

**ORDINANCE NO. 1171**

**AN ORDINANCE OF THE CITY OF WILLISTON AMENDING THE FOLLOWING PARTS OF ARTICLE III ("LICENSES") OF CHAPTER 3 OF THE WILLISTON CODE OF ORDINANCES TO ADD A LARGE-FORMAT RETAILER LICENSE CATEGORY:**

**AMENDING ARTICLE I, SECTION 3-1 OF THE WILLISTON CODE OF ORDINANCES ADDING THE DEFINITION OF LARGE-FORMAT RETAILER LICENSE;**

**AMENDING ARTICLE III, SECTION 3-36 OF THE WILLISTON CODE OF ORDINANCES CREATING AND ADDING 37(24) – A LARGE-FORMAT RETAILER LICENSE; AND**

**AMENDING ARTICLE III, SECTION 3-37 OF THE WILLISTON CODE OF ORDINANCES CREATING AND ADDING SECTION 3-37(B)(24) – LARGE-FORMAT RETAILER LICENSE.**

WHEREAS, Section 40-05-01(29) of the North Dakota Century Code grants municipal political subdivisions the power to regulate the use and to regulate and license the sale of alcoholic beverages subject to the provisions contained in title 5 of the North Dakota Century Code, and

WHEREAS, the City of Williston has adopted ordinances governing the regulation, sale, and licensing of alcoholic beverages subject to the provisions contained in title 5 of the North Dakota Century Code; and

WHEREAS, it is the desire of the City of Williston to amend its ordinance governing alcohol licenses.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF CITY COMMISSIONERS OF THE CITY OF WILLISTON, NORTH DAKOTA.

Chapter 3, Article I, Section 3-1 be amended by adding the following definition, which upon adoption shall be inserted in the appropriate alphabetical order within the definition section, with the amendment providing as follows:

**LARGE-FORMAT RETAILER LICENSE**

**"LARGE-FORMAT RETAILER LICENSE" means a retail off-sale license that may be issued only to a Large-Format Retailer and authorizes the sale of alcoholic beverages in the original package for**

consumption off the licensed premises. A Large-Format Retailer License may be issued as either (i) a Large-Format Retailer Off-Sale Beer License or (ii) a Large-Format Retailer Off-Sale Liquor License; possession of one does not authorize the other.

For purposes of this definition, a "Large-Format Retailer" means a general-merchandise retailer, discount store, superstore, or grocery store with at least thirty thousand (30,000) square feet of sales floor area open to the public. "Sales floor area" means interior floor area accessible to customers for the display and sale of merchandise and excludes stockrooms, offices, mechanical rooms, and other non-public areas. A Large-Format Retailer does not include a "liquor store" or any retailer whose primary business is the sale of alcoholic beverages, regardless of square footage. For purposes of this exclusion, "liquor store" means an establishment where any of the following apply: (1) more than fifty percent (50%) of annual gross receipts are from alcoholic beverages and alcohol-related items; or (2) more than thirty percent (30%) of sales floor area is devoted to the display or sale of alcoholic beverages and alcohol-related items; or (3) the business holds itself out as a liquor store through its trade name, signage, or advertising.

Further, for purposes of this definition, the following terms shall have the following meaning and definition(s):

- i. "General-merchandise retailer" means a retail establishment that: (1) offers a broad assortment of consumer goods across at least five (5) of the following departments: apparel; home furnishings/décor; housewares/small appliances; consumer electronics; hardware/DIY; sporting goods; toys; health and beauty care; automotive accessories; seasonal/yard and garden; stationery/office; and pet supplies, and (2) devotes at least seventy percent (70%) of sales floor area and derives at least sixty percent (60%) of annual gross receipts from non-alcoholic merchandise.
- ii. "Superstore" means a general-merchandise retailer that also operates an in-store grocery offering a substantial line of food and household consumables, including at a minimum items from the categories of meat, produce, dairy, frozen foods, baked goods, and dry groceries, and that devotes at least ten percent (10%) of sales floor area or derives at least fifteen percent (15%) of annual gross receipts from food and

household consumables. A pharmacy, optical, photo, or similar service department may also be present but is not required.

The City retains the right and may require submission of a premises diagram and reasonable documentation of sales categories or gross receipts to verify compliance with this definition.

Chapter 3, Article III, Section 3-36(a) be amended by adding Section 3-36(a)(24) to the license classes, with the amendment providing as follows:

(24) Large-format retailer off-sale beer, wine and liquor license.

All other provisions of § 3-36 remain in full force and effect.

Chapter 3, Article III, Section 3-37(b) be amended by adding Section 3-37(b)(24) for the following retail license pertaining to the sale of alcoholic beverage, with the amendment providing as follows:

(24) A "large-format retailer off-sale beer, wine and liquor license" shall authorize the licensee to sell beer, wine, and intoxicating liquor, in the original package or container, at retail for off-premises consumption, subject to the conditions below. The initial and annual license fees shall be established by resolution of the City Commission and must be submitted with the application and any renewal.

a. Qualifying premises. The licensed premises must be a general merchandise retailer or grocery store with at least 30,000 square feet of sales floor area open to the public.

b. Licensed area. The City may require a premises diagram. Alcoholic beverages must be displayed, stored, and transacted only within the approved licensed area(s) inside the building; no curbside, drive-through, kiosk, or off-premises delivery sales, for alcoholic beverages, are permitted under this license.

c. Training and supervision. All employees who sell or supervise the sale of alcoholic beverages must maintain current server/seller training approved under State law. A manager or supervisor age 21 or older must be on duty on the licensed premises during all hours when alcoholic beverages are offered for sale.

d. Security and compliance. The licensee shall implement and maintain an ID-check policy and a written loss-prevention/security plan for the licensed area upon request of the City.

e. Hours and days of sale. Sales must comply with § 3-76 (hours and days of sale).

f. Population limits. Licenses issued under this subsection are limited to one (1) per qualifying premises and are not limited by population and do not count toward population-based limits applicable to other classes.

g. A Large-Format Retailer License is nontransferable as to location and may not be assigned, sold, pledged, or otherwise conveyed to another person or entity without the approval of the City of Williston Board of Commissioners; any change of ownership or location requires application for and issuance of a new license, notwithstanding § 3-46.

h. A one-time license fee of Fifty Thousand Dollars (\$50,000.00) per license is due upon initial issuance. The annual fee shall be \$2,500.00.

i. Applicability of other provisions. Except as modified in this subsection, a licensee hereunder shall comply with and be subject to all remaining qualifications for licensees contained in this chapter, including § 3-46 (transfer of license).

If any part of this ordinance is found invalid, the remaining provisions shall not be affected and shall remain in full force and effect.

This ordinance shall take effect upon final passage and publication as required by law.

This ordinance shall be in full force and effect on September 9, 2025, after its final passage, approval, and publication.

Commissioner Bekkedahl moved the adoption of the foregoing Ordinance. The Motion was seconded by Commissioner Siemieniewski. On roll call vote of the Commissioners vote "AYE": Bekkdahl, Siemieniewski, Bervig, Gjovig, Klug. The following Commissioners vote "NAY": None. Absent and not voting: None.

WHEREUPON, the Motion was passed and the Ordinance declared adopted this 9th day of September, 2025.

  
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**Howard Klug, President**  
Board of City Commissioners

ATTEST:

  
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**Hercules Cummings,**  
Director of Finance and City Auditor

First Reading: August 26, 2025

Second Reading: September 9, 2025

Published:

Adopted the 9th day of September, 2025.