



# City of Grand Forks Staff Report

**APPROVED & ACCEPTED**  
*by City Council*  
*Maureen Storstad*  
03/18/2019  
Maureen Storstad  
City Auditor

**Committee of the Whole – March 11, 2019**

**City Council – March 18, 2019 and April 1, 2019**

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**Agenda Item: Ordinance amending Section 21-0234 relating to hearing on alleged violations for violation of alcoholic beverage ordinances**

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**Submitted by: Howard D. Swanson, City Attorney**

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**Staff Recommended Action: Preliminary and final approval of draft ordinance**

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**Committee Recommended Action:** Refer to City Council with the recommendation to approve.

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**Council Action:**

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## **BACKGROUND:**

Grand Forks City Code requires the provision of a hearing for alleged violations of the alcoholic beverage code. Current provisions in section 21-0234 are not clearly written with regard to when the matter is to be presented to the City Council and whether it is possible to hold a special meeting, assigned to a committee or heard at the Committee of the Whole. Furthermore, the Ordinance has inconsistent dates 10 versus 5 as to notice required. The revised draft Ordinance clarifies that the hearing may be held at any time before the City Council provided that not less than 10 days before the hearing written notice is provided to the license holder.

## **ANALYSIS AND FINDINGS OF FACT:**

## **SUPPORT MATERIALS:**

Draft Ordinance.

**ORDINANCE NO. \_\_\_\_\_**

AN ORDINANCE AMENDING SECTION 21-0234 OF THE GRAND FORKS CITY CODE RELATING TO HEARING ON ALLEGED VIOLATIONS

BE IT HEREBY ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND FORKS, NORTH DAKOTA, PURSUANT TO THE HOME RULE CHARTER OF THE CITY OF GRAND FORKS, NORTH DAKOTA, THAT:

**SECTION I. AMENDING CLAUSE**

Section 21-0234 of the Grand Forks City Code relating to hearing on alleged violations is hereby amended to provide as follows:

**21-0234. - Hearing on alleged violations.**

Any persons having information that a retailer of alcoholic beverages has violated any provisions of this article may file with the city attorney an affidavit specifically setting forth such violation. Upon receipt of such affidavit the city attorney may file a complaint in the municipal court or cause the matter to be set for hearing ~~not later than the next regular meeting of~~ before the city council or refer the complaint to the North Dakota Attorney General's office. A copy of the affidavit and notice of hearing shall be mailed to the license holder by registered or certified mail not less than ~~five (5)~~ ten (10) days before such hearing, ~~and in the event the date of receipt of such affidavit does not permit the required five (5) days' notice, then any such hearing before the city council will be held at its next following regular meeting.~~

**SECTION II. EFFECTIVE DATE**

This ordinance shall be in full force and effect after passage and approval as provided by law.

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Michael R. Brown, Mayor

ATTEST:

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Maureen Storstad, Director  
Finance & Administrative Services

Introduction and first reading:  
Public Hearing:  
Second Reading and Final Passage:  
Approved:  
Published: