

ORDINANCE NO. 464

ALCOHOL – MINORS

An ordinance repealing Section 1.21 in Ordinance No. 455 by the City of Rolla and enacting the following.

BE IT ORDAINED by the City Council of The City of Rolla, North Dakota:

Section 1: Possession or Consumption of Alcohol by Persons Under the Age of Twenty-One. A person under the age of twenty-one may not purchase, attempt to purchase, have in his or her possession, furnish money for such purpose, or consume any alcoholic beverage. Violation of this section is an infraction.

Section 2: Persons Under the Age of Twenty-One in Liquor Establishments Prohibited. A person under the age of twenty-one may not enter any licensed liquor premises, except as permitted by N.D.C.C. § 5-01-08. Violation of this section is an infraction.

Section 3: Misrepresentation of Age. A person under the age of twenty-one may not misrepresent his or her age for the purpose of purchasing, being served or drinking any alcoholic beverage. Violation of this section is a Class B Misdemeanor.

Section 4: Obligation of Licensee. Every licensee may keep a book on the licensed premises in which the licensee and employees shall require any person whose age is in question, who has shown documentary proof of age, to sign the book. Such book must show the date of the purchase, the identification used in making the purchase and the appropriate number of such identification, the address of the purchaser, and the purchaser's signature.

Section 5: Persons Under Twenty-one Years of Age. A person may not sell or dispense alcoholic beverages to any person under the age of twenty-one. A licensee or employee or agent may not permit any person under twenty-one years of age to remain on licensed premises except as permitted pursuant to Section 5-02-06, N.D.C.C. Violation of this section is a Class A Misdemeanor.

Section 6: Misrepresentation of Age and Presumption of Licensee's Innocence. The establishment of the following facts by a person making a sale of alcoholic beverages to a person not of legal age constitutes prima facie evidence of innocence and is a defense to any prosecution therefore:

1. That the purchaser falsely represented in writing, and supported with other documentary proof, that he or she was of legal age to purchase alcoholic beverages.
2. That the appearance of such purchaser was such that an ordinary and prudent person would believe him or her of legal age to purchase alcoholic beverages.
3. That the sale was made in good faith and in reliance upon the written representation and appearance of the purchaser in the belief that the purchaser was of legal age to purchase alcoholic beverages.

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Section 7: Penalties.

1. Class A Misdemeanor, for which a maximum penalty of imprisonment of three hundred sixty days, a fine of three thousand dollars, or both, may be imposed.
2. Class B Misdemeanor, for which a maximum penalty of thirty days' imprisonment, a fine of one thousand five hundred dollars, or both, may be imposed.
3. Infraction, for which a maximum fine of one thousand dollars may be imposed. Any person convicted of an infraction who, within one year before commission of the infraction of which the person was convicted, has been convicted previously at least twice of the same offense classified as an infraction may be sentenced as though convicted of a class B misdemeanor. If the prosecution contends that the infraction is punishable as a class B misdemeanor, the complaint must specify the offense is a misdemeanor.



Keyin Juntunen, Mayor

ATTEST:



Valerie McCloud, Auditor

FIRST READING: May 15, 2024

SECOND READING / FINAL PASSAGE: January 22, 2025