Chapter 5.12 - BEER REGULATIONS [1,2]

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5.12.010 Definitions.

For the purpose of this chapter the following terms shall be construed to have the meaning herein given:

A. "*Beer*" means any beverage obtained by the alcoholic fermentation of an infusion or decoction of barley, malt, and/or other ingredients in drinkable water of not more than four percent of alcohol by weight.

B. "*Retailer*" means any person engaged in the sale or distribution of beer to the consumer. (Prior code §5-9-1).

5.12.020 License–Required.

It is unlawful for any person to dispose of beer without first obtaining a proper license. (Prior code §5-9-2).

5.12.030 License–Application–Procedure-oath required.

Application for a retail beer license shall be made under oath to the clerk and the application shall show that the applicant possesses all of the qualifications required by this code. Each application shall be forwarded, after proper and adequate investigation by the chief of police, to the governing body for approval or disapproval. (Prior code §5-9-3).

5.12.040 Applicant–Qualifications required–Failure deemed grounds for no issuance or revocation.

No retail license shall be issued to any applicant who:

1. Is not the bona fide owner of such business, or is not a citizen of the United States, or has not been a bona fide resident of the state of Idaho for a period of one year prior to the date of application; provided, that if the applicant is a partnership all partners shall be such citizens, and at least one thereof, or the actual manager therefore, shall have been such resident, and if the applicant is a corporation, such corporation shall be qualified to do business in the state, and the manager of such business place shall be such citizen and shall have been such resident;

2. Has, or any partner or actual manager or officer or employee or spouse of which has, been convicted of the violation of any laws of the state, or of the United States, regulating, governing or prohibiting the sale of alcoholic beverages or intoxicating liquor, or has within two years forfeited or suffered the forfeiture of a bond for his appearance to answer charges of any such violation;

3. Has, or any partner or actual manager or officer of which has, been convicted of any felony within five years or has paid any fine or completed any sentence of confinement there- for within five years.

A retailer licensee must continue throughout the license period to have all of the foregoing qualifications and none of the foregoing disqualifications, and for failure therein, upon proof thereof to an issuer of a license, such issuer shall revoke the license issued, and in writing sent by United States registered mail notify each of the other issuers of a retailer's license to such licensee, stating sufficient facts for identification of the licensee and the grounds and date of revocation. (Prior code §5-9-4).

512.050 Fees.

The fee for sale of beer shall be as follows:

A. Fifty dollars for the sale of bottled or canned beer not consumed on the premises.

B. One hundred fifty dollars for the sale of bottled, canned or draft beer consumed on the premises.

(Ord. dated 12-14-81: Ord. 1975-5 §7, 1975: prior code §5-9-5)

5.12.060 Hours of sale.

It is unlawful for any person to sell beer between the hours of two a.m. and four a.m. any day. (Prior code §5-9-6).

5.12.070 Regulations.

It is unlawful for any person to offer beer to any person under the age of twenty-one years, and it is unlawful for persons under the age of twenty-one years to frequent, loiter in, or about or patronize any beer dispensary, and it is likewise unlawful for any owner of such beer dispensary, or his employees, to permit any such persons under the age of twenty-one years to be employed in or be in such dispensary.

All business establishments selling beer shall be vacated by all persons, other than operators and employees, from two forty-five a.m. to four a.m. of any day. Violators of this provision may have their license revoked at the discretion of the council. (Ord. 2007-A, 2007; prior code Ord. 1975-5 §9, 1975, §5-9-7).

5.12.080 License–Revocation authority– Appeals.

The governing body shall retain the right at all times to revoke and cancel any license issued under this chapter for just cause. When any license is revoked, the licensee shall have the privilege of appearing before the governing board to appeal such revocation. (Ord. 1975-5 §8, 1975: prior code §5-9-S).

——— NOTES ——

(1) For statutory provisions requiring a municipal license as a condition precedent to the retail sale of beer within a city, see Idaho Code 23-1009 and 23-1016. For provisions covering beer generally, see Idaho Code Ch. 23-10.
(2) See Ordinance 2013C/ Beer/ Liquor & Wine