

TITLE 2

BUSINESS AND LICENSE REGULATION

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TITLE 2 BUSINESS AND LICENSE REGULATION

CHAPTER 1

GENERAL BUSINESS LICENSING

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2-1-1: PURPOSE

The purpose of this chapter is to maintain an accurate listing of the trades, businesses, and professions located in the city in order to:

- A. Further the health, safety, and welfare of the citizens of Tetonia so that the city, especially the police, paramedics, and firefighters, have knowledge of the materials and activities present within such businesses in the event of emergencies; and
- B. Allow the city and other interested parties to better communicate with the Tetonia business community and comprehend the business categories that may be over or under served in the area.

2-1-2: REGISTRATION REQUIRED

No person shall engage in, prosecute or carry on any trade, business or profession within the limits of the city until such person or entity has registered with the city as described in this chapter.

2-1-3: PAYMENT OF FEES; LICENSE, ISSUANCE

Every trade, business, or profession shall pay, in advance to the city clerk, the required fees as adopted by resolution of the city council. With the receipt of such fee, the city clerk shall issue a license to the parties applying.

2-1-4: CONTENTS AND AUTHORITY OF LICENSES

Every license issued pursuant to this chapter shall contain and set forth the name, location, and type of each trade, business or profession for which such license is granted. Said license shall authorize the continuance of the business named therein for the term of such license, unless the place registered shall be closed. In such cases, the city clerk shall be notified of the change and shall note the same in the register of licenses.

2-1-5: TERM OF LICENSE

All licenses shall expire the last day of each year, and shall be dated from the first day issued until the last day of the current year. Each such general business license may be

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renewed before the end of each calendar year by notice to the city clerk in writing, and payment of the license fee.

2-1-6 : MORE THAN ONE BUSINESS AT ONE LOCATION

In every case where more than one business, trade or profession shall be pursued or carried on in the same place by the same person at the same time, license must be taken out for each business accordingly.

2-1-7 : VIOLATION AND PENALTIES

If any person, persons, or entities exercise or carry on any trade, business or profession without first receiving a license from the city as required by this chapter, or violate any of the provisions of this chapter, he, she, or they shall be guilty of an infraction punishable by collection of a fine of fifty dollars (\$50.00); provided further, however that such person's or persons' failure to pay such a fine within thirty (30) days of notice of such infraction shall constitute a misdemeanor punishable as set forth in section 1-4-1 of this code, as such section shall be amended from time to time (Ord. 2008-2)

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CHAPTER 2

DEFINITIONS

2-2-1: DEFINITIONS

2-2-1: DEFINITIONS

LICENSING OFFICER: The city clerk.

MOBILE FOOD CONCESSIONS: Carts or like devices from which food and beverages are sold which are designated to be moved and designed to be propelled by human power.

NONMOBILE FOOD CONCESSIONS: Stands from which food and beverages are sold that are not designed to be moved during operation. Includes semipermanent structures open seasonally and permanent structures.

PUBLIC SAFETY OFFICER: Licensing officer, code enforcement personnel, fireman and police officer.

SOLICITOR: An individual, including an employee or agent of a group of individuals, partnership, or corporation, whether a resident of the city or not, who is taking or attempting to take, whether in person or by telephone, orders for sale of food, beverages, goods, merchandise or services to be furnished or performed in the future, whether he is collecting advance payments on such sales or not. Such definitions shall include any person who, for himself or for another person, hires, leases, uses or occupies any building, structure, or motor vehicle within the city for the sole purpose of exhibiting samples and taking orders for future delivery.

SPECIAL EVENT: The temporary use, with a valid permit, of public property, including streets, beaches, parks, community centers and waterways, for the purpose of conducting certain short term events such as art shows, music concerts, fundraising events, sidewalk sales, amusement attractions, circuses, carnivals, rodeos, swap meets, sporting events, including, but not limited to, organized float trips, contests, street dances, tournaments, walk-a-thons, marathons, races, exhibitions or related activities.

