TITLE X.

BUSINESS LICENSES AND REGULATIONS

CHAPTERS:

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10-03. Pawn Brokers.
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CHAPTER 10-01

ALCOHOLIC BEVERAGES

SECTIONS:

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10-0101. **DEFINITIONS**. In this chapter unless the context or subject matter otherwise requires:

1. "Agent": A person or entity acting on behalf of the license holder or an employee of the license holder, but who is not an employee.

2. "Alcoholic Beverages": Any liquid intended for drinking by human beings which contains one-half of one percent or more of alcohol by volume. All alcoholic beverages shall be deemed intoxicating.

3. "Beer": Any malt beverage containing more than one-half of one percent of alcohol by volume.

4. "City": The City of Mapleton.

5. "Club" or "lodge": Any corporation or association organized for civic, fraternal, social, or business purposes, or for the promotion of sports. Said club or lodge shall have at least one hundred (100) members at the time of the license application.

6. "Council": The City Council of the City of Mapleton, North Dakota.

7. "Incompetent": Someone under a guardianship whom has been judged legally incompetent.

8. "Intoxicating Liquor" and "liquor": Any alcoholic beverage, except beer.

9. "Licensed Premises": The bar area, dining rooms, meeting rooms and all other areas or places alcoholic beverages are regularly or occasionally sold, served, dispensed, or consumed by patrons. In the alternative, any person applying for a license under the provision of this article may describe, depict or otherwise identify in this application for a license various areas or spaces which shall constitute the licensed premises. The Council, in its discretion, requires any applicant to so describe, depict or otherwise identify the licensed premises as a condition for the issuance of a license under the provisions of this article.

10. "Off Sale": The sale of alcoholic beverages in original packages for the consumption off or away from the premises where sold. This provision shall not prohibit the licensee from dispensing and the customer from consuming a free sample as defined by the laws of this state.

11. "On Sale": The sale of alcoholic beverages for consumption only on the licensed premises where sold.

12. "Package" and "Original Package": Any container or receptacle holding alcoholic beverages, when such container or receptacle is corked or sealed by the manufacturer thereof, and when the cork or seal has not been removed or broken prior to the sale of such package to the purchaser.

13. "Person(s)": Any individual, firm, corporation, association, club, partnership, society, or any other organization.

14. "Recreational Establishment": Any pool hall, bowling alley, arcade or similar establishment having facilities or devices designated to provide for the amusement or leisure activities of its patrons.

15. “Sale" and "sell": All manners or means of furnishing of alcoholic beverages, including the selling, exchange, disposition of, and keeping for sale of such alcoholic beverages.

16. "Wholesaler": Any person engaged in the sale and distribution of alcoholic beverages at wholesale to persons holding a retail license for the sale and distribution of alcoholic beverages within the State of North Dakota or in interstate commerce.

17. "Wine": The alcoholic beverage obtained by a fermentation of agricultural products containing natural or added sugar, or such beverage fortified with brandy and containing not more than 24% alcohol by volume.

10-0102. **LICENSE REQUIRED**. No person, as defined in Section 10-0101 of this chapter, shall sell, exchange, or keep for sale any alcoholic beverages, as defined in Section 10-0101 of this chapter, without first having obtained a license pursuant to the provisions of this chapter and posting said license in a conspicuous place or premises..

10-0103. **LICENSES - REGULATIONS AS TO CLASSES - FEES**.

1. Licenses authorizing the sale of alcoholic beverages within the City of Mapleton shall be divided into the following classes:

   A. Retail On and Off Premises Beer, Wine and Liquor License, and Wholesaler's License. The annual license fee for retail beer, wine and liquor on and off sale premises license, and wholesaler's license shall be One Thousand Dollars ($1,000) per year, payable in advance at the time of the issuance of the license.

   B. Retail Off Premises Beer, Wine and Liquor License. The annual license fee for retail beer, wine and liquor off sale premises license shall be Seven Hundred Fifty Dollars ($750) per year, payable in advance at the time of the issuance of the license.

   Source: Ord. 233-17, Sec. 1

2. The licences for the sale of alcoholic beverages set out above shall be in effect for a period of one year commencing January 1 of each year and terminating December 31 of each year. If an application is made for a license during the licensing year, the license that is granted shall only be for the unexpired portion of such year ending December 31, at which time an application for renewal of the license must be made. The license fee for the partial year shall be prorated so that it equals one-twelfth (1/12th) of the licensing fee times the number of months the license will be in effect. The entire license fee for the portion of the year shall be paid at the time of the issuance of the license.

   Source: Ord. 229-16, Sec. 1 (2017)

3. If an application is for a new liquor license, or a transfer of a license, not a renewal of an existing license, in addition to the annual license fee set forth above, an initial application fee, payable to the City of Mapleton, must accompany the license application fee. The amount of the initial application fee shall be twenty-five percent (25%) of the annual license fee set out above for the license or licenses for which application is being made. Such initial application fee shall not be refunded, whether or not a license is granted by the City, and the initial application fee shall not be prorated, even if the initial application is for a portion of a year.

10-0104. **LICENSE - QUALIFICATIONS**. No retail license for the sale of alcoholic beverages shall be issued to any applicant unless the following requirements are met:

1. Residence Requirement.

   (a) If applicant is an individual, the applicant must be a legal and bona fide resident of Cass County, North Dakota, or identify a resident manager who is a permanent resident of Cass County, North Dakota.

   (b) If the applicant is a partnership, a partner or partners owning at least 50 percent of the partnership must be residents of Cass County, North Dakota, or identify a resident manager who is a permanent resident of Cass County, North Dakota.

   (c) If applicant is a corporation, a shareholder or shareholders owning at least 50 percent of the corporation's outstanding stock, or a full-time managing agent designated in the license application who is an officer and shareholder of the corporation, must be a resident of Cass County, North Dakota, or identify a resident manager who is a permanent resident of Cass County, North Dakota.

If applicant does not have a legal and bona fide residence in Cass County, North Dakota, or identify a resident manager who is a permanent resident of Cass County, North Dakota, as required above, at the time at which the application is submitted, a license may be granted to such an applicant upon the condition that the applicant satisfies the above residence requirement within three (3) months after the approval of the license.

2. Age.

   The applicant, and all partners, and all officers, directors and shareholders holding more than five percent of the outstanding stock of the corporation shall be at least 21 years of age.

3. Fitness.

   The applicant must not be deemed by the City Council to be unfit to engage in the business for which the license is sought.

4. Owner of Business.

   No license shall be issued to any person as the representative or agent of another, and the license may be issued only to the owner or owners of the business being conducted at the location sought to be licensed.

5. Taxes.

No license shall be issued, transferred or renewed for any location in which the real and/or personal property taxes are delinquent and unpaid.

A wholesaler's license may be issued to any person eligible therefor under the terms of the laws of the State of North Dakota, or any amendments thereto, who shall be engaged in the business of selling alcoholic beverages to licensed retail dealers or in interstate commerce.

