

# City of Valley City

## Emergency Order 2020-02.3

Effective November 18, 2020

Pursuant to the COVID-19 emergency declaration dated March 17, 2020 (ratified and extended by the Board of City Commissioners on March 18, 2020), and the authority set forth in Valley City Municipal Code § 19-01-03, Dave Carlsrud, Mayor of the City of Valley City, North Dakota, in order to promote social distancing, discourage unnecessary travel, and limit exposure of Valley City residents to COVID-19, hereby orders as follows:

[¶1] The provisions of Valley City Municipal Code Ch. 4-01 relating to regulations as to classes of licenses authorizing the sale of alcoholic beverages are temporarily modified as provided in this Order.

[¶2] The holder of a Class A, Class B, Class C, Class G, or Class H license, in addition to other lawful means of delivery, is permitted to sell sealed bottles or cans of wine or beer (as applicable) to customers by curbside delivery or home delivery.

[¶3] The holder of a Class D or Class E license, in addition to other lawful means of delivery, is permitted to sell sealed bottles or cans of wine or beer (as applicable) to those customers purchasing prepared food or meals by any of the following means: takeout, curbside delivery or home delivery. The sale of sealed bottles or cans of wine or beer by the holder of a Class D or Class E license is limited to those customers purchasing prepared food or meals from the establishment.

[¶4] Under this Order, the licensee is permitted, but not required, to offer takeout, curbside, and/or home delivery.

[¶5] Wine or beer sold pursuant to this Order shall be deemed to have been consumed, sold, and/or delivered on the licensed premises, as applicable to each license holder.

[¶6] As used in this Order, “sealed bottles or cans” means a reusable or single use container or vessel, including growlers, provided that any such container must not be larger in capacity than 64 US fluid ounces. Any such container must be corked or sealed by the licensee at the point of sale or otherwise be pre-sealed for retail sale.

[¶7] This Order does not permit the delivery of alcoholic beverages other than wine or beer.

[¶8] As defined by V.C.M.C. § 4-01-01, “beer” means any malt beverage containing more than one-half of one percent of alcohol by volume, and “wine” means the alcoholic beverage obtained by fermentation of agricultural products containing natural or added, sugar, or such beverage fortified with brandy and containing not more than 24% alcohol by volume.

[¶9] Except as stated herein, this Order does not supersede any other provision of federal, state or local law pertaining to the sale, consumption, possession, or delivery of alcohol, including but

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not limited to server training requirements, delivery of alcohol to persons under the age of 21, and proof of age (identification) requirements. Each licensee, owner, and resident manager is responsible for and must take steps to ensure legal compliance, and a violation of this Order or any other section of V.C.M.C. Ch. 4-01 may result in the termination, suspension or revocation of the alcoholic beverage license.

If any provision of this Order or the application thereof to any person or circumstance is held to be invalid by a court of competent jurisdiction, the remainder of the Order, including the application of such part or provision to other persons or circumstances should not be affected and shall continue in full force and effect. To this end, the provisions of this Order are severable.

This Order will remain in effect until 11:59 p.m., Sunday, December 13, 2020, unless the underlying state of emergency has ended, or unless it is modified or terminated sooner by motion or resolution approved by the Board of Commissioners.

APPROVED this 18<sup>th</sup> day of November, 2020.

*s/ Dave Carlsrud*

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Dave Carlsrud, Mayor