

Chapter 5.16 - LIQUOR BY THE DRINK¹

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5.16.010 License–Required–Statutory provisions.

It is unlawful to sell liquor by the drink except as provided in Title 23, Chapter Sir 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 operating of a place of business for sale of liquor are adhered to as provided. Ord. 1975-5 §10, 1975: prior code §5-10-1).

5.16.020 License–Application–Contents–State license prerequisite.

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 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 governing body. 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 and no license will be issued until a license is first obtained from the state of Idaho.

All applications filed with the clerk shall be referred to the governing body for final approval. The clerk shall receive the license fee hereinafter provided at the time of filing of the application and upon approval of the application by the governing body the license will be issued and delivered to the applicant. (Prior code §5-10-2).

5.16.030 License–Issuance prerequisites.

No license shall be issued for the sale of liquor by the drink to any person not qualified for a license under Title 23, Chapter 9, Idaho Code, as amended, nor upon any premises in any neighborhood which is predominantly residential, nor within three hundred feet of any school, church or place of public worship. (Ord. 1975- 5 §11, 1975: prior code §5-10-3).

5.16.040 License–Fees–Expiration date–Renewals.

The license fee required of an applicant for the sale of liquor by the drink shall be in the sum of two hundred and twenty-five dollars per calendar year or portion thereof payable in advance. The first 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 31st of each calendar year. Renewals may be granted upon application, if the record of the applicant is satisfactory to the governing body and in accordance with the provisions of the law and this chapter and upon payment of two hundred and twenty-five dollars for the ensuing year. Any operation under an expired license shall constitute a violation of this code for each day of operation. (Prior code §5-10-4).

5.16.050 License–Nontransferable–Change of location permitted when.

Any license issued under the provisions of this chapter shall be nontransferable and if the licensee named in said license shall cease to personally supervise, conduct and operate said business described in said license, the same shall terminate, and no part of the fee paid shall be refunded. The licensee may, however, with the consent of the governing body move from the place of business to some other place which may meet the requirements of this chapter, provided application therefore be made to the governing body and permitted by it; and if such transfer of the place of business shall be made the fee paid shall be operative with like effect as if no change had been made. (Prior Code §5-10-5).

5.16.060 License–Number permitted within municipality.

The number of liquor licenses issued and operative shall be limited to six within the municipality. (Ord. 1969- 2 §1, 1969: prior code §5-10-6).

5.16.070 License–Revocation–Authorized when–Notice required–nearing.

If any licensee or employee 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 Title 23, Chapter 9, Idaho Code, as amended, the governing body is 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 governing body that a violation has taken place, before revoking such license, the governing body 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 governing body, which date of hearing shall not be less than five days nor more than ten days from the date of the service of said notice, and upon or following said hearing, the governing body, if they shall find that the provisions of this chapter, or the provisions of the state of Idaho have been violated, shall revoke such license theretofore issued and no refund of any unused portion of the license fee shall be made to the licensee. A revocation by the Commissioner of Law Enforcement of the state of Idaho of any license theretofore issued said licensee shall automatically revoke the license issued by the municipality, and no refund of any fee therefore paid shall be made. (Ord. 1975- 5 §12, 1975: prior code §5-10-7).

5.16.080 Prentiss–Requirements generally.

Every licensee must conform to all regulations and laws of the state of Idaho and the provisions of this chapter. Liquor by the drink shall not be sold by any person except one duly licensed. Full and unobstructed view of the inside of the premises where said liquor by the drink is sold shall always be maintained by the licensee and all premises shall be adequately lighted and subject to periodic sanitary inspection. (Ord. C-307 §1, 1967; prior code §5-10-9(part)).

5.16.090 Premises–Gambling prohibited.

No gambling of any kind or character shall be operated upon such premises and no gambling devises shall be maintained thereon. (Ord. C- 307 §2, 1967. prior code §5-10-9 (part)).

5.16.100 Sales prohibited to certain persons.

No sale of liquor shall be made to any person under the age of nineteen years, nor to any intoxicated person who may engage in disorderly or improper conduct, and no disorderly or improper entertainment shall be permitted upon said premises. Any violation of the provisions of this chapter shall be considered and shall likewise be grounds for cancellation of the license. (Ord. 1975-5 §13, 1975: prior code §5-10-10)

5.16.110 Sales–Hours–Holidays.

Liquor by the drink may be sold in duly licensed establishments within the corporate limits of the city until two a.m. and further, liquor by the drink may be sold on Sunday, Memorial Day and Thanksgiving Day. (Ord. 1986-A, 1986)

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(1) For statutory provisions authorizing municipal licensing of persons wishing to retail liquor by the drink, see Idaho Code 23-916. For provisions governing the sale of liquor by the drink generally, see Idaho Code Ch. 23-9).