Source: Ord. 233-17, Sec. 2

10-0105. **LIABILITY INSURANCE REQUIRED OF LICENSEES**. Every person licensed under the authority of this chapter, other than wholesalers, shall deposit with the City Auditor, not later than thirty (30) days after a license is issued, proof of liability insurance. Such insurance shall provide coverage for at least the minimum amounts as set by the City Council by resolution. The adequacy of any such insurance shall be determined by the governing body of the City.

Source: Ord. 194-07, Sec. 1 (2007)

10-0106. **LICENSE APPLICATION**. Any person desiring to obtain the issuance, transfer or renewal of a license for the sale of alcoholic beverages shall make and file an application for such license with the City Council, through the City Auditor. In the case of a renewal of the license, such application must be submitted at least twenty (20) days prior to the expiration date of the license. The application shall be made on a form approved by the Council and made available through the office of the City Auditor. In addition to the information supplied on the application form, the Council, the City Auditor, City Agent or his designee, may require such other information as they deem necessary in determining whether or not a license should be issued to the applicant. If a license is granted, the licensee shall have the affirmative duty of informing the City Auditor in writing within thirty (30) days of any changes in the facts supplied to the City in the application previously submitted.

10-0107. **INVESTIGATION OF APPLICANT**. The City Agent, or such other person as may be designated by the City Agent, shall investigate the facts stated in the application and the character, reputation, and fitness of the applicant, and shall report on said matters to the City Council.

For purposes of this section the fitness of the applicant includes all owners, partners, shareholders, officers and directors of the corporations as well as a managing agent if designated in the application form.

10-0108. **ISSUANCE, RENEWAL AND TRANSFER OF LICENSES**.

1. No license shall be issued, renewed or transferred without the approval of the Mapleton City Council. A change in the location of the licensed premises shall be deemed to be a transfer.

2. If the application is for a new license, or a transfer of an existing license to a new location, then notice that the applicant has applied for a license to sell alcoholic beverages at a place designated in the application, and that the application will be acted upon by the City Council on a certain day and time, shall be published in a newspaper in the City at least ten (10) days before the date set for the hearing on the application. Such notice shall be signed by the City Auditor and the expense of its publication, in addition to the license fee, shall be paid by the applicant to the City Auditor before publication.

3. No new license, or a transfer of a license to a new location, shall be issued unless and until the applicant has proven, to the satisfaction of the governing body, that the following conditions have been met. Provided, however, that these conditions shall not apply to license renewals:

   a. That the premises to be licensed have a minimum of 3,000 sq. ft. of interior floor space available and devoted to the business for which the premises are licensed.

   b. That sufficient, well-lighted off-street parking will be available to the patrons of the establishment of the applicant.

   c. That the establishment in question will be a definite asset to the City.

   d. That the licensed premises have a separate entrance or entrances from any other business and have no interior connection by which customers may move directly from another business to the licensed premises. Provided, however, that this restriction will not apply to eating establishments, motels or hotels that apply for a liquor license as part of their operation.

   Additional factors to be considered in the granting of a new license:

   a. The proximity of other businesses licensed to sell alcoholic beverages.

   b. Protests of neighboring property owners or occupants.

   c. Interference with neighboring properties.

   d. Public convenience necessity.

   e. Suitability of premises for sale of alcoholic beverages.

   f. Recommendations and reports of appropriate city officials, including the City Agent, Chief of the Fire Department, Building Inspector, and Health Officer.

   g. Zoning regulations.

h. Proximity of schools, churches, funeral homes, public buildings or buildings used by and for minors.

10-0109. **LICENSE FEES - DISPOSITION OF FEE**S. All license fees collected by the City Auditor shall be credited to the general fund of the City.

10-0110. **POSTING OF LICENSES**. Licenses issued to licensees shall be posted in a conspicuous place in that portion of the premises for which the license has been issued.

10-0111. **LICENSES - TERMINATION, SUSPENSION AND REVOCATION**.
Source: Ord. 229-16, Sec. 2 (2017)

All licenses issued under the provisions of this chapter, unless otherwise specifically provided, shall terminate on December 31, following the date of issuance; provided however, that any license issued under the provisions of this chapter may, under certain circumstances, terminate automatically, or be terminated, suspended or revoked by the City Council.

1. Any license issued under the provisions of this chapter shall automatically terminate:

   (a) Upon the death of the licensee unless, upon application to the Council by the personal representative of the decedent, the Council shall consent to the carrying on of such business by the personal representative. Said application must be submitted to the Council within thirty (30) days of the licensee's death.

   (b) When the licensee, for any reason, ceases business at the licensed premises. Business shall be deemed to have ceased when no sale of alcoholic beverages occurs on the licensed premises for a period of at least thirty (30) consecutive business days; provided, however, upon written request of the licensee, the Council in its discretion may grant a period of up to sixty (60) additional days before business shall be deemed to have ceased.

   (c) When any license or permit of the licensee from the United States Government or the State of North Dakota to sell alcoholic beverages at the licensed premises has terminated or been suspended or revoked.

2. The Council may, in its discretion, suspend or revoke for cause any license issued under the provisions of this chapter. The grounds for suspension or revocation shall, among others, include the following:

   (a) The licensee has filed a Petition of Bankruptcy.

   (b) An individual licensee, one of the partners in a partnership licensee, or one of the officers in a corporation licensee, or any individual designated in the application as manager of the licensed business is convicted of violating any of the provisions of this chapter.

(c) An individual licensee, one of the partners in a partnership licensee, or one of the officers, directors or shareholders in a corporation licensee, or any individual designated in the application as manager of the licensed business is convicted of any state or federal felony.

(d) The business of the licensee, at the location licensed, is conducted in such a manner as to be in violation of the health, sanitary or other regulations or ordinances of the City of Mapleton.

(e) The licensee, having been given a conditional license pursuant to Section 10-0104 because of failure to meet the residence requirements of this chapter, fails to have the required residency within the three (3) month period.

(f) If the licensee ceases to be a legal bona fide resident of the City of Mapleton and the State of North Dakota as required in Section 10-0104.

(g) The licensee has made any false statement in his application for a license.

(h) If the licensee fails to notify the City Auditor in writing within thirty (30) days of any change in the facts supplied to the City in the application for its license.

3. The grounds enumerated in subsection 2 of this section shall not be deemed to be exclusive and any license issued under the provisions of this chapter may be suspended or revoked by the Council for any other reason deemed by the Council to be sufficient in order to promote the public health, safety, morals and general welfare of the people of the City of Mapleton. When any license is suspended or revoked by the Council pursuant to the provisions of this section, or when the licensee voluntarily ceases business, no portion of the license fee previously paid shall be returned to the licensee or to anyone claiming under or through him.

