



Robert W. Wilson
County Administrator

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MEMO

TO: County Commission
FROM: Robert W. Wilson
Date: August 15, 2024
Subject: County alcoholic beverage license application and procedures update

The Administration Office with the assistance of the State's Attorney's Office has been working to update the County's alcoholic beverage license application and procedures for obtaining a license. The current application and procedures have been in place for many years. The application is cumbersome to fill out and additional legal requirements have been added that are not included in the current application.

The changes include:

- A personal information sheet for owners
- Fire Marshall or Chief approval
- 1st District Health Unit approval
- Scale drawing of proposed license premises

All the County requirements are dictated by North Dakota Century Code and are also required for County establishments to obtain a license from the State of North Dakota. The new application and procedures will be clear for applicants to fill out and understand while following applicable requirements.

SUGGESTED MOTION: Approve the updated County application for license to sell alcoholic beverages and procedure for obtaining county alcoholic beverage license.

**PROCEDURE FOR OBTAINING COUNTY ALCOHOLIC BEVERAGE LICENSE
(PROVIDE COPY TO APPLICANT)**

- 1) For an alcoholic beverage establishment located outside of any city limits, applicant(s) must contact the Cass County Commission Office. If the establishment will be located in an incorporated city, applicant(s) must contact the respective city auditor.

- 2) The following forms should be supplied by the Commission Office to applicant(s) for a county alcoholic beverage license:
 - Application for license to sell alcoholic beverages
 - Personal information attachments
 - Payment of fee
 - Township Board Consent form
 - Background Investigation for all new, prospective licensees.
APPLICANT(S) SHOULD FILE THIS FORM WITH THE SHERIFF AS SOON AS POSSIBLE BECAUSE THIS PART OF THE APPLICATION CAN TAKE UP TO SIX (6) WEEKS TO COMPLETE. Sheriff's Department to submit results of background investigation to State's Attorney for comment to the Board of Commissioners.
 - Fire Marshall or Chief Approval
 - 1st District Health Unit Approval
 - Scale drawing of proposed licensed premises
 - The County will utilize North Dakota State Office of the Attorney General Form SFN 14985

- 3) Board of Commissioners to consider application for county alcoholic beverage license upon submission of the above completed documents, along with a check made payable to Cass County Auditor based upon the following fee schedule*:

On & Off Sale Alcoholic Beverage	\$1000
On OR Off-Sale Alcoholic Beverage	\$1000
Beer and Wine	\$ 500

* An applicant may apply for a six (6) month retail license. Such a license shall be valid during any consecutive six (6) month period within the calendar year. The fee for a six (6) month license shall be ½ of the annual fee stated above.

Inform the applicant(s) of meeting dates for the Board of Commissioners and the agenda deadline of ten (10) days before each meeting. All necessary completed documentation as stated in Item #2 to be submitted by the agenda deadline (Monday at 5 PM prior to the meeting date).

- 4) Applicant(s) shall be responsible for obtaining proper permit or license from the State of North Dakota and from the United States Government.

Rules and regulations are in accordance with Ordinance #2018-3 of the Board of Cass County Commissioners and appropriate sections in the North Dakota Century Code.



APPLICATION FOR LICENSE TO SELL ALCOHOLIC BEVERAGES

STATE OF NORTH DAKOTA
COUNTY OF CASS

The undersigned, being the individual alcoholic beverage applicant, or the partners in an application by a partnership, or an officer or officers of the corporation in an application by a corporation duly authorized to make such application and representations, and being first duly sworn on oath, represent and state the following: **(please type or print)**

The license is to be issued to: _____
(indicate whether an individual, partnership, or corporation)

The license is to be mailed to: _____
(mailing address)

The legal description of the proposed licensed premises is:

Type of license applied for: (please check)

Board of Commissioners to consider application for county alcoholic beverage license upon submission of the above completed documents, along with a check made payable to Cass County Finance based upon the following fee schedule*:

- On AND Off Sale Alcoholic Beverage \$1000
- On OR Off-Sale Alcoholic Beverage \$1000
- Beer and Wine \$ 500
- Half Year Beer and Wine \$ 250

The individual owner(s), all partners in a partnership, and all officers and shareholders in a corporation, whichever is applicable are applicants and are named as follows:

_____	_____
_____	_____
_____	_____

A personal information sheet is attached for each individual named above as well as a personal information sheet for the proposed manager or managers of the licensed premises.

The real estate taxes on the proposed licensed premises are paid and no taxes are due.

The applicant does hereby consent and agree that the Cass County Sheriff or any of his/her Deputies, the Cass County State's Attorney or any of his/her Assistants, and any of the Cass County Commissioners may enter upon the premises described in this application at any hour of the day or night and that they, or either, or any of them shall have free and unlimited access to the Premises for the purpose of inspecting the Premises and the records of this applicant relating to the purchase and sale of alcoholic beverages.

