

Bond Case Briefs

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MUNICIPAL ORDINANCE - NORTH DAKOTA

Liquid Hospitality, LLC v. Board of City Commissioners of City of Fargo

Supreme Court of North Dakota - July 31, 2025 - N.W.3d - 2025 WL 2166077 - 2025 ND 136

Saloon brought action against city board of commissioners, challenging board's decision to uphold city liquor control board's determination that saloon violated municipal ordinance prohibiting service of alcoholic beverages to obviously intoxicated or impaired persons.

The District Court reversed, finding the ordinance unconstitutionally vague. Board appealed.

The Supreme Court held that:

- Ordinance placing restrictions on serving of obviously intoxicated or impaired persons was not unconstitutionally vague on its face in violation of due process, and
- Evidence supported determination that saloon had served an obviously intoxicated person in violation of city ordinance.

City ordinance placing restrictions on serving of obviously intoxicated or impaired persons was not unconstitutionally vague on its face in violation of due process; whether a person is intoxicated or impaired by alcohol or drugs is something a reasonable person can determine, and the criteria for obvious intoxication was clearly set forth in the ordinance.