4. No license issued under the provisions of this chapter shall be suspended or revoked for cause by the Council without a public hearing. In the event that the Council intends to consider the suspension or revocation of any license for cause, the City Auditor shall notify the licensee in writing and inform the licensee of the reason for the hearing, and specify the time and place of the hearing. The notice, and any affidavits filed in support of the suspension or revocation shall be served in the same manner as provided by law with the service of the summons in the civil action, or by registered mail. No suspension or revocation hearing shall be held before the expiration of five (5) days (or longer period if required by State law) after the date of the service of the notice upon the licensee or the mailing of the notice by registered mail.

If, upon such hearing, it appears to the Council that sufficient cause exists for the suspension or revocation of the license issued pursuant to the provisions of this chapter, the Council shall make its order suspending or revoking the license.

10-0112. **LOCATION OF LICENSED ALCOHOLIC BEVERAGE ESTABLISHMENTS**. No alcoholic beverage license shall be issued for any building, room or place within one hundred fifty (150) feet of any church, public or parochial school grounds, or synagogue. The distance to be measured in a straight line from the building in which said school or church is conducted to the principal public entrance of the place in which the liquor is dispensed, except in case of a church or synagogue where the governing body thereof gives the licensee written permission to locate within the said prescribed limits, and such written permission is approved and filed with the City Council. The foregoing shall not apply to lodges and clubs as defined herein. No license to sell liquor under the provisions of this chapter shall entitle the holder thereof to carry on such business at more than one location under any one license, and each license shall contain the legal description of the place where the holder thereof operates such business.

10-0113. **HOURS OF SALE - PROHIBITION OF SALES ON HOLIDAYS**.

1. Except as permitted by Section 10-0123 of the Mapleton Ordinances, no license holder, its agents or employees, shall dispose or permit the consumption of alcoholic beverages on licensed premises between the hours of 2:00 a.m. and 11:00 a.m. on Sundays, between the hours of 10:00 p.m. on Sundays and 8:00 a.m. on Mondays, between the hours of 2:00 a.m. and 8:00 a.m. on all other days of the week, nor dispense or permit such consumption on Christmas Day, after 2:00 a.m. on Thanksgiving Day, or after 6:00 p.m. on Christmas Eve.

2. Those license holders who receive a Sunday sales permit by the City Council pursuant to Section 10-0123 of the Mapleton City Ordinances may permit the sale and/or consumption of alcoholic beverages on licensed premises, or other premises set out in the permit, between the hours of 11:00 a.m. on Sunday and 2:00 a.m. on Monday, or pursuant to the hours set forth in the particular permit granted if more restrictive.

3. Nothing in this section shall be construed as permitting the sale or dispensing of intoxicating liquor when such sales are prohibited by state or federal law.

Source: Ord. 185-05, Sec. 1 (2005); Ord. 233-17, Sec. 3

10-0114. RESTRICTIONS ON SALE, SERVICE OR DISPENSING OF ALCOHOLIC BEVERAGES.

1. No licensee, his agent or employee, shall sell, serve or dispense any alcoholic beverage to a person under 21 years of age; no licensee, his agent, or employee, shall permit any person under 21 years of age to be furnished with any alcoholic beverage upon the licensed premises.

2. No licensee, his agent or employee shall sell, serve or dispense, nor permit to be furnished with any alcoholic beverage upon the licensed premises, any habitual drunkard, an intoxicated person, a person under guardianship after written notice of such guardianship by the legal guardian and during the continuance of such guardianship.

3. No licensee, his agent or employee shall be permitted to sell to any person upon credit any intoxicating liquor.

4. Any person under 21 years of age may enter and remain in a licensed premises where alcoholic beverages are sold if:

   (1) the person is accompanied by a parent or guardian who is 21 years of age or older. For purposes of this section, "guardian" means a person who has the legal responsibility for the health and well-being of the person under 21 years of age;

   (2) the person is employed by the licensee as a food waiter/waitress, busboy/girl under the direct supervision of a person 21 or more years of age, and not engaged in the sale, dispensing, delivery or consumption of alcoholic beverage;

   (3) the person is a law enforcement officer entering the premises in the performance of official duty; or

   (4) the person is between the ages of 18 to 21 years of age and has been employed by the liquor licensee to work in the capacity of musicians under the direct supervision of a person 21 or more years of age.

   Any person who is 19 years of age or older but under 21 years of age may be employed by the restaurant to serve and collect money for alcoholic beverages, if the person is under the direct supervision of a person 21 or more years of age, but may not be engaged in mixing, dispensing, or consuming alcoholic beverages.

5. No off-premise liquor or beer licensee shall permit the opening or consumption of alcoholic beverages upon the licensed premises; provided, however, the licensee may permit the sampling of alcoholic beverages upon the licensed premises without charge to the consumer.

Source: Ord. 249-20, Sec. 1

10-0115. **DELIVERY OF ALCOHOLIC BEVERAGES.** No licensed retail alcoholic beverage dealer, the officers, employees or agents in the City of Mapleton shall deliver or shall cause to be delivered to any customer outside of the licensed premises, any alcohol or alcoholic beverages sold under the terms and provisions of this chapter, unless the package containing such liquor shall be securely wrapped and shall contain on the outside, in plain, legible writing, the name of the dealer selling the same and also the name and address of the purchaser.

No driver of any taxicab operating or driving the same in the City of Mapleton shall at any time possess, carry or have in such taxicab any alcohol or alcoholic beverages of the kind and character referred to in this section, excepting only that such driver may accept for delivery to a customer from a licensed dealer, any package(s) as described above.

No owner, operator, officer, or employee or driver of any taxicab in the City of Mapleton shall accept from any person, except a liquor dealer regularly licensed by Mapleton, any order for the delivery of any such alcohol or alcoholic beverage as described above.

Any police or other peace officer of the City shall have the right to enter and search any taxicab, operating in the City under a license from said City, or elsewhere, at any time there may be a reason to believe or suspect that the driver of such vehicle is violating the provisions.

The violation of any of the provisions of this section by any licensed alcoholic beverage dealer, agents, officers or employees, the owner of any taxicab, or the driver thereof, shall be grounds for the revocation of the license issued for that purpose and where a driver of any taxicab is found guilty of violating the terms and provisions of this section, the license of the owner of such taxicab may also, in the discretion of the City Council, be revoked.

10-0116. **RULES FOR POSSESSION OF ALCOHOLIC BEVERAGE BY A LICENSEE**.

1. Possession of Unstamped Liquor Illegal. No alcohol or alcoholic beverages, as defined by the laws of the State of North Dakota, shall be permitted to be owned, held, or possessed upon any licensed premises, or by any person to whom a license has been issued unless the tax stamp, as provided by the laws of the State of North Dakota has been properly affixed thereto, and unless taxes on said alcohol and alcoholic beverages have been paid, and the possession of any container of any kind in which such alcohol or alcoholic beverage is found which does not bear the proper stamps issued by the State of North Dakota shall be deemed to be illegal and a violation of this section.