The applicant does hereby to agree to abide by the rules and regulations passed by the Board of County Commissioners, Title 5 of the North Dakota Century Code, and any future amendments to Title 5 or the County rules and regulations.

The applicant does further hereby acknowledge that any misrepresentation, false statement or omission in the application shall be grounds for rejection of said application or for revocation or suspension of any license granted.

I declare, under penalty of perjury under the law of North Dakota, that the foregoing is true and correct.

Signed on the _____ day of _____, _____ at _____, _____.
(month) (year) (city or other location, and state) (country)

(printed name)

(signature)

Cass County checklist:

- | | | |
|--|-----|----|
| - Are Property Taxes Current? | Yes | No |
| - Personal Information Attachments | Yes | No |
| - Payment of Fee | Yes | No |
| - Township Board Consent | Yes | No |
| - Fire Marshall or Chief Approval | Yes | No |
| - 1st District Health Unit Approval (existing Bldg. Only) | Yes | No |
| - Scale drawing of proposed licensed premises - utilize SFN 14985 | Yes | No |
| - Does the building meet all state and local sanitation and safety requirements? | Yes | No |

State's Attorney's Review (initial where appropriate)

_____ comments attached

_____ reviewed without comment

Sheriff's Review: (initial where appropriate)

_____ comments attached

_____ reviewed without comment

**PERSONAL INFORMATION ATTACHMENT
TO APPLICATION FOR LICENSE TO SELL
ALCOHOLIC BEVERAGES**

STATE OF NORTH DAKOTA
COUNTY OF CASS

The applicant for a license to sell alcoholic beverages, as defined in Title 5 of the North Dakota Century Code, being duly sworn on oath represents and states: **(please type or print)**

License to be issued to the following: _____
(indicate whether an individual, partnership, or corporation)

Name of applicant: _____

Social Security No.: _____

Applicant's date of birth: _____

Applicant's legal residence: _____

Length of time applicant has resided in Cass County: _____

Applicant's mailing address: _____

Country of Citizenship _____

Place of Birth _____

Indicate one of the following:

- 1. an individual applicant _____
- 2. a partner in a partnership _____
- 3. position with corporation (specify) _____
- 4. manager of proposed licenses premises _____

Answer Yes or No to each of the following:

- 1. Have you been convicted of a felony in any jurisdiction within the past five years? _____
- 2. Are you on parole or probation for a felony conviction? _____
- 3. Have you been convicted within the past five years of corruption of a minor or contributing to the deprivation or delinquency of a minor? _____
- 4. Have you been convicted of three or more violations of Title 5 of the NDCC within the past five years? _____
- 5. Have you been convicted of an offense comparable to any of the above offenses in any jurisdiction within the past five years? _____
- 6. Have you operated, had a financial interest in, or been employed with an alcoholic beverage establishment? _____

Years (From/To) _____
Name of Establishment _____
Address _____
Your Involvement _____

The information provided in this attachment to the alcoholic beverage license application of the indicated licensee and my relationship to the licensee are true and accurate to the best of my knowledge. I understand that should these facts change, the County Auditor/Treasurer must be notified within 14 days.

The applicant does hereby to agree to abide by the rules and regulations passed by the Board of County Commissioners, Title 5 of the North Dakota Century Code, and any future amendments to Title 5 or the County rules and regulations.

I declare, under penalty of perjury under the law of North Dakota, that the foregoing is true and correct.

Signed on the _____ day of _____, _____ at _____, _____.
(month) (year) (city or other location, and state) (country)

(printed name)

(signature)

TO: The Cass County Commissioners

I hereby certify that the scale drawing of the licensed premises set forth below, and the parking lot serving said premises, have not changed since I last submitted the drawings to the County Commission.

Signed (owner, manager or president of
a Corporation)

Printed Name

Daytime Phone Number

Date

Name of Licensed Premises

Return to:
Cass County Commission Office
PO Box 2806
Fargo, ND 58108

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- 2) The following forms should be supplied by the Commission Office to applicant(s) for a county alcoholic beverage license:

- Application for Beer License
- Application for Retail Liquor License
- Township Board Consent
- Background Investigation for all new, prospective licensees.

APPLICANT(S) SHOULD FILE THIS FORM WITH THE SHERIFF AS SOON AS POSSIBLE BECAUSE THIS PART OF THE APPLICATION CAN TAKE UP TO SIX (6) WEEKS TO COMPLETE. Sheriff's Department to submit results of background investigation to State's Attorney for comment to the Board of Commissioners.