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- TEMPORARY: Six (6) months or less.
- TEMPORARY MERCHANT: Any person whether owner or otherwise, whether a resident of the city or not, who engages in a temporary business of selling and delivering goods, wares, merchandise and services within the city.
- VENDOR: Any person, including an employee or agent of a group of individuals, partnership, or corporation, who sells or offers to take orders for goods or merchandise from a stand, cart, motor vehicle or any other type of conveyance or from his or her person. The word vendor shall include the words "hauler", "huckster" and "peddler". (Ord. 2008-2)

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CHAPTER 3

PEDDLERS, INTINERANT MERCHANTS

- 2-3-1: DEFINITIONS
- 2-3-2: LICENSE REQUIRED, TERM
- 2-3-3: LICENSE FEE
- 2-3-4: APPLICATION OF LICENSE
- 2-3-5: EXHIBITION OF LICENSE
- 2-3-6: LICENSE TRANSFER
- 2-3-7: LOUD NOISES AND SPEAKING DEVICES
- 2-3-8: UNINVITED PEDDLERS DECLARED NUISANCE
- 2-3-9: REVOCATION OF LICENSE

2-3-1: DEFINITIONS

For the purpose of this Chapter a "transient merchant," "itinerant merchant," or "itinerant vendor" is defined as any person, whether as owner, agent, consignee or employee, whether a resident of the City or not, who engages in a temporary business of selling and delivering goods, wares and merchandise within the City, and who, in furtherance of such purpose, hires, leases, uses or occupies any building, structure, motor vehicle, tent, railroad box car or boat, public room in hotels, lodging houses, apartments, shops or any place within the city, for the exhibition and sale of such goods, wares, and merchandise, either privately or at public auction. The person so engaged shall not be relieved from complying with the provisions of this Chapter merely by reason of associating temporarily with any local dealer, trader, merchant or auctioneer, or by conducting such transient business in connection with, as a part of, or in the name of any local dealer, trader merchant, or auctioneer. This definition shall not include any non-profit or public organization as determined by the State of Idaho.

2-3-2 : LICENSE REQUIRED, TERM

It shall be unlawful for a transient merchant, itinerant merchant or itinerant vendor to engage in such business within the City without first obtaining a license therefore in compliance with the provisions of this Chapter, and all such licenses issued under the provisions hereof shall expire ninety (90) days after the date of issuance thereof unless a prior expiration date is fixed therein.

2-3-3 : LICENSE FEE

Licensee under this Chapter shall pay a fee as set by resolution on an annual basis.

2-3-4 : APPLICATION OF LICENSE

Applicants for a license under this Chapter, whether a person, firm, or corporation, shall file a written sworn application signed by the applicant if an individual, by all partners if a partnership and by the president if a corporation, with the City Clerk showing:

- A The name of the person having the management or supervision of the applicant's business during the time that it is proposed that it will be carried on in the City,

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- B. The local address of such person while engaged in such business,
- C. The permanent address of such person,
- D. The capacity in which such person will act (that is, whether as proprietor, agent, or otherwise),
- E. The name and address of the person for whose account the business will be carried on, if any,
- F. If a corporation, under the laws of the state the same is incorporated,
- G. The place in the City where it is proposed to carry on the applicant's business,
- H. The length of time during which it is proposed that said business shall be conducted,
- I. A statement of the nature, character, and quality of the goods, wares, or merchandise to be sold or offered for sale by the applicant in the City.
- J. Credentials from the person for whom the applicant proposed to do business, authorizing the applicant to act as such representative.
- K. And such other reasonable information as to the identity or character of the person having the management or supervision of the applicant's business or the method or plan of doing such business as the City Clerk may deem proper to fulfill the purpose of this Chapter in the protection of the public good.

2-35 : EXHIBITION OF LICENSE

The license issued under this Chapter shall be posted conspicuously in the place of business named therein. In the event that such person applying for said license shall desire to do business in more than one place within the City, separate licenses shall be issued for each place of business, and shall be posted conspicuously in each place of business.

2-36 : LICENSE TRANSFER

No City license may be transferred to another person, unless the transferee first shall have obtained approval of the transfer from the required State and County authorities and from the City Council upon application containing substantially the same information required by Section 4 of this Chapter. If the transferee possesses all of the qualifications and none of the disqualifications for the license, the City Council shall approve the transfer and the City Clerk shall re-issue the license in the name of the transferee. The fee payable to the City for such transfer shall be fifty dollars (\$50).

