



CITY ATTORNEY

DATE: December 5, 2016
FROM: Charlie Whitman, City Attorney
ITEM: Request by Bismarck Larks for amendment to Class L Liquor License

REQUEST

Consider introduction and call for a public hearing on Ordinance 6242 at the request of the Bismarck Larks Baseball Team. The proposed amendment is Ordinance 6242

Please place this item on the December 13, 2016 City Commission meeting.

BACKGROUND INFORMATION

The Bismarck Larks have entered into a lease to hold baseball games at the Bismarck Municipal Ballpark during the summer of 2017. Currently a Class L license allows for the sale of beer and wine, on-sale, at Riverwood Golf Course and Tom O'Leary Golf Course (VFW Sports Center). The proposed amendment would add the Bismarck Municipal Ballpark to the locations that may be licensed by the entity holding the concession with the Park District. Ordinance 6242 would amend Section 5-01-04(2)(l) to allow for the sale of beer and wine at the Bismarck Municipal Ballpark.

RECOMMENDED CITY COMMISSION ACTION

Consider introduction and call for a public hearing on Ordinance 6242 .

STAFF CONTACT INFORMATION

Charlie Whitman, City Attorney
cwhitman@bismarcknd.gov



Attn: Charles Whitman
City Attorney
701-355-1340
221 N 5th Street
PO Box 55303
Bismarck, ND 58506

Charles,

This letter's purpose is to request an addition to the Class L city ordinance regarding beer and wine sales at local municipalities be put on the December 13 city commission agenda.

The Bismarck Larks would like to request that Bismarck Municipal Ballpark be added to that city ordinance.

If you have any questions or any further information is needed please feel free to contact me at the information below. Thank you!

John Bollinger
General Manager
Bismarck Larks
Telephone: (701) 557-7600
Email: john@larksbaseball.com

CITY OF BISMARCK
Ordinance No. 6242

<i>First Reading</i>	_____
<i>Second Reading</i>	_____
<i>Final Passage and Adoption</i>	_____
<i>Publication Date</i>	_____

AN ORDINANCE TO AMEND AND RE-ENACT SECTION 5-01-04 OF THE BISMARCK CODE OF ORDINANCES (REV.) RELATING TO CLASSES OF RETAIL LICENSES.

BE IT ORDAINED BY THE BOARD OF CITY COMMISSIONERS OF THE CITY OF BISMARCK, NORTH DAKOTA:

Section 1. Amendment. Section 5-01-04 of the City of Bismarck Code of Ordinances (1986 Rev.) relating to Classes of Retail Licenses is hereby amended and re-enacted to read as follows:

5-01-04. Classes of Retail Licenses.

1. The board hereby finds that in order to ensure compliance by all licensees with all applicable federal, state and city laws, ordinances and regulations, and in order to adequately police all licensed establishments and to promote the public welfare, it is necessary and proper to limit the number of licenses issued pursuant to the city's police powers and authority granted by Title 5 of the N.D.C.C.

* * * * *

1. **Class L.** A license to sell retail beer and wine may be issued to the operator(s) of the food and beverage concession(s) at the Riverwood Golf Course, and the Tom O'Leary Golf Course (~~All Seasons Arena~~ VF^W Sports Center) and the Bismarck Municipal Ballpark under lease from the Bismarck Park District of the City of Bismarck. The license is nontransferable and may be held only by the operator(s) who has been awarded and currently holds the concession(s), and may

be held only for the period of the operator's concession and shall terminate with the termination of the contract or lease of the concession(s). This license is limited to on-sale service of beer and wine to patrons of the Riverwood Golf Course, ~~and the~~ Tom O'Leary Golf Course (VFW Sports Center) and the Bismarck Municipal Ballpark, and, with an event permit, the patrons of Pebble Creek Golf Course.

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(Ord. 4116, Sec. 1, 12-2-86; Ord. 4120, Sec. 1, 12-16-86; Ord. 4124, Sec. 1, 1-13-87; Ord. 4148, 5-12-87; Ord. 4179, 9-29-87; Ord. 4193, 2-2-88; Ord. 4211, 7-19-88; Ord. 4253, 4-25-89; Ord. 4380, 6-18-91; Ord. 4430, 3-31-92; Ord. 4596, 04-12-94; Ord. 4618, 6-21-94; Ord. 4657, 12-20-94; Ord. 4705, 07-11-95; Ord. 4725, 09-26-95; Ord. 4938, 08-25-98; Ord. 5141, 11-13-01; Ord. 5152, 01-08-02; Ord. 5454, 08-23-05; Ord. 5513, 06-13-06; Ord. 5600, 05-08-07; Ord. 5821, 05-24-11; Ord. 5839, 07-12-11; Ord. 5848, 10-11-11; Ord. 5860, 02-28-12; Ord. 5985, 07-09-13; Ord. 5991, 08-27-13; Ord. 5998, 08-27-13; Ord. 6005, 09-24-13; Ord. 6025, 01-14-14; Ord. 6053, 05-27-14; Ord. 6096, 12-23-14; Ord. 6097, 1-13-15; Ord. 6189, 2-9-16)

Section 2. Severability. If any section, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 3. Effective Date. This ordinance shall take effect following final passage, adoption and publication.