

TITLE 3 CHAPTER 3

LIQUOR BY THE DRINK REGULATIONS

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3-3-1: DEFINITIONS: The following terms are hereby defined as follows, when used in this Chapter.

LICENSE: A license issued by the City for the retail sale of liquor by the drink.

LIQUOR: Every kind of beverage sold by and in a State liquor store operated in the State of Idaho.

LICENSEE: A person to whom a license has been issued by the City.

3-3-2: LICENSE REQUIRED: No person licensed by the State of Idaho to sell liquor by the drink at retail shall do so within the corporate limits of the City unless he is the holder of a valid, substituting license to carry on or conduct such business, issued to him by the City.

The license fee provided and required by this Chapter shall be a sum equal to seventy five percent (75%) of the amount collected from the applicant by the Commissioner of Law Enforcement of the State of Idaho, for the license issued to such applicant by the State of Idaho for the current year.

3-3-3: APPLICATION FOR LICENSE: Each applicant for a license to sell liquor by the drink at retail within the City shall file in the office of the City Clerk, in duplicate, an application for a license, on a form to be furnished by the City. The application shall be executed by the applicant or an officer thereof, and shall be verified by the oath of the person executing the same. The application shall contain the following information:

(A) The name and address of the applicant; if the applicant is a corporation, the name and address of each officer and director thereof; if the applicant is a partnership or other organization, the name and address of each member thereof.

(B) The address of, and a description of the premises within the City, wherein or whereon the applicant intends to conduct his business.

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

(D) 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.

At the time of filing the application, the applicant shall deliver to the City Clerk the license issued to him by the State of Idaho, authorizing him to sell liquor by the drink at retail, and shall pay to the City Clerk the amount of the license hereinabove specified.

3-3-4: ISSUANCE OF LICENSE: Upon the 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.

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.

3-3-6: 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.

3-3-7: REGULATION OR OPERATION: Every licensee hereunder shall carry on and conduct the licensed business in all respects according to the provisions of the laws of the State of Idaho, and any regulations thereunder promulgated from time to time by the Commissioner of Law Enforcement of the State of Idaho.

3-3-8: POSSESSION OF AN OPEN CONTAINER AND AGE REGULATIONS: No person may, while operating or riding in or upon a motor vehicle upon a public highway of this State within the corporate limits of the City, have in his possession any beer, liquor, or wine in an open or unsealed container of any kind.

3-3-9: MISREPRESENTATION OF AGE:

(A) No person under the age of twenty-one (21) years may purchase, consume, or possess beer, liquor or wine.

(B) No person shall give, sell, or deliver beer, liquor, or 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/her agent or employee, to sell, serve, or dispense beer, liquor, or 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, to sell, serve or dispense beer, liquor, or wine to such other person.

3-3-10: REVOCATION OF LICENSE: The right shall be and remain at all times vested in the Mayor and Council, and the Mayor and Council may, as hereinafter provided, revoke or cancel any license for fraud or misrepresentation in its procurement, for a violation of any of the provisions of this Title, or for any conduct or act of the licensee or his employees or any conduct or act permitted by him 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 Commissioner of Law Enforcement shall be deemed prima facie evidence for revocation or suspension of the license issued herein.

3-3-11: VIOLATION, MISDEMEANOR: Any person who violates any of the provisions of this Chapter or fails to comply with any of the terms and conditions hereof shall be guilty of a misdemeanor.

[Amended February 11, 2002, Ordinance 2002-2-1]