2-37 : LOUD NOISES AND SPEAKING DEVICES

No licensee under this Chapter, nor anyone in his behalf shall shout, make an outcry, blow a horn, ring a bell, or use any other sound device including any loud speaking radio or amplifying system upon any of the streets, alleys, parks, or other public places or upon any private premises in the City where sound of sufficient volume is emitted or produced therefore capable of being plainly heard upon the streets, avenues, alleys, or parks or other public places for the purpose of attracting attention to any goods, wares, or merchandise which such licensee proposed to sell.

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2-38 : UNINVITED PEDDLERS DECLARED NUISANCE

The practice of going in and upon private or public property in the City by solicitors, peddlers, hawkers, itinerant merchants, or transient vendors of merchandise not having been requested or invited to do so by the owner or occupant of said private or public property for the purpose of soliciting orders for the sale of goods, wares, and merchandise and/or disposing of and/or peddling or hawking the same is declared to be a nuisance and punishable as such nuisance as a misdemeanor. Any property posting a sign restricting peddlers shall constitute a withdrawal of permission or invitation.

2-39 : REVOCATION OF LICENSE

- A. The permits and licenses issued pursuant to this Chapter may be revoked by the council, after notice and hearing, for any of the following causes:
 - 1. Any fraud, misrepresentation or false statement contained in the application for license.
 - 2. Any fraud, misrepresentation or false statement made in connection with the selling of goods, wares, or merchandise.
 - 3. Any violation of this Chapter.
 - 4. Conducting the business licensed under this Chapter in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety, or general welfare of the public.
- B. Notice of hearing for revocation of a license shall be given in writing setting forth specifically the grounds of the complaint and the time and place of the hearing. (Ord. 2003-2; Ord. 2008-2)

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CHAPTER 4

BEER SALES

- 2-4-1 : APPLICABILITY
- 2-4-2 : DEFINITIONS
- 2-4-3 : LICENSE REQUIRED
- 2-4-4 : NATURE OF APPLICATION
- 2-4-5 : QUALIFICATIONS OF LICENSEE
- 2-4-6 : REFUSAL OF LICENSE TRANSFER OR RENEWAL
- 2-4-7 : PERIOD FOR WHICH LICENSE IS ISSUED
- 2-4-8 : REVOCATION OR SUSPENSION OF LICENSE
- 2-4-9 : LICENSE FEE
- 2-4-10 : FINANCIAL INTEREST LIMITED
- 2-4-11 : PREMISES DESCRIBED; NAME INTERESTED PERSONS; APPROVAL OF OWNER OR PREMISE
- 2-4-12 : PRESCRIBED AND PROHIBITED CONDUCT OR ACTIVITIES
- 2-4-13 : HOURS OF SALE

2-4-1 : APPLICABILITY

The following provision of this code shall govern and be applicable to the issuance of licenses, the rejection thereof, the qualifications of licensees and other matters pertaining to licenses for the sale of beer.

2-4-2 : DEFINITIONS

BEER: Any beverage obtained by the alcoholic fermentation of an infusion or decoction of barley, malt, and/or other ingredients in drinkable water.

RETAILER: Any person engaged in the sale of beer to the consumer.

2-4-3 : LICENSE REQUIRED

It is unlawful and punishable as a misdemeanor for any person to sell, deal in, lend or dispose of by gift, sale or otherwise any beer without first having obtained a license under the provisions of this ordinance.

2-4-4 : NATURE OF APPLICATION

- A. Application: All applications for license to sell beer as a retailer shall be made on forms to be supplied by the city clerk setting forth under oath the following:
 - 1. Name of the person applying for such license.
 - 2. Age.
 - 3. Representations as to his character as may be required.
 - 4. Citizenship.
 - 5. The exact location where the business is to be carried on.
 - 6. The business in connection with which the proposed licensee will operate.