- 3) All outstanding real estate taxes must be paid.
- 4) Board of Commissioners to consider application for county alcoholic beverage license upon submission of the above completed documents, along with a check made payable to Cass County Auditor based upon the following fee schedule*:

On & Off Sale Alcoholic Beverage	\$1000
On OR Off-Sale Alcoholic Beverage	\$1000
Beer and Wine	\$ 500

* An applicant may apply for a six (6) month retail license. Such a license shall be valid during any consecutive six (6) month period within the calendar year. The fee for a six (6) month license shall be ½ of the annual fee stated above.

Inform the applicant(s) of meeting dates for the Board of Commissioners and the agenda deadline of ten (10) days before each meeting. All necessary completed documentation as stated in Item #2 to be submitted by the agenda deadline.

- 5) Applicant(s) shall be responsible for obtaining proper permit or license from the State of North Dakota and from the United States Government.

Rules and regulations are in accordance with Ordinance #2018-3 of the Board of Cass County Commissioners and appropriate sections in the North Dakota Century Code.

APPLICATION FOR BEER LICENSE

To the Hon. Board of County Commissioners of.....
County, North Dakota:

The undersigned applicant hereby makes application for license to engage in the retail sale of beer off of (and on) the premises hereinafter described, and as a basis therefor makes the following representations:

1. Name of applicant..... Age..... years.
Citizenship..... Place of residence.....
For how long past have you been a resident of the State of North Dakota?.....
2. State whether incorporated..... If so, in what State incorporated?.....
Date of charter..... Name and address of each officer:

3. State whether partnership..... If so, state name, age, citizenship and place of residence of each partner

4. In what business are you now engaged?.....
Business address.....
Description of premises for which license is desired: floor of building
located on lot..... in block..... in..... Addition to said City.

6. Have you pleaded guilty to or been convicted of a crime?..... If so, what crime?.....
In what Court?..... When?.....

7. Will you personally conduct the business on premises hereinbefore described and for which license is applied?..... If not, state name, age, citizenship and place of residence of person who will be in charge thereof

8. Have you received a license to engage in the retail sale of beer at said premises from the Federal Government? When issued?..... Number of license.....

9. Have you received a license to engage in the retail sale of beer off of (and on) said premises from State of North Dakota?..... When issued?..... Number of license.....

10. Do you promise and agree not to permit the violation of any law of the State of North Dakota on said premises?.....

11. Do you promise and agree to abide by the rules and regulations passed by the Board of County Commissioners?.....

12. Do you promise and agree not to sell or permit the sale of beer on said premises to a minor, incompetent person, or a person who is an inebriate or habitual drunkard, or to any one thereof?.....

13. Do you understand that any license granted upon this application will not be transferable except by specific authority of said governing body, and will authorize the retail sale of beer as herein applied for only at the place and on the premises designated in this application and in such license?.....

The applicant herein does hereby consent that the Chairman of the Board of County Commissioners, the Sheriff and any police officer of the County of..... aforesaid, or any person or persons duly authorized by the Board of County Commissioners of said county may enter upon the premises described in this application at any hour of the day or night, and that they and any one of them shall have free access to the said described premises and every part thereof for the purpose of inspecting the said premises and the records of this applicant relating to the purchase and sale of beer, and applicant does hereby waive any and all rights that he may have under the Constitution of the United States and the Constitution of the State of North Dakota relative to searches and seizures without issuance or use of a search warrant, and the applicant does hereby agree that such immunities shall never be claimed by him, and that such search, seizure, and inspection may be made at any time without a search warrant. Do you agree to each provision of this paragraph?.....

The amount of the remittance accompanying this application is \$.....

Dated at....., North Dakota, on this..... day of..... 20.....

Applicant.

STATE OF NORTH DAKOTA

County of..... } ss.

....., being first duly sworn, deposes and says that he is the..... applicant who is described in and who executed the foregoing and above application, that he has read each question and statement therein contained and knows the contents thereof, and that he has made the answers set forth in said application, and that each one of said answers is true of his own knowledge.

Subscribed and sworn to before me on this..... day of..... 20.....

(SEAL)

Notary Public for..... County, North Dakota. My commission expires.....

Application for License to Sell Beer

Name of Applicant.....

For consumption off of (and on) premises for period ending..... 20.....

Amount of License Fee, \$.....

Action of Governing Board..... Date..... 20.....