2. Invoices to be Filed, Contents of. Each licensee shall keep on file all invoices covering purchases of such alcohol or alcoholic beverages, showing the name and license number of the wholesaler, and the name of the municipality issuing such wholesale license. Such invoices shall be retained in possession of the licensee and shall, at all times, be open to inspection by any police officer or peace officer in the State of North Dakota.

3. Records to be Kept. Each licensee under this chapter shall keep a book showing the kinds and quantities of all alcoholic beverages purchased by him, together with the name of the person from whom purchased, the license number of the wholesaler selling such alcoholic beverages to said licensee, and the name of the municipality issuing such wholesale license.

Source: Ord. 246-20, Sec. 1

10-0117. **LICENSED PREMISES - REQUIREMENTS FOR.**

1. Every on-sale retail premise licensed for the sale of alcoholic beverages must be equipped with adequate and sufficient lavatories and toilets separately maintained for men and women and kept in a clean and sanitary condition.

2. Every on-sale licensee for the sale of alcoholic beverages shall equip his establishment with tables and chairs in sufficient numbers to accommodate his patrons.

3. Every licensee is hereby made responsible for the conduct of the place of business and is required to maintain order and sobriety in such place of business. No intoxicated person(s) shall be permitted to remain upon the premises licensed or to be served any alcoholic beverages by any licensee.

4. Every licensee of an off sale liquor license which has a drive-in window for service must provide sufficient lighting so as to remove any and all traffic hazards that might arise as a result of the drive-in window and provide for motor vehicle ingress and egress to and from said facility without in any way impeding, hampering, delaying or jeopardizing the safe flow of motor vehicle traffic.

10-0118. **INSPECTION OF LICENSED PREMISES TO BE ALLOWED**. The licensee accepts the license privileged upon the condition, which need not elsewhere be expressed, that the City Council or the City Agent, may, at any time, enter upon the premises licensed for the purpose of inspection, or to determine whether the premises are being conducted in compliance with the ordinances of the City.

10-0119. **CABARET LICENSE**.

1. DEFINITIONS.

(a) Entertainment - shall be defined for purposes of this Ordinance to mean all forms and types of performing or entertaining for patrons on licensed premises without regard as to whether such entertainment is provided by means of live performances or manually operated, electronic systems designed for stereophonic playback of prerecorded signals: provided, however, that entertainment shall not be deemed to include the use of any television, radio or coin operated music machine.

(b) Live performances - shall be defined for the purpose of this Ordinance to mean any person who for consideration, monetary or otherwise, performs in person on a licensed premise as a singer, musician, dancer, comedian, model, or any other type of entertainer.

2. No licensee under this Chapter shall permit entertainment for more than one day a week any given week without first having obtained a cabaret license as hereinafter provided.

3. The license fee for cabaret license shall be $250.00 per year.

4. The license fee set forth in subsection 3 of this section shall be for a period of one year from July 1 to June 30 and shall be payable in advance at the time of the issuance of the licensee and thereafter, on or before June 10 of each subsequent year for renewal of said license.

5. The application for cabaret license shall be made by the licensee on forms provided by the City Auditor's office of the City of Mapleton. The granting of a cabaret license shall be subject to the approval of the Council and it may be suspended or revoked in conformance with procedures established under Section 10-0111.

6. No live performances are permitted on a licensed premise which contain any form of dancing. Such prohibition on dancing does not include the incidental movement or choreography of singers or musicians which are made in connection with their singing or playing of a musical instrument. This restriction applies to all licensed premises whether or not they have a cabaret license.

7. No live performances are permitted on a licensed premise which involve the removal of clothing, garments or any other costume. Such prohibition does not include the removal of headwear or footwear; or the incidental removal of a tie, suitcoat, sportcoat, jacket, sweater or similar outer garments. Incidental removal for purposes of this section shall mean the removal of a garment or article of clothing which is not a part of the act or performance. This restriction applies to all licensed premises whether or not they have a cabaret license.

8. No entertainment on a licensed premise shall contain:

   (a) The performance of acts, or simulated acts, of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual acts which are prohibited by law;

   (b) The actual or simulated touching, caressing or fondling of the breasts, buttocks, anus or genitals;

   (c) The actual or simulated displaying of the pubic hair, anus, vulva or genitals; or the nipples of a female.

   This restriction applies to all licensed premises whether or not they have a cabaret license.

9. A licensee shall have the duty and responsibility to make available for inspection by a City Agent an identification card, such as a driver's license, containing a photograph and the age of all entertainers or performers on the licensed premise. The licensee shall not permit a person to make a live performance on the licensed premise if the licensee is not able to obtain the required identification from the performer.

10-0120. **APPLICATION OF CHAPTER**. This chapter shall apply to all territory within the corporate limits of the City and, as permitted by state law to such outlying contiguous territory without the corporate limits within which the City may exercise police jurisdiction, as defined by law.

10-0121. **PENALTY**. Any person, firm or corporation violating the terms of this chapter shall, upon conviction thereof, be punished by a fine not to exceed $1,500 or imprisonment not to exceed 30 days, or by both such fine and imprisonment, at the discretion of the Court. Provisions of Section 1-0807 shall also apply. Such a penalty should be in addition to the authority of the City Council to suspend or revoke a license pursuant to Section 10-0111.

Source: Ord. 216-13, Sec. 4 (2015)

10-0122. **SEVERABILITY CLAUSE**. If any section, subsection, sentence or clause of this ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of the ordinance.

10-0123. **SPECIAL PERMITS FOR SALE OF ALCOHOLIC BEVERAGES**.

1. Authorization. The City Council shall have the authority to issue special permits for the sale of alcoholic beverages when authorized to do so by state law as provided in North Dakota Century Code Sections 5-02-01.1, 5-02-05.1 or any other state statute now in effect, or as amended, or enacted in the future which provides authority for cities to issue special permits for the sale of alcoholic beverages.

   Source: Ord. 229-16, Sec. 3 (2017)

2. Licenses and Special Conditions. Any person or entity seeking a permit as authorized by paragraph 1 of this section must apply to the City Council for such a permit. The City, in granting such a permit, shall have the authority to put additional conditions on the license over and above the conditions and requirements provided in state law, if the Council deems it desirable to do so.

3. License Fee. The City, by resolution, may provide a schedule for fees for such special permits, which fees shall not exceed the maximum permitted by state law.

4. Restrictions on License. Any special permits given pursuant to this section shall be subject to all of the provisions of Chapter 10-01 of the Revised Ordinances of 2000 of the City of Mapleton, except where such provisions are in conflict with the provisions of state law authorizing special permits.

5. Revocation of License. The special licenses authorized by this section may be suspended or revoked by the City for violations of the terms of this section, as well as any other provisions of Chapter 10-01. In addition, violation of the provisions of this section also subject a violator to suspension or revocation of any other license for the sale of alcoholic beverages issued by the City of Mapleton pursuant to Section 10-0111.