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7. Whether the applicant is owner or operator of the business.
- B. Statement Under Oath: State under oath what persons, if any, other than himself have any interest, financial or otherwise, in the business proposed to be carried on at such licensed premises, and setting forth in the application the names of any person to whom the applicant is indebted in connection with the business and any other matters that may be required.
- 2-4-5: QUALIFICATIONS OF LICENSEE
- A. No retail license shall be issued to any applicant or for a transfer there of to any transferee who:
1. Is not a 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 for a period of thirty (30) days prior to the date of application.
 - a. If the applicant is a partnership, all partners shall be such citizens, and at least one (1) thereof, or the actual active manager therefore, shall have been such resident.
 - b. If the applicant is a corporation, such corporation shall be qualified to do business within the state, and the manager of such business place shall be such citizen and shall have been such resident.
 2. Has, or any partner has, or actual manager or officer or employee or spouse of who has, within three (3) years preceding such application, been convicted of the violation of any law of the State, or of the United States, regulating, governing or prohibiting the sale of alcoholic beverages or intoxicating liquor, or has within two (2) years forfeited or suffered the forfeiture of a bond for his appearance to answer charges to any such violation.
 3. Has, or any partner or actual active manager or officer of whom has been convicted of any felony within five (5) years or has paid a fine or completed any sentence of confinement therefore within five (5) years.
- B. A retailer licensee must continue through the license period to have all of the foregoing qualifications and none of the foregoing disqualifications, and for failure therein upon proof thereof that such qualifications, have ceased to exist, then the governing body may suspend or revoke the license previously issued.
- C. A retail license shall not be issued to:
1. Any person whose license has been revoked.
 2. Any person, or any one of its members, officers, or governing board who has been convicted of any violation of the laws of the United States, the State of Idaho, or any other state of the United States, relating to the importation, transportation, manufacture or sale of liquor or beer as described in this Ordinance or who has been convicted of any felony or has paid any fine or completed any sentence of confinement for any felony within five (5) years prior to the date of making application for license.
 3. A person who is engaged in the operation, or is interested therein, of any house or place for the purpose of prostitution or who has been convicted of any action or misdemeanor opposed to decency or morality.

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4. Any person under the age of nineteen (19) years.
 5. Any place where beer is sold or dispensed to be consumed on the premises, whether conducted for pleasure or profit that is within three hundred (300) feet of any public school, church or other place of worship, or college, measured in a straight line from the nearest corner of said building to the nearest entrance of the licensed premises.
- D. Investigation of Applicants: No license shall be granted hereunder until there has been an investigation by the police department of all applicants hereunder. After investigation the applicants will be forwarded to the city council with a recommendation from the chief of police. If the chief of police recommends that an application be denied he shall state in writing:
1. The statutes or ordinances and standards used in evaluating the application.
 2. The reason for the denial.
 3. The action, if any, that the applicant could take to obtain the license, transfer or renewal thereof.

2-4-6 : REFUSAL OF LICENSE TRANSFER OR RENEWAL

- A. The city council reserves the right to refuse application, transfer, or renewal for beer license under the provisions of section 23-1016 of the Idaho Code. The city council shall within thirty (30) days from submission of application to the city clerk make their decision as to denial or approval.
- B. Prior to any revocation or suspension the licensee shall be afforded a hearing according to section 23-1016, Idaho Code. Whenever the mayor and city council denies an application, they shall specify in writing:
 1. The statutes, ordinances and standards used in evaluating the application.
 2. The reason for the denial.
 3. The actions, if any, that the applicant could take to obtain the license, transfer or renewal.
- C. In all cases where the city council is considering applications for licenses, transfers, or renewals thereof, a transcribable verbatim record of the proceeding shall be made.
 1. If the applicant for a license, transfer or renewal is denied, a transcribable, verbatim record of the proceedings shall be kept for a period of not less than six (6) months after a final decision on the matter.
 2. Upon written request and within the time period provided for retention of the record, any person may have the record transcribed at his expense.
 3. The city council shall also provide for the keeping of the minutes of the proceedings. Minutes shall be retained indefinitely or as otherwise provided by law.

2-4-7: PERIOD FOR WHICH LICENSE IS ISSUED

- A. All licenses issued under the provision of this Ordinance shall run from January 1 through December 31.

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- B. All such licenses shall expire on December 31 of the year in which they shall be issued, notwithstanding the fact that such license may have been issued after January 1.

2-4-8 : REVOCATION OR SUSPENSION OF LICENSE

- A. Any violation of any of the provisions of this Ordinance or any falsification or any misrepresentation in the application shall be cause for revocation or suspension; provided, however, that prior to any revocation or suspension the licensee shall be afforded an opportunity for a hearing according to section 23-1016, Idaho Code.
- B. The right is hereby vested in the city council to revoke or cancel any beer license at any time for violation of the provisions of the Idaho Code or the provisions of this Ordinance of the City Code by the licensee or licensee's employees.

