

ORDINANCE NO. 1006

AN ORDINANCE REGULATING THE USE OF ALCOHOLIC BEVERAGES IN PARK PROPERTY, PROVIDING FOR ENFORCEMENT, AND PENALTIES FOR VIOLATION OF ITS PROVISIONS.

BE IT ENACTED BY THE BOARD OF PARK COMMISSIONERS OF THE PARK DISTRICT OF THE CITY OF MANDAN, NORTH DAKOTA.

Section 1. **Alcoholic Beverages---Prohibition.** No person shall bring alcoholic beverages into or use alcoholic beverages in property of the Mandan Park District without a permit.

Section 2. **Permit for Alcoholic Beverages.** A permit to bring into park property, or to drink alcoholic beverages in park property shall be obtained from the office of the Director of Parks and Recreation or from such persons at such other places as the Director may authorize to issue permits.

Section 3. **Permits---Application.** A person seeking issuance of a permit hereunder shall apply at the Park District administration office 2600 46th Ave SE with the Director stating:

1. Name and address of applicant.
2. The park property for which such permit is desired.
3. The name and address of the person, persons, or corporation sponsoring any group activity.
4. Days and hours for which a permit is desired.
5. An estimate of the number of persons that will attend the function.
6. Any other information which the Director shall find is reasonably necessary to a fair determination if a permit should be issued.

Section 4. **Standards for Issuance.** The Director shall issue a permit hereunder when he finds:

1. That the proposed activity or use of the park will not unreasonably interfere with or detract from the general public enjoyment of the park.
2. That the proposed activity and use will not unreasonably interfere with or detract from the promotion of public health, welfare, safety and recreation.
3. That the proposed activity or use is not reasonably anticipated to incite violence, crime or disorderly conduct.
4. That the proposed activity will not entail unusual, extraordinary or burdensome expense or police operation.

Section 5. **Effect of Permit.** A permittee shall be bound by all park rules, regulations and ordinances as fully as if inserted in such permit, including but not limited to the requirements that the permittee and his party shall leave the park before the park closes, shall be responsible for cleaning up and disposing of any debris in the park caused by its use, shall not serve or permit any alcoholic beverages to any minor, or use or permit any amplifying equipment to be used within the park area. A permit shall be revocable by the Mandan Park District . A permit is not a license to engage in the sale of alcoholic beverages. Any person who applies for and obtains a permit under this ordinance

consents to the enforcement provisions provided in this ordinance by the Superintendent and park officers or employees.

Section 6. **Liability of Permittee.** The person or persons to whom a permit is issued shall be liable for any loss, or damage, or injury sustained by any person whatever by any reason of the negligence of the person or persons to whom such permit shall have been issued.

Section 7. **Class of Permits.** There shall be two classes of permits, namely:

a) Regular Permit authorizing the permittee to entertain a group of not more than ten persons in a park property. All regular permits shall expire on December 31 of each year unless the permit has been revoked.

b) Special Permit authorizing the permittee to entertain any group in excess of ten persons. A Special Permit shall be valid for one day only.

Section 8. **Enforcement.** The Superintendent and any park or police officer, or park employee, shall have authority to eject from the park property any person in violation of this ordinance, and shall have authority to seize and confiscate any property, thing or device in the park, or used in violation of this ordinance.

Section 9. **Penalty.** Any person who violates or fails to comply with any provisions of this ordinance shall be subject to a fine of \$100

Park Board President: Wade Meschke

Director/Clerk: Cole Higlin

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