurant if accompanied by a parent or legal guardian;

(2) In accordance with Section 5-02-06 of the North Dakota Century Code;

(3) If the person 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;

(4) If the person is a law enforcement officer or other public official who enters the premises in the performance of official duty, or a minor assisting a compliance check under the direction of a law enforcement officer; or

(5) If the person enters the premises for training, education, or research purposes under the supervision of a person twenty-one (21) or more years of age with prior written permission of the local licensing authority.

(c) A violation of this section is an infraction. For a violation of subsection (b), the court also may sentence a violator to alcohol and drug education. For a second or subsequent violation of this section, the court shall sentence a violator to an alcohol and drug education program.

(d) The court may, under this section, refer the person to an outpatient addiction facility licensed by the state department of human services for evaluation and appropriate counseling or treatment.

(e) The offense of consumption occurs in the city of consumption or the city where the offender is arrested.

(f) For the purposes of this section, a person is not twenty-one (21) years of age until 8:00 a.m. on that person's twenty-first birthday.

(g) An individual under twenty-one (21) years of age is immune from criminal prosecution under this section if that individual contacted law enforcement or emergency medical services and reported that another individual under twenty-one (21) years of age was in need of medical assistance due to alcohol consumption, provided assistance to the individual in need of medical assistance until assistance arrived and remained on the scene, or was the individual in need of medical assistance and cooperated with medical assistance and law enforcement personnel on the scene. The maximum number of individuals that may be immune for any one (1) occurrence is five (5) individuals.

ATTEST:

APPROVED:

Sarah Hellekson
City Administrator

Dwayne Heinrich
Mayor

Introduced by Council Member Schloegel
Seconded by Council Member Kamlitz
First Reading: April 4, 2022
Second Reading: May 2, 2022
Final Passage: May 2, 2022
Roll Call No. 3 showed: 5 ayes, 0 nays, 0 absent.