

TITLE X.

BUSINESS LICENSES AND REGULATIONS

CHAPTERS:

- 10-01. Alcoholic Beverages.
- 10-02. Gambling.
- 10-03. Pawn Brokers.
- 10-04. Repealed. Source: Ord. 2026-51, Sec. 11
- 10-05. Tobacco Product Licensing.

CHAPTER 10-01

ALCOHOLIC BEVERAGES

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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 Harwood.

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 Harwood, 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 chapter 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 chapter.
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 Harwood shall be divided into the following classes:
 - A. Wholesaler's License. The license fee for wholesaler's license shall be set by resolution by the City Council.
 - B. Retail On and Off Premises Beer, Wine and Liquor License. The annual license fee for retail beer, wine and liquor on and off sale premises license shall be set by resolution by the City Council.
 - C. Retail Off Premises Beer, Wine and Liquor License. The annual license fee for retail beer, wine and liquor off sale premises license shall set by resolution by the City Council.
2. The licenses 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 on December 31 of the same 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 set out above 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. 2007-3, Sec. 1 (2007).

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 Harwood, 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 reside within fifty (50) miles of the City of Harwood city limits.
- (b) If the applicant is a partnership, a partner or partners owning at least 50 percent of the partnership must reside within fifty (50) miles of the City of Harwood city limits.
- (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 reside within fifty (50) miles of the City of Harwood city limits.

Source: Ord. 2007-3, Sec. 2 (2007); Ord. 2014-16, Sec. 1 (2014)

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.

6. Server Training Required: All licenses issued under the provisions of this Chapter of the Harwood ordinances are required to send all managers and employees involved in the sales of alcoholic beverages at said licensed establishment to a server training course, as approved by the City of Harwood.

- a. Persons successfully completing the approved class will receive a “server training certificate card,” which shall remain with said individual wherever employed. the “server training certificate card” is not required to be in said person’s possession during hours of employment, at a licensed establishment, provided the card can be produced within 24 hours.
- b. The “server training certificate card” must be renewed every three years.
- c. All new establishments are required, within 90 days of opening, to provide the City of Harwood with a roster of managers and employees depicting the expiration date of their “server training certificate card.”
- d. Recently hired managers and employees not having in their possession a current “server training certificate card,” must within 90 days of the employment start date, successfully complete an approved server training class.
- e. All licensees are required to submit along with the license renewal applications, a complete roster of managers and employees involved in serving alcoholic beverages to the City of Harwood. Said roster is to include the expiration date of the respective individual’s “server training certificate card.”

Failure to comply with the above-referenced requirements may result in the delay of the liquor license renewal and/or suspension of said license until date of compliance.

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 only, provided, that no license shall be granted to any wholesaler who shall, directly or indirectly own or control, or have any financial interest in the ownership, control or operation of a licensed retail on sale and off sale business.

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 and liquor liability insurance (Dram Shop). 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.

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 Harwood 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 FEES.** 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.** All licenses issued under the provisions of this chapter, unless otherwise specifically provided, shall terminate on June 30 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 Harwood.
 - (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 reside within fifty (50) miles of the City of Harwood city limits 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.

Source: Ord. 2014-16, Sec. 2 (2014)

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 Harwood. 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. A person may not dispense or permit the consumption of alcoholic beverages on a Licensed Premises between two o'clock (2:00) a.m. and eight o'clock (8:00) a.m., on Christmas Day, or after six o'clock (6:00) p.m. on Christmas Eve. In addition, a person may not provide off-sale after two o'clock (2:00) a.m. on Thanksgiving Day or between two o'clock (2:00) a.m. and eight o'clock (8:00) a.m. on Sundays.
2. 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: North Dakota Cent. Code § 5-02-05)

Source: Ord. 2026-51, Sec. 1

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. No person under 21 years of age shall be permitted to enter any room of a licensed premises in which alcoholic beverages are sold, served or dispensed. Nor shall anyone under the age of 21 years be employed in any room or rooms on a licensed premises which alcoholic beverages are sold on-sale, except as provided in subsection 5 of this section.
5. Any person under 21 years of age may remain in a restaurant where alcoholic beverages are sold if:
 - a. the restaurant is separate from the room in which alcoholic beverages are opened or mixed;
 - b. gross sales of food are at least equal to the gross sales of alcoholic beverages which are consumed in the dining area;
 - c. employed by the restaurant 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;
 - d. the person is a law enforcement officer entering the premises in the performance of official duty; or
 - e. 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 18 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.

