

CHAPTER 5

SALE OF LIQUOR

- 2-5-1: DEFINITIONS
- 2-5-2: LICENSED LIQUOR SALES
- 2-5-3: APPLICATION
- 2-5-4: REQUIREMENTS
- 2-5-5: FEES
- 2-5-6: EXHIBITION OF LICENSE
- 2-5-7: LICENSE TRANSFER
- 2-5-8: LICENSES LIMITED
- 2-5-9: REVOCATION & HEARING
- 2-5-10: ACCESS TO PREMISES
- 2-5-11: PREMISES REQUIREMENTS
- 2-5-12: AGE RESTRICTIONS ON SALE, PURCHASE, OR ENTERING
- 2-5-13: CATERING PERMITS
- 2-5-14: HOURS OF SALE

2-5-1: DEFINITIONS

The following terms as used in this ordinance are defined as follows:

LIQUOR: All kinds of liquor authorized to be sold by state liquor stores of the state of Idaho.

LICENSE: A license issued by the proper state, county, or city authority, as the case may be, authorizing a person to sell and dispense liquor by the drink at retail, as provided by law.

LICENSEE: A person to whom a license has been issued under the provisions of law.

PERSON: Every individual, firm, partnership, corporation, organization, or association, or any group or combination acting as a unit, and any of their agents, employees, servants, or other persons acting in behalf of a licensee, and includes the plural as well as the singular unless the intent to give a more limited or expanded meaning is disclosed by the context in which it is used.

MUNICIPALITY OR CITY: The City of Tetonia, Idaho.

CORPORATE LIMITS: The legally incorporated boundaries of the City.

LIQUOR CATERING PERMIT: A permit issued by the city pursuant to Idaho Code §23-934A upon proper application and approval as authorized by that code section.

INTERDICTED PERSON: A person to whom the sale of liquor is prohibited under law.

2-5-2: LICENSED LIQUOR SALES

It shall be lawful in the City to sell liquor by the drink as provided in Title 23, Chapter 9, Idaho Code, as amended, provided a license shall first be obtained as provided in this Chapter and the rules and regulations and provisions concerning the licensing and operation of a place of business for the sale of liquor are adhered to as provided.

2-5-3: APPLICATION

Before there shall be any lawful sale of liquor by the drink an application by the proposed licensee must be made for such license and filed with the City Clerk in form and manner herein provided. Such application shall provide for the name of the applicant, the location of the proposed business, and such other information as may be prescribed and required by the City Council. At the time said application is filed, the applicant shall also present a copy of an application for a State license and also the license issued by the State for the sale of liquor by the drink at retail. No license will be issued until a licenses are first obtained from the State of Idaho and the County of Teton.

All applications filed with the City Clerk shall be referred to the City Council for final approval. The City Clerk shall receive the license fee hereinafter provided at the time of filing of an application and upon approval of the application by the City Council; the license will be issued and delivered to the applicant.

2-5-4: REQUIREMENTS

Not license shall be issued for the sale of liquor by the drink to any person not qualified for a license under Chapter 9, Idaho Code, as amended, nor upon any premises in any neighborhood which is predominately residential nor within three hundred (300') feet of any school, church or other place of public worship.

2-5-5: FEES

The license fee required of an applicant for the sale of liquor by the drink shall be in the sum of two hundred twenty five dollars (\$225) per calendar year or portion thereof payable in advance. The payment shall be made with said application for the balance of the calendar year in which the license is issued. All licenses issued shall expire at midnight on December 31 of each calendar year. Renewals may be granted upon application if the record of the applicant is satisfactory to the City Council and in accordance with the provisions of the law and this Chapter and upon payment of two hundred twenty five dollars (\$225) for the ensuing year. Any operation under an expired license shall constitute a violation of this Code for each day of operation.

2-5-6: EXHIBITION OF LICENSE

The license issued under this Chapter shall be posted conspicuously in the place of business named therein.

2-5-7: LICENSE TRANSFER

No City license may be transferred to another person, unless the transferee first shall have obtained approval of the transfer from the required state and county authorities and from the City Council upon application containing substantially the same information required by Section 3 through 4 of this ordinance. If the transferee possesses all of the qualifications and none of the disqualifications for the license, the City Council shall approve the transfer and the City Clerk shall endorse the license in the name of the transferee. Approval and endorsement of the transfer by the Idaho Department of Law Enforcement and Teton County shall be *prima facie* evidence of the transferee's qualifications to receive a transfer of the City license under the ordinance. The fee payable by the transferee to the City for such endorsement and transfer shall be one hundred dollars (\$100). Upon approval of the transfer, the City shall cancel the original license and issue a new license to the transferee. The new license issued to the transferee shall be valid only for the remainder of the period for which the original City license was issued.