2-4-9 : LICENSE FEE

- A. All applications for a retailer's beer license shall be accompanied by receipt from the city clerk for the required annual fee for the respective license and such fee shall be paid into the General Fund. Upon rejection of any application for a license, the city clerk shall refund the amount collected:
- B. The annual fee for a retailer's beer license shall be:
 - 1. Two hundred dollars (\$200.00) where such retailer sells bottled, canned, or draft beer and the same is consumed on the premises.
 - 2. Fifty dollars (\$50.00) for retailing of bottled or canned beer none of which is to be consumed on the premises where sold.
 - 3. A transfer fee of twenty dollars (\$20.00) shall be paid to the city prior to any transfer of a beer license.
- C. The approved applications and licenses and license transfers shall be obtained and issued by the city clerk upon approval of the city council, police chief, and/or fire chief.
- D. A full year's license fee shall be collected for any license issued after January 1.

2-4-10: FINANCIAL INTEREST LIMITED

No manufacturer, wholesaler, stockholder, partner or owner of any other interest of any corporation, association or partnership, financially interested in the manufacture, transportation (except the public carriers) or sale of beer shall hold any interest in any premises licensed under this Ordinance for the sale of beer or receive any rental or remuneration for such premises.

2-4-11 : PREMISES DESCRIBED; NAME INTERESTED PERSONS; APPROVAL OF OWNER OR PREMISE

In addition to the foregoing qualifications required and the other provisions of this Ordinance, no person shall receive a license for the sale of beer unless and until his application for such license under oath shall set forth the following:

- A. A detailed description of the premises for which a license is ought and its location.
- B. The names and addresses of all persons who will have any financial interest in any business to be carried on, in or upon the licensed premises, whether such

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interest results from open loans, mortgages, conditional sales contracts, silent partnerships, trust, or any other basis than upon trade accounts incurred in the ordinary course of business and the amounts and nature of such interests including shareholders with names and addresses provided.

- C. If the premises to be licensed are not owned by the applicant, then it shall be incumbent upon the lessee to furnish a certified copy of the lease by which he will occupy the premises, or, if the owner is a corporation, that it has consented to the sale of beer on the premises, and further furnishing evidence that the lease, by which the lessee is entitled to possession of the property, has been recorded with the county recorder.

2-4-12 : PRESCRIBED AND PROHIBITED CONDUCT OR ACTIVITIES

- A. It is unlawful, and the license therefore issued to the person and place of business shall be subject to revocation or suspension upon the happening of any of the following events or development of any of the following circumstances upon proof being furnished to the city clerk or the police department:
1. If it appears to the police department that the place of business or licensed premises is being frequented by intoxicated and/or disorderly person, or if the place of business is frequented by person known to be law violators.
 2. When the place of business to which a license has been issued is being operated by any person other than the licensee named in the license.
 3. Prior to the issuance of a beer license provided for in this Code, the applicant shall have satisfied the city building official that adequate parking area illumination has been installed to prevent theft and vandalism.
 4. The licensee shall provide for adequate security of the interior and exterior of the premises for the duration of any live music performance at the establishment covered by this license.
- B. It is unlawful, and the license shall be subject to revocation or suspension as provided for in this Ordinance, should any licensee sell beer not to be consumed on the premises or if to be consumed on the premises, permit the sale of beer by any person and/or employee under the age of nineteen (19) years or leave beer on the premises under the supervision and control of or accessible to persons and/or employees other than the licensee under the age of nineteen (19) years.

2-4-13 : HOURS OF SALE

It is unlawful to sell, or to offer for sale, on any premises, beer as defined in this Ordinance between the hours of one o'clock (1:00) A.M. and seven o'clock (7:00) A.M. (Ord. 32, 3-12-1984; Ord. 2008-2)