6. If a licensee owns or operates a recreational establishment which is open to persons under 21 years of age, the licensee shall designate, in his license application, an area to be used solely in its recreational capacity by persons under 21 years of age. No such licensee shall permit the sale, service, dispensing or consumption of alcoholic beverages in such designated area and no such licensee shall permit persons under 21 years of age to enter any area not so designated.
7. 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.
8. Notwithstanding other ordinances or state statutes to the contrary, a person under 21 years of age cooperating with and under control of a law enforcement officer may enter a Licensed Premises for the purposes of a compliance check on whether the licensee is complying with the laws prohibiting the sale of alcoholic beverages to a minor.

Source: Ord. 2026-51, Sec. 2

10-0115. **DELIVERY OF ALCOHOLIC BEVERAGES.** No licensed retail alcoholic beverage dealer, the officers, employees or agents in the City of Harwood 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.

Source: Ord. 2026-51, Sec. 3

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. Purchase to be from Licensed Wholesaler. No licensee shall purchase, have, or possess any alcohol or alcoholic beverages as defined by the laws of the State of North Dakota unless licensee has purchased the same from a wholesaler duly licensed pursuant to the provisions of the laws of the State of North Dakota.

3. 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.
4. 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.

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. Failure to comply with this section shall be grounds for immediate suspension or revocation of a liquor license.

Source: Ord. 2026-51, Sec. 4

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 set by resolution of the City Council.

Source: Ord. 2026-51, Sec. 5

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 Harwood. 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. 2014-17, Sec. 3 (2014)

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 Sections 5-0201.1, 5-0205.1, 5-0205.2, 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.

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 2006 of the City of Harwood, 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 Harwood 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. Severability Clause. (Sec. 10-0206-0210 Repealed by Ord. 2026-51, Sec. 10)

10-0201. **GAMES OF CHANCE.** Notwithstanding any other provision of the ordinances of the City of Harwood 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 Harwood by ordinance or resolution.

10-0202. **APPLICATION FOR LOCAL GAMBLING LICENSE OR SITE AUTHORIZATION.** Applicants must operate more than two establishments at one time, except for the following game types: Raffles, Electronic 50/50 Raffles, Calcuttas, or a combination of the three. One of the governing board shall be a resident of the City of Harwood. 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 Harwood. No site authorization nor gambling license shall be granted by the City of Harwood 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.

Source: Ord. 2023-35, Sec. 1

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 Harwood. 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

Harwood 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 Harwood.

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. **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.

Source: Ord. 2026-51, Sec. 10 (Sec. 10-0206-0210 were repealed and 10-0211 renumbered)

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 Harwood 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 LICENSEE.** 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. 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.

CHAPTER 10-04

REPEALED

Source: Ord. 2026-51, Sec. 11

CHAPTER 10-05

TOBACCO PRODUCT LICENSING

Source: Ord. 2014-19, Sec. 1 (2014), Ord. 2026-51, Sec. 6

SECTIONS:

- 10-0501. Definitions.
- 10-0502. License Required.
- 10-0503. Prohibited Sales.
- 10-0504. Administrative Remedies.
- 10-0505. Repealed. Source: Ord. 2026-51. Sec. 12

10-0501. **DEFINITIONS.** Source: Ord. 2026-51, Sec. 7

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. E-cigarette does not include any product approved by the United States Food and Drug Administration for legal sale as a tobacco cessation product and is being marketed and sold solely for the approved purpose.
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.
7. **TOBACCO USE.** The use of any Tobacco Product in any form. Tobacco Use includes, but is not limited to, smoking, heating, inhaling, chewing, absorbing, dissolving or ingesting any Tobacco Product.
8. **SMOKING.** Smoking means inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, pipe or hookah, or any other lighted or heated tobacco or plant product intended for inhalation, in any manner or in any form. Smoking also includes the use of an e-cigarette.

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 Harwood without a City of Harwood 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 Harwood for the sale of tobacco products without the need for an application to the City or any action of the City of Harwood. 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 Harwood 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.** Source: Ord. 2026-51, Sec. 8

1. No person or entity shall sell, offer for sale, give away or deliver any tobacco product to any person under the age of twenty-one (21) 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 individuals under twenty-one (21) 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 individuals under the age of twenty-one (21) 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 individuals under the age of twenty-one (21) 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.

Source: Ord. 2026-51, Sec. 9

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. REPEALED. Source: Ord. 2026-51, Sec. 12