

ORDINANCE NO. 1497

AN ORDINANCE TO AMEND AND RE-ENACT CHAPTER 5, SECTIONS 5-1 AND 5-11.1
OF THE CODE OF THE CITY OF JAMESTOWN, NORTH DAKOTA,
PERTAINING TO ALCOHOLIC BEVERAGES

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF JAMESTOWN, NORTH DAKOTA, that Chapter 5, Sections 5-1 and 5-11.1 of the Code of the City of Jamestown, North Dakota, are hereby amended and re-enacted to read as follows:

SECTION 5-1. Definitions.

For purposes of this article, the following words and phrases shall have the meanings ascribed to them in this section:

Alcohol through *Distilled spirits*. (Same as parent volume.)

Growler. A reusable or single use container no more than 64 U.S. fluid ounces.

Liquor through *On-sale*. (Same as parent volume.)

Package, original package. Any container or vessel holding alcoholic beverages, which container or vessel 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. The terms also include a growler, defined above, containing beer or wine for removal from an on-sale license holder's establishment in accordance with Section 5-11.1. The growler shall be corked or sealed by an employee of the licensed establishment at the point of sale. The cork or seal must remain intact until removed from the licensed premises making the sale. Growlers may only be filled from a keg, container or vessel procured by the licensee from a duly licensed producer or distributor pursuant to applicable law.

Person through *Wholesaler*. (Same as parent volume.)

SECTION 5-11.1. Removal of beer or wine from the premises of an on-sale license holder.

An on-sale license holder shall not allow the removal of any beverage from its premises except under the following conditions:

- (a) If a full bottle of wine has been opened and the contents partially consumed, a retail alcoholic beverage license whose gross sales of food are at least thirty (30) percent of the gross sales of alcoholic beverages that are consumed on the premises may permit an individual purchasing the bottle in conjunction with the purchase of a meal to remove the bottle on leaving the licensed premises if the licensee recorks the bottle, seals the bottle with a seal that must be made conspicuously inoperative to reopen the bottle, and places a receipt of sale with the bottle. The removal of the bottle under these conditions is not an off-sale of wine and is permitted without an additional license.
- (b) Any on-sale license holder may sell a growler to patrons. The on-sale license holder shall fill all growlers at least seventh/eighths full. The growler must be sealed in a manner that would make the breaking of said seal conspicuously inoperative to reopen by the licensee at the point of sale. Such on-sale license holder shall permit a patron to supply their own appropriately sized container. The sale of a growler under these conditions is permitted without an additional license.

ATTEST:

Jeff Fuchs, City Administrator

APPROVED:

Katie Andersen, Mayor

Introduced by Council Member Phillips
Seconded by Council Member Brubakken
First Reading: July 5, 2017
Seconded Reading: August 7, 2017
Final Passage: August 7, 2017

Roll Call No. 8 showed: 5 ayes, 0 nays, 0 absent.