

ORDINANCE 2002-2-1

AN ORDINANCE OF THE CITY OF ALBION, CASSIA COUNTY, IDAHO ALLOWING THE SALE OF LIQUOR BY THE DRINK, RE-ADOPTING AND RATIFYING ALBION CITY CODE TITLE 3, CHAPTER 3, ENTITLED LIQUOR BY THE DRINK REGULATIONS; PROVIDING FOR PROOF OF COUNTY LIQUOR LICENSE, IN ADDITION TO STATE LIQUOR LICENSE AND FOR REVIEW AND APPROVAL BY MAYOR AND CITY COUNCIL, BEFORE ISSUANCE OF CITY LIQUOR LICENSE; PROVIDING THAT THE LICENSING PERIOD FOR LIQUOR BY THE DRINK LICENSES BE CHANGED FROM A ONE YEAR PERIOD BEGINNING JANUARY 1ST AND ENDING DECEMBER 31ST, TO A ONE YEAR PERIOD BEGINNING AUGUST 1ST AND ENDING JULY 31ST; PROVIDING FOR AN INTERIM PRORATED FEE FOR FEBRUARY 11TH, 2002 TO JULY 31ST, 2002; PROVIDING THAT FORFEITURE OR REVOCATION OF COUNTY LICENSE IS GROUNDS FOR REVOCATION OF CITY LICENSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the voters of the City of Albion, approved the sale of liquor by the drink within the boundaries of the City of Albion at an election held on Tuesday the 5th day of February, 2002; and

WHEREAS, the vote of that same election was canvassed by the Mayor and City Council on the 11th day of February, 2002, and the official majority vote favored the sale of liquor by the drink within the City of Albion; and

WHEREAS, Albion City Ordinance Title 3 Chapter 3 presently provides regulation for sale of liquor by the drink; and

WHEREAS, the present Albion City Ordinance regulating liquor sales does not provide that an applicant must present a valid Cassia County Liquor License in application for a city license; and

WHEREAS, a county liquor license must be obtained, pursuant to Cassia County Ordinance, prior to a city license being granted; and

WHEREAS, revocation of a state license is grounds for revocation of a city license under the present Albion City Ordinance, and revocation of the county license also should be grounds for revocation or forfeiture of a city license; and

WHEREAS, the present ordinance states in part that liquor licenses “ shall expire on December 31 next succeeding the date of issue”; and

WHEREAS, the State of Idaho and Cassia County have changed their licensing dates to grant licenses for a one year period beginning August 1st and ending July 31st ; and

WHEREAS, the City Council of the City of Albion has determined that following the same time frame as the State of Idaho and the County of Cassia, in granting such licenses is more beneficial to businesses located within the City that are licensed for the sale of liquor by the drink, than requiring businesses to follow a different time frame for obtaining a city license; and

WHEREAS, the City Council of the City of Albion desires to maintain the intent of the City Ordinance that any license issued after the beginning of the current license year shall continue to pay the full year’s license fee; and

WHEREAS, by changing the licensing year, provisions need to be made to allow the obtaining of licenses to sell liquor for the period of February 11, 2002 through July 31, 2002, to thereafter match up with the licensing year for both the State of Idaho and Cassia County, and that provision is to offer a pro-rated license for said period of time.

**BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF
THE CITY OF ALBION, CASSIA COUNTY, IDAHO, AS
FOLLOWS:**

1. That the City of Albion shall allow the sale of liquor by the drink within the boundaries of the City of Albion, Idaho;
2. That the City of Albion hereby re-adopts and ratifies Title 3, Chapter 3, of the Albion City Code, entitled “Liquor By The Drink Regulations” to regulate the sale of liquor by the drink within the city boundaries, which codification is incorporated herein as though fully set forth (excepting amendments thereto as set forth below); and

3. That Albion City Code Section 3-3-3 be, and hereby is, amended to provide a subsection (D), which will state as follows:

The number or identifying symbol or mark upon the license to sell retail liquor by the drink issued to the applicant by the County of Cassia, Idaho, and the date of issuance thereof.

4. That Albion City Code Section 3-3-4: ISSUANCE OF LICENSE, be, and hereby is, amended to read as follows:

Upon receipt by the City Clerk of the duly executed and verified application for a license, the license fee, and the licenses issued to the applicant by the State of Idaho and Cassia County, and after review and approval by the Cassia County Sheriff and the Mayor and City Council of the City of Albion, Idaho, the City Clerk shall issue and deliver to the applicant the license applied for by him, and shall return to him the licenses issued by the State of Idaho and Cassia County.

5. That Albion City Code Section 3-3-5 be, and hereby is, amended to provide the following:

3-3-5

FORM OF LICENSE, POSTING REQUIRED: The license shall consist of a partly printed and partly written form, and shall contain the name of the City, the year for which it is issued, the name of the licensee, the location of the premises where the licensee is licensed to conduct his business, the date of issuance of the license and the amount of the fee paid therefor. The license shall be signed by the City Clerk and sealed with the seal of the City. It shall not be transferable, and shall expire at 1:00 a.m. on July 31 next succeeding the date of issue. All such licenses shall be granted by the Mayor and City Council for a period of one year beginning August 1st and ending July 31st. A full year's license shall be collected for any license issued after August 1st as well. For the period of February 11, 2002 through July 31, 2002, all liquor licenses granted by the Mayor and City Council, pursuant to other provisions of this ordinance, shall pay a fee to the City Clerk, on a pro-rated basis, from the date of application to the date of July 31, 2002, of the full yearly City fee, as and for liquor license fee. . It shall at all times after the issuance be kept posted by the licensee in a conspicuous place in that portion of the premises occupied by the licensee, where the licensed business is conducted.

6. That Albion City Code Section 3-3-6 be, and hereby is, amended to provide the following:

FORFEITURE OF LICENSE: Upon the forfeiture or revocation by the State of Idaho or Cassia County, Idaho of the licenses issued by said State or County to any licensee hereunder, the license herein provided for shall be forfeited and shall thereupon be taken and canceled by the City. No part of the fee paid by a licensee for a license that is thereafter forfeited shall be returned to the licensee.

The members of the City Council, by vote meeting the requirements of Idaho Code §50-902, and Albion City Code, Title 1, Chapter 5, Section 5(B), have dispensed with the rule requiring three (3) readings of the ordinance herein.

This ordinance shall be in full force and effect from and after its approval, passage and publication as provided by law.

PASSED this 11th day of February, 2002, by the City Council of the City of Albion, Idaho.

APPROVED this 11th day of February, 2002, by the Mayor of the City of Albion, Idaho.

CITY OF ALBION, IDAHO


DONALD B. DANNER, MAYOR

Attest:


Heather Whitehead, City Clerk