CHAPTER 10-02

GAMBLING

SECTIONS:

10-0201. Games of Chance.
10-0202. Application for Local Gambling License or Site Authorization.
10-0203. Limitation on Site Authorizations.
10-0204. Limitation on Hours and Participation of Games of Chance.
10-0205. Availability of Records.
10-0206. Work Permits.
10-0207. Failure to Display Work Permit -- Revocation or Suspension.
10-0208. Failure to Obtain a Work Permit.
10-0209. Revocation of Site Authorization.
10-0210. Hearing Before City Council.
10-0211. Severability Clause.

10-0201. **GAMES OF CHANCE**. Notwithstanding any other provision of the ordinances of the City of Mapleton to the contrary, it shall not be unlawful to play or conduct games of chance pursuant to Chapter 53-06.1 of the North Dakota Century Code, as that chapter may be amended from time to time, and any implementing rules and regulations of the Attorney General and guidelines established by the City of Mapleton by ordinance or resolution.

10-0202. **APPLICATION FOR LOCAL GAMBLING LICENSE OR SITE AUTHORIZATION**. No person or entity shall conduct a game of chance as defined in Section 10-0201 without first having obtained a license or site approval as required by state law. Applications for local gaming licenses, or applications for site approval shall be made to the City Auditor of the City of Mapleton. No site authorization nor gambling license shall be granted by the City of Mapleton unless the applicant follows the procedures and pays the fees as set by the City by resolution, which resolution shall be on file with the City Auditor.

10-0203. **LIMITATION ON SITE AUTHORIZATIONS**. No site authorization for pull tabs, jars, punch boards, twenty-one, or sports pools shall be granted by the City except to premises having an on-sale liquor license from the City of Mapleton. This section shall not repeal site authorizations in effect on the date this ordinance is adopted, nor shall it apply to renewals of site authorizations in effect on the date this ordinance is adopted. Provided, however, that the renewal of site authorizations which would otherwise be prohibited by this section may not expand the type of gambling to be conducted at the site, nor the maximum number of black jack tables to be used at the site over the types of gambling and number of tables permitted by the site authorization in effect on the date of the adoption of this ordinance.

10-0204. **LIMITATION ON HOURS AND PARTICIPATION OF GAMES OF CHANCE**. A person under 21 years of age may not participate in the games of pull tabs, jars, punch boards, twenty-one, or sports pools. No games of chance shall be conducted in licensed liquor premises, or at premises for which site authorizations have been granted by the City of

Mapleton other than during the hours when alcoholic beverages may be dispensed in accordance with the applicable regulations of the State of North Dakota and the City of Mapleton.

10-0205. **AVAILABILITY OF RECORDS**. The person or entity obtaining the site authorization shall make available to the City and/or the North Dakota Attorney General's office for inspection and audit any and all records relating to the expenses, proceeds, and distribution of the proceeds from the authorized site. Failure to do so upon reasonable notice shall be grounds for suspension or revocation of the site authorization.

10-0206. **WORK PERMITS**. All gaming employees at sites authorized to conduct games of chance under the Class A and Class B license provisions of the North Dakota charitable gambling laws for any form of gambling in Mapleton shall be required to have a work permit. Gaming employees for purposes of this section shall be defined as dealers, overseers, pit bosses, bingo operators, pull tab operators, accountants, bookkeepers and the gaming committee directly connected with the operation and supervision of the card tables, tip jars and other gaming activities. The procedure and requirements for obtaining a work permit are as set out below:

1. The person applying for his or her work permit shall submit an application on a form provided by the City Auditor. The form shall include such information as the City may reasonably require with respect to the identity and personal history of the applicant. The truthfulness of the information supplied by the applicant shall be sworn by the applicant under oath in writing. The application shall be accompanied by the fingerprints and a recent photograph of the applicant meeting the specifications of the City.

2. The applicant shall accompany his application with a non-refundable fee in the amount of $20.00. The license shall only permit the person to be a gaming employee within the City of Mapleton for a particular charitable organization. If the applicant desires to work for a different charitable organization within the City of Mapleton, the applicant must apply for another work permit. The cost for a subsequent permit whether as a result of losing the first permit, or changing the charitable organization for which a person is employed shall be accompanied with a non-refundable fee in the amount of $5.00. The applicant for a subsequent permit shall not have to complete another initial application form. However, the person seeking a subsequent permit to work for a different charity shall fill out a form listing the name of the charity by which he/she was formerly employed, the name of the new charity with whom he/she is going to be employed, and the reason for his/her change of employment. If he/she was discharged or allowed to resign, the applicable facts shall be listed on said form.

3. The application for a work permit shall be submitted to the City Auditor, who may request any law enforcement agency to review the same. The City Auditor shall issue or deny the work permit not more than thirty (30) days after the applicant has submitted to the City a completed application form accompanied with the required photograph, fingerprints and application fee. The City shall not issue a work permit to any person:

   (a) Who is under the age of twenty-one (21);

(b) Who submits false information on his/her application;

(c) Who has been convicted of a felony within the last two (2) years;

(d) Who has been convicted of any misdemeanor involving theft of property or services, shoplifting or related criminal offense within the last two (2) years;

(e) Who is determined by the Attorney General of the State of North Dakota to have participated in organized crime or unlawful gambling;

(f) Who is otherwise determined by the gambling enforcement officer to not be a fit and proper person to engage in such work pursuant to Section 53-06.1-06(10)(b) of the North Dakota Century Code.

4. A person who has been denied a work permit pursuant to this section shall have the right to appeal the denial to the Mapleton City Council by filing a written notice of appeal with the Mapleton City Auditor within ten (10) days after the receipt of the denial of the work permit. Upon failure to file such notice within the ten (10) day period, the action of the gambling enforcement officer denying such work permit shall be final and conclusive. The gambling enforcement officer upon denial of a work permit shall give the applicant written notice of the denial setting forth the reason for the denial and the appeal procedure.

5. All gaming employees required to have a work permit shall be required to conspicuously display it about his/her person while engaged in gaming activities.

6. No person shall be required to have or display a work permit prior to _____.

10-0207. **FAILURE TO DISPLAY WORK PERMIT - REVOCATION OR SUSPENSION**. Failure to display the work permit as required by this Chapter shall be cause for revocation or suspension of a gaming employee's work permit. The gambling enforcement officer shall notify the person of the revocation or suspension of his permit for violation of this section which revocation shall go into effect ten (10) days after receipt of the notice. The notice shall also state that the employee has ten (10) days from the receipt of the notice to file a written appeal with the City Auditor requesting a hearing before the City Council.

10-0208. **FAILURE TO OBTAIN A WORK PERMIT**. It shall be unlawful for a person to work as a gaming employee without obtaining a proper work permit as required by this chapter, or to work as a gaming employee after such work permit has been revoked or is under suspension pursuant to this chapter.

