

Office of the Attorney General
State of North Dakota

Opinion No. 81-93

Date Issued: August 25, 1981

Requested by: Vince H. Ficek
Dickinson City Attorney

--QUESTION PRESENTED--

Whether the City of Dickinson can grant an on-sale beer license to a cinema theater.

--ATTORNEY GENERAL'S OPINION--

It is my opinion that there is no statutory prohibition against a city granting a beer license to a cinema theater.

--ANALYSIS--

The laws of the State of North Dakota do not specifically prohibit the forms of entertainment that may be provided on the premises of a licensed liquor establishment. Section 5-02-09 of the North Dakota Century allows the local governing body to regulate or restrict the operation of licensees including prohibiting dancing or various forms of entertainment on the premises. If a licensed retailer of alcoholic beverages wishes to show motion pictures and has complied with applicable state and local ordinances concerning licensure of retail liquor establishments, there is no state prohibition against that form of entertainment in a retail alcoholic beverage establishment. Whether city ordinances prohibit this activity is a determination to be made by the city attorney.

Of course, a licensee must comply with all other state and local laws or ordinances, including those relating to minors on the premises, zoning, restaurant licensing, if applicable, and ordinances relating to theater operations.

--EFFECT--

This opinion is issued pursuant to Section 54-12-01, N.D.C.C. It governs the actions of public officials until such time as the question presented is decided by the courts.

Robert O. Wefald
Attorney General

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