2-5-8: LICENSES LIMITED

The number of licenses issued under the provisions of this Chapter shall be limited to the number authorized in Idaho Code, §23-903, as amended; provided, however, that any licenses existing at the time of enacting this Ordinance may be continuously renewed each year upon compliance with all of the other provisions of this Chapter.

2-5-9: REVOCATION & HEARING

If any licensee or employee of a licensee of a liquor by the drink establishment violates any of the provisions of this Chapter or is convicted of the violation of any of the provisions of Chapter 9, Idaho Code, as amended, the City Council is hereby authorized and empowered to revoke the license issued to said licensee; provided, however, that in the event it is brought to the attention of the City Council that a violation has taken place, before revoking such license, the City Council shall cause notice to be served upon the licensee, setting forth in general terms the violation or violations claimed to have been committed and such notice shall provide a time for hearing thereon by the City Council which date of hearing shall not be less than five (5) days nor more than ten (10) days from the date of the service of notice that the provisions of this Chapter or the provisions of the laws of the State of Idaho or County of Teton have been violated. Upon the conclusion of said hearing the City Council may revoke any license heretofore issued to such licensee and no refund of any unused portion of the license fee shall be made to the licensee. Upon revocation by the Commissioner of Law Enforcement of the State of Idaho of any license theretofore issued by the State, the City shall automatically revoke the license issued by the City to that licensee and no refund of any fee therefore paid shall be made.

2-5-10: ACCESS TO PREMISES

All peace officers appointed by the State of Idaho or the City of Teton or the County of Teton shall have free access at all times to the licensed premises, and any information touching the manner and method of the operation of said premises or the sale of liquor may be submitted to the City Council upon any investigation made of said licensee.

2-5-11: PREMISES REQUIREMENTS

Every licensee must conform to all regulations and laws of the State of Idaho and the provisions of this Chapter. Full and unobstructed view of the inside of the premises where liquor by the drink is sold shall always be maintained by the said licensee and no obstructions whatsoever shall be placed upon the windows or the doors that are located on said premises and no coloring shall be placed upon the glass in order that a full view from the sidewalk or street may be had into the interior of said premises. All premises shall be adequately lighted and subject to periodic sanitary inspection. No gambling of any kind or character shall be operated upon said premises and no gambling devices shall be maintained thereon.

2-5-12: AGE RESTRICTIONS ON SALE, PURCHASE, OR ENTERING

- A. It shall be unlawful for any person under twenty one (21) years of age to sell, serve, dispense, purchase, consume, or possess liquor, provided that any person who is nineteen (19) years of age or older may sell, serve, possess, or dispense liquor in the course of his employment of the licensee.
- B. It shall be unlawful for any person to permit the consumption of, give away, sell, or deliver any liquor to any person under twenty one (21) years of age, or to any person actually, apparently or obviously intoxicated or known to be an habitual drunkard, or to be an interdicted person.
- C. The City adopts and incorporates Idaho Code §23-943, as amended, and the exceptions under Idaho Code §23-944(a) and (b), as amended, regarding persons under specified ages who are forbidden to enter, remain in, or loiter at City licensed premises. The licensee shall at all times maintain conspicuous signages over any entrance to any place from which person under the age of 21 years are restricted giving public notice of said restriction.

2-5-13: CATERING PERMITS

Liquor catering permits for a single party or convention may be obtained from the City by any person holding an Idaho retail liquor license to serve and sell liquor retail by the drink at a party or convention not exceed three (3) consecutive days in accordance with Idaho Code §23-934 (a) and (b), as amended. A filing fee in the amount of fifty dollars (\$50) for each permit shall be paid to the City Clerk and is nonrefundable.

2-5-14: HOURS OF SALE

- A. No liquor shall be sold, offered for sale, or given away upon any licensed premises and all liquor not in sealed bottles must be locked in a separate room or cabinet between the hours of two (2:00) o'clock a.m. and ten (10:00) o'clock a.m.

TITLE 2 BUSINESS AND LICENSE REGULATION

- B. No liquor shall be sold, offered for sale, or given away upon any licensed premises and all liquor not in sealed bottles must be locked in a separate room or cabinet on the following days:
 - Christmas
- C. Any patron on City licensed premises shall have not more than thirty (30) minutes after the two o'clock (2:00) AM deadline to consume any liquor served prior to the deadline. Any person who intentionally consumes or permits the consumption of any alcoholic beverage upon City licensed premises after this time shall be guilty of a misdemeanor.
- D. (Ord. 2003-2, Amended Ord. 2005-1; Ord. 2008-2; Ord. 2010-2)