10-0209. **REVOCATION OF SITE AUTHORIZATION**. It shall be the responsibility of the holder of a site authorization not to allow persons to work as gaming employees at their site who do not have the proper work permit. In addition, it shall be the responsibility of the holder of the site authorization to require all its gambling employees to display their work permit as required by this chapter. The gambling enforcement officer shall notify the City Council if the holder of a

site authorization is not complying with the provisions of this section, and such noncompliance shall be grounds for suspension or revocation of the site authorization. In addition, the gambling enforcement officer shall notify the City Council if the holder of the site authorization is violating any of the terms of the site authorization issued by the City of Mapleton, or any applicable state law or regulations of the Attorney General. Such noncompliance with the provisions of the site authorization, state law, or regulations of the Attorney General shall also be grounds for suspension or revocation of the site authorization.

10-0210. **HEARING BEFORE CITY COUNCIL**. Any person who is denied a work permit, or whose work permit is suspended or revoked, and who files a written appeal within the ten (10) day period shall be entitled to a hearing before the City Council to review the denial, suspension, or revocation. The hearing shall be held at the next regularly scheduled meeting of the City Council after the written appeal has been filed with the City Auditor. A sound recording shall be kept of the hearing, and after the completion of the hearing the City Council shall prepare its findings in writing.

The City Auditor upon receipt of notice from the gambling enforcement officer that there are grounds to suspend or revoke a site authorization, shall notify the holder of the site authorization of the date at which the City Council will have a hearing to determine whether or not to suspend or revoke the site authorization. There shall be a sound recording of such hearing, and after the completion of the hearing the City Council shall make its findings in writing.

10-0211. **SEVERABILITY CLAUSE**. The invalidity of any section, clause, sentence or any provisions of this ordinance shall not affect the validity of any part of this ordinance which can be given affect without such invalid part or parts.

CHAPTER 10-03

PAWNBROKERS

SECTIONS:

10-0301. "Pawnbroker" Defined.
10-0302. License Required.
10-0303. Licenses - Fees For.
10-0304. Bond - Conditions Of.
10-0305. Licenses - Expiration Of.
10-0306. Licenses - Revocation Of.
10-0307. City Auditor to Keep Register of Licenses.
10-0308. Record of Goods Pawned or Consigned -- Duty of Licensee.
10-0309. Record of Goods Pawned or Consigned -- Copy to Chief of Police.
10-0310. Description of Property When Necessary.
10-0311. Licensees Not to Sell Property Within Forty-eight Hours.
10-0312. Licensees -- Notice Not to Sell Property -- Sale or Redemption of Property Not Allowed.
10-0313. Transactions with Minors -- Consent of Parents Required.
10-0314. Severability Clause.
10-0315. Penalty.

10-0301. **"PAWNBROKER" DEFINED**. As used in this chapter, unless the context or subject matter otherwise requires, the term "pawnbroker" shall mean any person who:

1. Loans money on deposit or pledge of personal property, or other valuable thing;

2. Deals in the purchasing of personal property or other valuable thing, on condition of selling the same back again at a stipulated price; or

3. Loans money, secured by chattel mortgage on personal property, taking possession of the property or any part thereof so mortgaged.

10-0302. **LICENSE REQUIRED**. Every person before engaging in the business of pawnbroker, as defined in Section 10-0301, or dealer in secondhand goods in the city shall obtain from the City a license so to do.

10-0303. **LICENSES - FEES FOR**. Every pawnbroker, and every dealer in secondhand goods, before commencing business shall pay into the City treasury the required fee which shall be established by resolution of the City Council.

10-0304. **BOND - CONDITIONS OF**. Before the issuance of a license by the City Auditor to any person as a pawnbroker or dealer in secondhand goods, the person applying for said license shall execute a bond to the City of Mapleton in a sum set by the City Council by resolution with sufficient sureties, to be approved by the City Attorney, conditioned that the said applicant

will, in every particular, conform to the requirements of this chapter and with the requirements of any law or ordinance which may hereafter be passed concerning pawnbrokers and secondhand dealers.

10-0305. **LICENSES - EXPIRATION OF**. Each license granted and issued under this chapter shall expire at the expiration of one year next following the granting and issuing of the same, unless sooner revoked as hereinafter provided.

10-0306. **LICENSES - REVOCATION OF**. Every license issued under the provisions of this chapter shall be issued upon the distinct understanding that such license may be revoked by the City Council at any time, or by the court upon the conviction of the holder of a violation of this chapter. If the person so convicted shall have a license under the provisions of this chapter and said license is revoked, a new license shall not be issued to the same person within six months thereafter, except by consent of four-fifths of the City Council.

10-0307. **CITY AUDITOR TO KEEP REGISTER OF LICENSES**. The City Auditor shall keep a register of all the licenses granted under this chapter in which he shall record the name of the person licensed, the time of issuing the license, and the place of business of such person.

10-0308. **RECORD OF GOODS PAWNED OR CONSIGNED -- DUTY OF LICENSE**E. Every person who shall be engaged in the business of pawnbroker as defined in Section 10-0301 or dealer in secondhand goods shall keep a book in which shall be clearly written in ink at the time of each loan, purchase, or consignment an accurate account or description, in the English language, of the goods, articles, or other things pawned, pledged, received, deposited, purchased, or placed on consignment, the amount of money loaned or paid therefor, the time of the receipt of the same, the name, residence, and description of the person pawning, pledging, selling, or consigning the same, which book, as well as the article pawned, purchased, or consigned, shall, at all reasonable times, be open to the inspection of the City Council, the police commissioner, the city attorney, City Auditor, or any member of the police force.

10-0309. **RECORD OF GOODS PAWNED OR CONSIGNED -- COPY TO CITY**. It shall be the duty of every pawnbroker or dealer in secondhand goods to make out and deliver to the City Auditor or Agent designated by the City Council by resolution, every day before the hour of 12:00 Noon, a legible and correct copy from the book required to be kept in Section 10-0308 of all personal property or other valuable things received, deposited, purchased, or placed on consignment during the preceding day, together with the time when received, deposited, purchased, or consigned, a description of the person or persons and an impression of the right thumbprint of the person or persons by whom such articles were left in pledge or from whom the same were purchased or taken on consignment.

Should the right thumb be amputated or crippled then the left thumb may be used and the copy of the print should be so marked.

10-0310. **DESCRIPTION OF PROPERTY WHEN NECESSARY**. No person shall be required to furnish the description of any property purchased from private residences, manufacturers, or wholesale dealers having an established place of business or of goods purchased at open sale from any bankrupt stock or from any other person doing business and having an established place of business in the City. Such goods, however, must be accompanied by a bill of

sale or other evidence of open or legitimate purchase and must be shown to the City Council, the police commissioner, the city attorney, City Auditor, or any member of the police force when demanded.