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CHAPTER 5

SALE OF LIQUOR

- 2-5-1: DEFINITIONS
- 2-5-2: LICENSED LIQUOR SALES
- 2-5-3: APPLICATION
- 2-5-4: REQUIREMENTS
- 2-5-5: FEES
- 2-5-6: EXHIBITION OF LICENSE
- 2-5-7: LICENSE TRANSFER
- 2-5-8: LICENSES LIMITED
- 2-5-9: REVOCATION & HEARING
- 2-5-10: ACCESS TO PREMISES
- 2-5-11: PREMISES REQUIREMENTS
- 2-5-12: AGE RESTRICTIONS ON SALE, PURCHASE, OR ENTERING
- 2-5-13: CATERING PERMITS
- 2-5-14: HOURS OF SALE

2-5-1: DEFINITIONS

The following terms as used in this ordinance are defined as follows:

- LIQUOR: All kinds of liquor authorized to be sold by state liquor stores of the state of Idaho.
- LICENSE: A license issued by the proper state, county, or city authority, as the case may be, authorizing a person to sell and dispense liquor by the drink at retail, as provided by law.
- LICENSEE: A person to whom a license has been issued under the provisions of law.
- PERSON: Every individual, firm, partnership, corporation, organization, or association, or any group or combination acting as a unit, and any of their agents, employees, servants, or other persons acting in behalf of a licensee, and includes the plural as well as the singular unless the intent to give a more limited or expanded meaning is disclosed by the context in which it is used.
- MUNICIPALITY OR CITY: The City of Tetonia, Idaho.
- CORPORATE LIMITS: The legally incorporated boundaries of the City.

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LIQUOR CATERING PERMIT: A permit issued by the city pursuant to Idaho Code §23-934A upon proper application and approval as authorized by that code section.

INTERDICTED PERSON: A person to whom the sale of liquor is prohibited under law.

2-5-2 : LICENSED LIQUOR SALES

It shall be lawful in the City to sell liquor by the drink as provided in Title 23, Chapter 9, 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 operation of a place of business for the sale of liquor are adhered to as provided.

2-5-3 : APPLICATION

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 City 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 City Council. 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. No license will be issued until a licenses are first obtained from the State of Idaho and the County of Teton.

All applications filed with the City Clerk shall be referred to the City Council for final approval. The City Clerk shall receive the license fee hereinafter provided at the time of filing of an application and upon approval of the application by the City Council; the license will be issued and delivered to the applicant.

2-5-4 : REQUIREMENTS

Not license shall be issued for the sale of liquor by the drink to any person not qualified for a license under Chapter 9, Idaho Code, as amended, nor upon any premises in any neighborhood which is predominately residential nor within three hundred (300) feet of any school, church or other place of public worship.

2-5-5 : FEES

The license fee required of an applicant for the sale of liquor by the drink shall be in the sum of two hundred twenty five dollars (\$225) per calendar year or portion thereof payable in advance. The 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 31 of each calendar year. Renewals may be granted upon application if the record of the applicant is satisfactory to the City Council and in accordance with the provisions of the law and this Chapter and upon payment of two hundred twenty five dollars (\$225) for the ensuing year. Any operation under an expired license shall constitute a violation of this Code for each day of operation.

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2-5-6 : EXHIBITION OF LICENSE

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

2-5-7 : LICENSE TRANSFER

No City license may be transferred to another person, unless the transferee first shall have obtained approval of the transfer from the required state and county authorities and from the City Council upon application containing substantially the same information required by Section 3 through 4 of this ordinance. If the transferee possesses all of the qualifications and none of the disqualifications for the license, the City Council shall approve the transfer and the City Clerk shall endorse the license in the name of the transferee. Approval and endorsement of the transfer by the Idaho Department of Law Enforcement and Teton County shall be *prima facie* evidence of the transferee's qualifications to receive a transfer of the City license under the ordinance. The fee payable by the transferee to the City for such endorsement and transfer shall be one hundred .dollars (\$100). Upon approval of the transfer, the City shall cancel the original license and issue a new license to the transferee. The new license issued to the transferee shall be valid only for the remainder of the period for which the original City license was issued.

2-5-8 : LICENSES LIMITED

The number of licenses issued under the provisions of this Chapter shall be limited to the number authorized in Idaho Code, §23-903, as amended; provided, however, that any licenses existing at the time of enacting this Ordinance may be continuously renewed each year upon compliance with all of the other provisions of this Chapter.

