

CHAPTER 6

SALE OF WINE

- 2-6-1: DEFINITIONS
- 2-6-2: LICENSE REQUIRED
- 2-6-3: APPLICATION FOR LICENSE
- 2-6-4: QUALIFICATIONS
- 2-6-5: LICENSE FEES
- 2-6-6: ISSUANCE OF LICENSE
- 2-6-7: EXHIBITION OF LICENSE
- 2-6-8: LICENSE RESTRICTONS
- 2-6-9: CONSUMPTION ON PREMISES
- 2-6-10: POSSESSION
- 2-6-11: MISREPRESENTAION OF AGE
- 2-6-12: REVOCATION OF LICENSE

2-6-1: DEFINITIONS

The following terms as used in this Chapter are herby defined as follows:

WINE: Any alcoholic beverage containing not more than fourteen percent (14%) alcohol by volume obtained by the fermentation of the natural sugar content of fruits or other agricultural products containing sugar.

DIRECTOR: The Director of Law Enforcement of the State of Idaho.

RETAIL WINE LICENSE: A license issued by the Director, authorizing a person to sell wine at retail.

RETAILER: A person to whom a retail wine license has been issued.

PERSON: Includes an individual, firm, co-partnership, association, corporation, or any group or combination acting as a unit, and includes the plurals as well as the singular unless the intent to give to a more limited meaning is disclosed by the context in which it is used.

2-6-2: LICENSE REQUIRED

It shall be lawful for any person to sell wine at retail within the corporate limits of the City after having first procured a license therefore.

2-6-3: APPLICATION FOR LICENSE

Application for license shall be in writing, signed and sworn to by the applicant, upon application forms furnished by the City Clerk. Such application shall be filed by the City Clerk along with proof of equivalent State and County licenses, and presented to the City Council at the next meeting of the City Council for their approval rejection or further consideration.

2-6-4: QUALIFICATIONS

The applicant for license shall possess all of the qualifications necessary to obtain a license from the Director of Law Enforcement of the State, as prescribed by the laws of the State, and maintain such qualifications throughout the period for which such license is issued. The possession of licenses regularly issued by the Department of Law Enforcement and the County of Teton in addition to a City beer license shall be *prima facie* evidence of the applicant's qualifications to receive a license thereunder.

2-6-5: LICENSE FEES

The license fee imposed and collected for a retail wine license shall be two hundred dollars (\$200) per calendar year and for a wine by the drink license shall be fifty dollars (\$50) per calendar year. The license fee shall be paid for an entire year or for any part of a year without prorating. All licenses issued under this ordinance shall expire at one o'clock (1:00) AM on January 1st of the year following date of issuance.

2-6-6: ISSUANCE OF LICENSE

Upon filing the application for a license and production of evidence, as required by Section 4 herein, as to the qualifications of the applicant and by payment of the required license fee, the City Clerk shall, upon approval of the City Council, issue to the applicant a license to sell wine at retail within the Municipality for such calendar year or the remainder thereof.

2-6-7: EXHIBITION OF LICENSE

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

2-6-8: LICENSE RESTRICITONS

The requirements for assignment or transfer of a wine license shall be the same as provided by the City ordinance providing for the assignment or transfer of a liquor license.

2-6-9: CONSUMPTION ON PREMISES

Retailers who do not possess a valid license for the retail sale of liquor by the drink shall not permit consumption of wine on the licensed premises and may sell the wine only in its original, unbroken, sealed container. Wine sold for consumption on the retailer's premises may be sold only during hours that liquor by the drink may be sold pursuant to this Ordinance. Wine sold by the retailer for consumption off the premises of the retailer,

may be sold only during the hours that beer may be sold pursuant to the laws of this State or the Ordinances of the City of Tetonia.

2-6-10: POSSESSION

No person may, while operating or riding in a motor vehicle upon a public street of the City, have in his/her possession any wine in an open or unsealed container of any kind.

2-6-11: MISREPRESENTATION OF AGE

- A. No person under the age of twenty one (21) years may purchase, consume, or possess wine.
- B. No person shall give, sell, or deliver wine to any person under the age of twenty one (21) years.
- C. No person under the age of twenty one (21) years shall, by any means, represent to any retailer or distributor or to any agent or employee of such retailer or distributor that he/she is twenty one (21) years or more of age for the purpose of inducing such retailer or distributor, or his agent or employee, to sell, serve, or dispense wine to such person.
- D. No person shall, by any means, represent to any retailer or distributor, or the agent or employee of such retailer or distributor, that any other person is twenty one (21) years or more of age, when in fact, such other person is under the age of twenty one (21) years, for the purpose of inducing such retailer or distributor, or the agent or employee of such retailer or distributor, to sell, serve, or dispense wine to such other person.

2-6-12: REVOCATION OF LICENSE

The right shall be and remain at all times vested in the City Council, and the City Council may as hereinafter provided, revoke or cancel any license for fraud or misrepresentation in its procurement, or for violation of any of the provisions of this Chapter, or for any conduct or act of the licensee or his/her employees or any conduct or act permitted by him/her or them on the premises where such business is conducted, or in connection therewith, or adjacent thereto, tending to render such business or such premises where the same is conducted as a public nuisance or a menace to the health, peace, safety, or general welfare of the City; provided, that revocation or suspension of the State license by the Director of Law Enforcement shall be deemed *prima facie* evidence for revocation or suspension of the license issued herein. (Ord. 2003-2; Ord. 2008-2)