10-0311. **LICENSEES NOT TO SELL PROPERTY WITHIN FORTY-EIGHT HOURS**. No personal property received on deposit or purchased by any pawnbroker or dealer in secondhand goods shall be sold or permitted to be redeemed from the place of business of such person for the space of forty-eight hours after the copy and statement required to be delivered to the City Auditor or Agent designated by the City Council by resolution shall have been received as required by Section 10-0309.

10-0312. **LICENSEES--NOTICE NOT TO SELL PROPERTY--SALE OR REDEMPTION OF PROPERTY NOT ALLOWED**. Whenever the City Auditor or Agent designated by the City Council by resolution shall notify any dealer or dealers not to sell any property received on deposit or purchased by them or permit the same to be redeemed, such property shall not be sold or permitted to be redeemed until such time as may be determined by the City Agent who required them to be held.

10-0313. **TRANSACTIONS WITH MINORS -- CONSENT OF PARENTS REQUIRED**. No person granted a license under the provisions of this chapter shall purchase or receive any article or thing of value from, or transact any business as provided herein with, any person who has not reached the age of eighteen years, without the written consent of such minor's parent or guardian.

10-0314. **SEVERABILITY CLAUSE**. The invalidity of any section, clause, sentence or any provisions of this ordinance shall not affect the validity of any part of this ordinance which can be given effect without such invalid part or parts.

10-0315. **PENALTY CLAUSE**. Any person violating any section of this chapter shall be guilty of an infraction and shall be subject to the penalties set forth in Section 1-0211. Each day such violation continues shall be considered a separate offense.

Source: Ord. 216-13, Sec. 5 (2015)

CHAPTER 10-04

SUNDAY OPENING - FOOD STORES

SECTIONS:

10-0401. Opening Food Stores on Sunday.

10-0401. **OPENING FOOD STORES ON SUNDAY**. Food stores may be operated on Sunday as provided in Subsection 30 of Section 12.1-30-03 of the North Dakota Century Code, without limitation as to the number of employees which may work at any one time on a Sunday.

CHAPTER 10-05

TOBACCO LICENSING

Source: Ord. 220-14, Sec. 1 (2014)

SECTIONS:

10-0501. Definitions.
10-0502. License Required.
10-0503. Prohibited Sales.
10-0504. Administrative Remedies.
10-0505. Criminal Penalties.

10-0501. **DEFINITIONS**.

1. E-CIGARETTE, ELECTRONIC CIGARETTE, OR ELECTRONIC SMOKING DEVICE. Any electronic oral device, such as one composed of a heating element and battery or electronic circuit, or both, which provides a vapor of nicotine or any other substances, and the use or inhalation of which simulates smoking. The term shall include any such device, whether manufactured, distributed, marketed, or sold as an e-cigarette, e-cigar, or e-pipe, or under any other product, name or descriptor, and also includes any cartridge or other component of the device.

2. INDIVIDUALLY-PACKAGED TOBACCO PRODUCTS. Any package containing only one individually-wrapped tobacco product. This definition includes, but is not limited to, single packs of cigarettes, single bags of tobacco product for rolling, and individual cans of tobacco product for chewing or sniffing.

3. PROBATIONARY PERIOD. A period of 12 months for a violation which is not within any period of probation already established by a violation of any of this section, which 12 months shall be defined as commencing on the date of the said first offense and shall extend for 12 consecutive months thereafter. If any subsequent offenses occur within the said 12-month period, the probationary period for any such subsequent offense shall extend for either the same 12 consecutive months from the date of the first offense, as described above, or for a period of 6 months from the date of the subsequent offense, whichever period would expire later. For purposes of this section, an offense is deemed to have occurred when the offense is committed, and not the date of judgment or conviction.

4. SELF-SERVICE MERCHANDISING. Any open display of tobacco products to which the public has access without the intervention of an employee of the retail establishment.

5. TOBACCO PRODUCTS. Any product that is made from or derived from tobacco, which contains nicotine or a similar substance, and is intended for human consumption or is likely to be consumed, whether smoked, heated, chewed,

absorbed, dissolved, inhaled or ingested by any other means, including, but not limited to, a cigarette, a cigar, pipe tobacco, chewing tobacco, snuff, snus, e-cigarette, electronic cigarette, or an electronic smoking device. Tobacco product also includes pipes and rolling papers, but does not include any product specifically approved by the U.S. Food and Drug Administration for legal sale as a tobacco cessation product and is being marketed and sold solely for that approved purpose.

6. VENDING MACHINE. Any mechanical, electric, or electronic device which, upon insertion of money, tokens, or any other form of payment, dispenses tobacco products.

10-0502. **LICENSE REQUIRED**. No person or entity shall directly or indirectly, or by means of any device, keep for retail sale, sell at retail, or otherwise dispense any tobacco products within the City of Mapleton without a City of Mapleton tobacco product dealer's license. Any person or entity that has a state license for the sale of tobacco products issued pursuant to Chapter 57-36 of the North Dakota Century Code shall automatically be deemed to have a license issued by the City of Mapleton for the sale of tobacco products without the need for an application to the City or any action of the City of Mapleton. As long as the person or entity has a state license issued under Chapter 57-36 for the sale of tobacco products, they shall be deemed to have a license from the City of Mapleton for the sale of tobacco products, unless and until the City license is suspended or revoked pursuant to this chapter. There shall be no fee for the municipal license.

10-0503. **PROHIBITED SALES**.

1. No person or entity shall sell, offer for sale, give away or deliver any tobacco product to any person under the age of eighteen (18) years.

2. No person shall sell or dispense any tobacco product through the use of a vending machine except as follows:

   a. A vending machine may be used to dispense tobacco products in an area within a factory, business, office or other place not open to the general public or to which persons under eighteen (18) years of age are not generally permitted access.

   b. A vending machine may be used to dispense tobacco products on the premises of a licensed on-sale or off-sale intoxicating liquor establishment, including club licenses. Provided, however, that if an on-sale licensed premises is also a restaurant, a vending machine located in a portion of the premises in which minors are allowed must be operable only by activation of an electronic switch operated by an employee of the establishment before each sale, or by insertion of tokens provided by an employee of the establishment before each sale.

3. No person shall sell or dispense any tobacco product through the use of self-service merchandising methods or displays.

10-0504. **ADMINISTRATIVE REMEDIES**.

1. ADMINISTRATIVE FINE, SUSPENSION, OR REVOCATION. Any violation of the City's regulations relating to the issuance of tobacco products' license or of any conditions/restrictions attached to the issuance of such license shall be cause for the imposition of an administrative fine, license suspension, and/or license revocation.