2-5-9 : REVOCATION & HEARING

If any licensee or employee of a licensee 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 Chapter 9, Idaho Code, as amended, the City Council is hereby 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 City Council that a violation has taken place, before revoking such license, the City Council 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 City Council which date of hearing shall not be less than five (5) days nor more than ten (10) days from the date of the service of notice that the provisions of this Chapter or the provisions of the laws of the State of Idaho or County of Teton have been violated. Upon the conclusion of said hearing the City Council may revoke any license heretofore issued to such licensee and no refund of any unused portion of the license fee shall be made to the licensee. Upon revocation by the Commissioner of Law Enforcement of the State of Idaho of any license theretofore issued by the State, the City shall automatically revoke the license issued by the City to that licensee and no refund of any fee therefore paid shall be made.

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2-5-10 : ACCESS TO PREMISES

All peace officers appointed by the State of Idaho or the City of Teton or the County of Teton shall have free access at all times to the licensed premises, and any information touching the manner and method of the operation of said premises *Or* the sale of liquor may be submitted to the City Council upon any investigation made of said licensee.

2-5-11 : PREMISES REQUIREMENTS

Every licensee must conform to all regulations and laws of the State of Idaho and the provisions of this Chapter. Full and unobstructed view of the inside of the premises where liquor by the drink is sold shall always be maintained by the said licensee and no obstructions whatsoever shall be placed upon the windows or the doors that are located on said premises and no coloring shall be placed upon the glass in order that a full view from the sidewalk or street may be had into the interior of said premises. All premises shall be adequately lighted and subject to periodic sanitary inspection. No gambling of any kind or character shall be operated upon said premises and no gambling devices shall be maintained thereon.

2-5-12 : AGE RESTRICTIONS ON SALE, PURCHASE, OR ENTERING

- A. It shall be unlawful for any person under twenty one (21) years of age to sell, serve, dispense, purchase, consume, or possess liquor, provided that any person who is nineteen (19) years of age or older may sell, serve, possess, or dispense liquor in the course of his employment of the licensee.
- B. It shall be unlawful for any person to permit the consumption of, give away, sell, or deliver any liquor to any person under twenty one (21) years of age, or to any person actually, apparently or obviously intoxicated or known to be an habitual drunkard, or to be an interdicted person.
- C. The City adopts and incorporates Idaho Code §23-943, as amended, and the exceptions under Idaho Code §23-944(a) and (b), as amended, regarding persons under specified ages who are forbidden to enter, remain in, or loiter at City licensed premises. The licensee shall at all times maintain conspicuous signages over any entrance to any place from which person under the age of 21 years are restricted giving public notice of said restriction.

2-5-13 : CATERING PERMITS

Liquor catering permits for a single party or convention may be obtained from the City by any person holding an Idaho retail liquor license to serve and sell liquor retail by the drink at a party or convention not exceed three (3) consecutive days in accordance with Idaho Code §23-934 (a) and (b), as amended. A filing fee in the amount of fifty dollars (\$50) for each permit shall be paid to the City Clerk and is nonrefundable.

2-5-14 : HOURS OF SALE

- A. No liquor shall be sold, offered for sale, or given away upon any licensed premises and all liquor not in sealed bottles must be locked in a separate room or cabinet between the hours of one (1:00) o'clock a.m. and ten (10:00) o'clock a.m.

TITLE 2 BUSINESS AND LICENSE REGULATION

- B. No liquor shall be sold, offered for sale, or given away upon any licensed premises and all liquor not in sealed bottles must be locked in a separate room or cabinet on the following days:

Memorial Day
Thanksgiving
Christmas

- C. Any patron on City licensed premises shall have not more than thirty (30) minutes after the one o'clock (1:00) AM deadline to consume any liquor served prior to the deadline. Any person who intentionally consumes or permits the consumption of any alcoholic beverage upon City licensed premises after this time shall be guilty of a misdemeanor.
- D. No. liquor shall be sold, offered for sale, or given away upon any licensed premises and all liquor not in sealed bottles must be locked in a separate room or cabinet on any official Federal, State, County, or City election day prior to one (1) hour after the closing of the polls on said election day. (Ord. 2003-2, Amended Ord. 2005-1; Ord. 2008-2)

TITLE 2 BUSINESS AND LICENSING REGULATION

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 hereby 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.

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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 RESTRICTIONS

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,

TITLE 2 BUSINESS AND LICENSING REGULATION

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 Tetonian.

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)