APPLICATION FOR RETAIL LIQUOR LICENSE

To the Hon. Board of County Commissioners of.....
County, North Dakota:

The undersigned applicant hereby makes application for license to engage in the retail sale of alcohol and alcoholic beverages for consumption..... the premises hereinafter described for the period beginning "On," "Off" or "On and Off"....., 20....., and ending..... 20....., and as a basis therefor makes the following representations:

1. Name of applicant..... Age..... years.
Address.....

2. Are you a citizen of the United States?..... If naturalized, give date and place of naturalization..... For how long past have you been a resident of the State of North Dakota?.....

3. If incorporated give date of charter..... Is it a North Dakota corporation of authorized capitalization?..... Amount of paid in capital \$..... Is it a subsidiary of any other corporation?..... If so, give name and address..... Purpose for which incorporated.....

Give names and addresses of all officers, directors and individuals holding 1% of capital stock with amount held by each.....

4. Description of premises for which license is desired..... floor of building located on.....

5. Name and address of owner of the business premises.....

6. Date of the deed or lease for the premises.....

7. Are there any delinquent taxes against said premises?.....

8. Have you ever been engaged in the sale or transportation of liquor prior to this application?..... If so, give date and type of business and address.....

9. If application is for a renewal, give date applicant first began to operate.....

10. Have you ever had a license rejected by any municipality, state or federal authority?..... If so, give details.....

11. Have you ever been convicted of any violation of any law of the United States, or the State of North Dakota, or local ordinance governing the manufacture, sale or possession of intoxicating liquor?..... If so, give date and details.....

12. Have you ever had a license for the sale of intoxicating liquor revoked for any violation of any state law or local ordinance?..... If so, give date and details.....

13. Have you ever been indicted or convicted of any crime other than that stated in (11) either in North Dakota or elsewhere?..... If so, give date and details.....

14. Give names and addresses of all partners, silent or otherwise, interested in any manner in said business, or who will have charge, management, or control of the establishment for which license is requested.....

15. Has any person, other than applicant, any right, title, estate, or interest in the leasehold, or in the furniture, fixtures or equipment in the premises for which license is requested?..... If so, give names, addresses and details.....

16. Have you any agreement or understanding or intention to have any agreement or understanding with any person, partnership or corporation to obtain for any other, or transfer to any other person this license, or to obtain it for any other than the specific use of the applicant?..... If so, give names, addresses and details.....

17. Have you any interest whatsoever, directly or indirectly, in any other liquor establishment within or without the State of North Dakota?..... If so, give names and addresses of establishments.....

18. List the occupations which you have followed during the past ten years.....

19. Give names and addresses of at least three business references, including one bank, and state briefly extent of business relations with each.....

20. Are you rated by any commercial agency?..... If so, give names and details of rating.....

21. Do you intend to handle certain exclusive brands of intoxicating liquors?..... If so, give details of contract or arrangement with person from whom purchases are to be made.....

22. Will you be engaged in any other form of business than the sale of liquor under the license applied for? If so, give type of business and name of employer and address.

23. Give number of Federal Stamp Tax Receipt.

24. Do you owe any past due personal property taxes?

25. Do you promise and agree to abide by the provisions of the initiated law, known as the "Liquor Control Act," enacted at the election November 3, 1936, and the rules and regulations passed by the Board of County Commissioners and any future amendments to said law or rules and regulations?

26. Are you prepared to furnish a bond in the amount of \$ as provided for in such rules and regulations? Give name of surety.

The applicant herein does hereby consent that the Chairman of the Board of County Commissioners, the Sheriff and any police officer of the County of aforesaid, or any person or persons duly authorized by the Board of County Commissioners of said county may enter upon the premises described in this application at any hour of the day or night, and that they and any one of them shall have free access to the said described premises and every part thereof for the purpose of inspecting the said premises and the records of this applicant relating to the purchase and sale of alcohol and alcoholic beverages, and applicant does hereby waive any and all rights that he may have under the Constitution of the United States and the Constitution of the State of North Dakota relative to searches and seizures without issuance of a search warrant, and the applicant does hereby agree that such immunities shall never be claimed by him, and that such search, seizure, and inspection may be made at any time without a search warrant. Do you agree to each provision of this paragraph?

The amount of the remittance accompanying this application is \$.

Dated at , North Dakota, on this day of , A. D. 20.

Applicant.

STATE OF NORTH DAKOTA

County of } ss.

, being first duly sworn, deposes and says that he is the applicant who is described in and who executed the foregoing and above application, that he has read each question and statement therein contained and knows the contents thereof, and that he has made the answers set forth in said application, and that each one of said answers is true of his own knowledge.

Subscribed and sworn to before me on this day of 20.

(SEAL)

Notary Public for County, North Dakota.

My commission expires.

Application for License to Sell Alcohol and Alcoholic Beverages at Retail (County)

Name of Applicant

For period beginning 20

and ending 20

Amount of License Fee, \$

Action of Governing Board

Date 20