   If the violation relates to the sale of tobacco products to minors by a licensee or licensee's employees, the following administrative suspensions, or revocations shall be imposed:

   a. The first such violation shall subject licensee to a written warning.

   b. The second violation within the probationary period shall subject licensee to a 3-day suspension of the license.

   c. The third violation within the probationary period shall subject licensee to a 10-day suspension of the license.

   d. Subsequent violations within the probationary period shall subject licensee to a 30-day license suspension.

   e. If any sale of tobacco products occurs on licensee's premises during a period of suspension, the license shall be suspended for the full probationary period.

   f. For purposes of establishing the number of offenses committed by a licensee, the licensee is deemed to have committed only one offense during any 24-hour day.

2. ADMINISTRATIVE HEARING/WAIVER. Upon receipt of information indicating that a license violation has occurred, the City Auditor or his designee shall send a license violation notice to licensee by certified mail. The license violation notice shall indicate the nature of the violation and whether such violation will result in an administrative fine, license suspension, or license revocation.

   If the proposed disposition includes a license suspension, revocation, or fine, the notice shall also indicate that licensee has the option of requesting a hearing before the City Council prior to the license suspension, revocation, or imposition of fine, or waiving such hearing and accepting the disposition described in the license violation notice. The licensee shall file a written request for a hearing within ten (10) days of the date specified in the license violation notice, or licensee shall be deemed to have waived its right to a hearing. Upon receipt of a hearing request, the City Auditor or his designee shall schedule a hearing before the City Council at the earliest opportunity and shall send a hearing notice to licensee by certified mail.

3. CLERK PENALTIES. Any employee of a license holder who is in violation of the restriction attached to a tobacco product license shall be subject to an administrative fine of Fifty and no/100 Dollars ($50.00).

SECTION 10-0505. CRIMINAL PENALTY.

1. PENALTY. Any person, firm or corporation violating the terms of this chapter shall, upon conviction thereof, be punished by a fine not to exceed $1,500.00 or imprisonment not to exceed 30 days, or by both such fine and imprisonment, at the discretion of the Court. Provisions of Section 1-0807 shall also apply. Such a penalty should be in addition to the authority of the City Council to suspend or revoke a license pursuant to Section 10-0504.

Source: Ord. 216-13, Sec. 6 (2015)

CHAPTER 10-06

SPECIAL EVENTS

Source: Sec. 1, Ord. 196-07 (2007)

SECTIONS:

10-0601. Authority.
10-0602. Definition of Special Event.
10-0603. Special Event Permit Required.
10-0604. Permit Application.
10-0605. Insurance and Bond.
10-0606. Additional Conditions.
10-0607. Revocation of Permit.
10-0608. Parking.
10-0609. Litter Clean Up.
10-0610. Fees.

10-0601. **AUTHORITY**. This Ordinance is enacted pursuant to the provisions of Chapter 40-05 of the North Dakota Century Code, and other applicable provisions of law.

10-0602. **DEFINITION OF SPECIAL EVENT**. A special event is any social, commercial or fraternal gathering for the purpose of being entertained, instructed, viewing a competition or any other reason that would bring together persons in one location that normally would not include a concentration of persons. Specifically excluded from this ordinance are any gatherings formed and/or sponsored by any recognized religion or religious society.

10-0603. **SPECIAL EVENT PERMIT REQUIRED**. No person, corporation, partnership, or other organization shall advertise, conduct, maintain, sell or furnish tickets for an event within the boundaries of the City of Mapleton unless and until that person or entity has obtained a permit from the City of Mapleton to conduct such an event. Special event permit applications shall be submitted to the Mapleton City Council, and the Mapleton City Council may, but is not required, to approve such application for a special event permit.

10-0604. **PERMIT APPLICATION**. An application shall be made on a standard form approved by the City Auditor for a special event permit. At least thirty (30) days prior to the scheduled commencement of the event, the completed application with descriptive plans for all arrangements must be submitted along with the applicable fee if any. The applicant shall comply with any and all conditions set forth in the application and as required by the Mapleton City Council, including but not limited to contacting and making sufficient and acceptable arrangements with the following agencies:

(a) Cass County Sheriff's Department;
(b) City of Mapleton Fire Department.

10-0605. **INSURANCE AND BOND**. The applicant shall obtain adequate liability and property insurance for the event based upon and subject to periodic revisions. A Certificate of Insurance shall be included with the application, and the City of Mapleton shall be named as an "Additional Insured" on the Certificate.

At its discretion, subject to all other applicable laws or ordinances, the Mapleton City Council may require an indemnity and/or performance security bond for the event, and the amount of the bond shall be set by the Mapleton City Council. The bond shall totally indemnify the City of Mapleton, its agents or employees against any and all claims arising out of the preparations, conduct or aftermath of the event.

10-0606. **ADDITIONAL CONDITIONS**. Any applicant may be required to meet any other condition reasonably imposed prior to receiving a permit to conduct a special event which the Mapleton City Council deems necessary to protect the health, safety, and welfare of the property and citizens of the City of Mapleton.

10-0607. **REVOCATION OF PERMIT**. The Mapleton City Council or the Mapleton City Auditor shall have the power to revoke a special event permit where the applicant fails to comply with any conditions required for the operation of an event, Mapleton City Ordinances, the laws of the State of North Dakota, or otherwise places persons or property in jeopardy or serious harm or injury. In the event that the Mapleton City Auditor revokes a special event permit, the decision of the Mapleton City Auditor may be appealed to the Mapleton City Council. Any person may petition the Mapleton City Auditor or Mapleton City Council to a conduct a review of reasons for any revocation.

10-0608. **PARKING**. The applicant must be prepared to provide documentation that arrangements for attendees are available and sufficient so as not to further burden City of Mapleton traffic. Unless adequate parking space would be provided on-site rental/lease of additional spaces must be acquired. Further, should foot traffic from the parking site(s) be unduly burdensome to the attendees or their route create a public safety hazard, a shuttle service or other common carrier means of transportation must be provided. Posting temporary signs on-site indicating the location of off-site parking is also required.

10-0609. **LITTER CLEAN UP**. All applicants are responsible for returning the area where the special event takes place to its original condition. All litter, ancillary equipment (stages, etc.) must be collected and removed from the entire area where the event took place within twenty four (24) hours of the special event's end. Special events being held for more than one day will require litter removal immediately after the closing of each day's activities. Ancillary equipment is exempt during this time period.

In the event the clean up is neither performed nor does not meet to the satisfaction of the Mapleton City Auditor, the Mapleton City Auditor is empowered to contract with any cleaning service to assure compliance. The cost of the clean up and/or clearing of debris will be levied against the sponsor and the performance bond required by Section 10-0605 of this Ordinance.

10-0610. **FEES**. Fees are hereby established to offset the City of Mapleton's processing costs and are on the following graduated scale:

(a) $25.00 for a single special event.

(b) $25.00 for each additional special event held at the same location, having the same genre, and the same attendance.

(c) A $1,000.00 fee will be accessed to the applicant should the City of Mapleton have to initiate remedial clean-up actions as outlined in Section 10-0609.