

TITLE 3

BUSINESS AND LICENSE REGULATIONS

Subject	Chapter
Licensing, Regulating, And Controlling The Sale And Distribution Of Beer	1

July 2023

CHAPTER 1

**LICENSING, REGULATING, AND CONTROLLING
THE SALE AND DISTRIBUTION OF BEER**

SECTION:

- 3-1-1: Definitions
- 3-1-2: Alcoholic Content
- 3-1-3: Sale Of Beer - License Required
- 3-1-4: Application For License
- 3-1-5: License Location
- 3-1-6: Investigation Of Application
- 3-1-7: Sale To Minors Prohibited
- 3-1-8: Hours Of Sale
- 3-1-9: Conduct Of Business, License To Be Posted
- 3-1-10: Transfer
- 3-1-11: License Fees
- 3-1-12: Limitation Of Licenses
- 3-1-13: Revocation Of License
- 3-1-14: Notice And Hearing
- 3-1-15: Penalty

3-1-1: **DEFINITIONS:**

The terms "Beer", "person", "dealer", "retailer", "Commissioner", "brewer", "whole-saler", "package", and "carrier", shall be given the same interpretation as the same are given in Chapter 10, of Title 23, Idaho Code. (Ord. 92, 2-14-1968)

3-1-2: **ALCOHOLIC CONTENT:**

Beer containing not more than four percent (4%) of alcohol by weight may be sold and distributed in the City of Firth, Bingham County, Idaho, or possessed therein in the manner and under the provisions prescribed in this ordinance and not otherwise. (Ord. 92, 2-14-1968)

July 2023

3-1-3: SALE OF BEER - LICENSE REQUIRED:

It shall be unlawful for any person to keep, store, or offer for sale at retail, sell, serve, or in any manner dispose of beer as defined in Section 3-1-1, without first obtaining a license therefor. (Ord. 92, 2-14-1968)

3-1-4: APPLICATION FOR LICENSE:

Any person desiring to secure a license to engage in the sale, or the serving of beer, within the City Limits of the City of Firth, Idaho, shall first make application therefor in writing to the City council on a form prepared and furnished by the City of Firth; such application shall contain information as required by Chapter 10, of Title 23, of the Idaho Code, for an application for State License, and such other reasonable information touching and concerning the applicant and the proposed location of his place of business as the Council may require. (Ord. 92, 2-14-1968)

3-1-5: LICENSE LOCATION:

No retailer's license shall be granted to any person to sell and/or dispose or dispense beer, except at a certain designated room or building as designated in said application for license and as designated in the license issued which said room or building shall be well lighted and the place of business shall not be changed without the consent of a majority of the Council. (Ord. 92, 2-14-1968)

3-1-6: INVESTIGATION OF APPLICATION:

Upon receiving an application for a license, the Mayor and council shall cause such investigation to be made as said Council and Mayor shall deem necessary of the applicant and the premises upon which the applicant proposes to do business, and the council shall consider all applications and reports and may, at their discretion, grant or refuse a license, and the action of the council in such regard shall be final and conclusive. Upon the granting of a license by the council, such license shall be issued on a form to be furnished by the city upon the payment of the license fees required. (Ord. 92, 2-14-1968)

3-1-7: SALE TO MINORS PROHIBITED:

It shall be unlawful for any retailer to suffer or permit any person under the age of twenty (20) years to consume any beer in or upon his premises, or for any retailer to sell, give away or in any way dispose of such beer to any person under the age of twenty (20) years. It shall be unlawful for any person under the age of twenty (20)

years to consume beer or to purchase or accept the dispensing of beer or to knowingly misrepresent his qualifications therefor in order to attempt to purchase or obtain beer. (Ord. 92, 2-14-1968)

3-1-8: HOURS OF SALE:

It shall be unlawful for any person at any place of business to sell beer, or where beer is sold or dispensed to be consumed upon the premises, whether conducted for pleasure or profit, to sell or permit to be consumed on the premises beer, as the same is defined herein, between the hours of one o'clock (1:00) A.M. and seven o'clock (7:00) A.M., and between the hours of one o'clock (1:00) A.M., Sunday, and seven o'clock (7:00) A.M., of the succeeding Monday.

Unopened canned or bottled beer not for consumption on the premises, may be sold Sunday between the hours of seven o'clock (7:00) A.M. and one o'clock (1:00) A.M. of the following Monday, by properly licensed retailers. (Ord. 92, 2-14-1968; amd. Ord. 147, 3-10-1992)

3-1-9: CONDUCT OF BUSINESS, LICENSE TO BE POSTED:

Every person to whom a license shall be granted hereunder shall at all times conduct a quiet and orderly place of business, which shall be open at all times to the inspection of any police officer or other officer duly designated, and that said persons or either of them shall have the right at any and all times to make an examination of said licensed premises to ascertain if the licensee of such premises is conforming to the provisions of the laws applicable thereto. All permits or licenses shall be posted in a conspicuous place on the premises and kept posted during the full period of time for which said license is issued, and that said license shall not be sold, transferred or assigned without the written consent of a majority vote of the Council. In case of death, receivership, assignment in bankruptcy or incompetency in the licensee, the licensee's business may be carried on under a permit by a duly appointed, qualified and acting receiver, assignee, trustee, guardian, executor or administrator. (Ord. 92, 2-14-1968)

3-1-10: TRANSFER:

Any licensed person desiring to change his place of business from one location to another must first obtain the consent of the Mayor and City Council to the change of the licensed premises. No license granted hereunder shall be sold by the licensee and in the event the licensee sells or transfers his business or any interest therein a new license therein shall be required. (Ord. 92, 2-14-1968)

3-1-11: LICENSE FEES:

- A. All licenses shall be issued only for the full annual rate, and expire each year at midnight, December 31st.
- B. License fees shall be as follows:
 - 1. Retailer for the sale of bottled and/or canned beer not to be consumed on the premises, annually, twelve dollars and fifty cents (\$12.50).
 - 2. Retailer for the sale of bottled and/or canned beer and/or draught beer to be consumed on the premises, annually, fifty dollars (\$50.00).

The license fees required by this Ordinance shall be in addition to all other fees required by other ordinances. (Ord. 92, 2-14-1968)

3-1-12: LIMITATION OF LICENSEES:

The number of licenses to be issued by the City of Firth shall not exceed one (1) license for each one thousand five hundred (1,500) of population of said City, or a fraction thereof, as established by the last preceding census or any subsequent special census by the United States Bureau of the Census, except that upon proper application therefor, not more than two (2) licenses may be issued for said City of Firth if the population be less than one thousand five hundred (1,500). (Ord. 92, 2-14-1968)

3-1-13: 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 and cancel any license for fraud and misrepresentation in its procurement, or for a violation of any ordinance of the City of Firth, or laws of the State of Idaho or laws of the United States regulating the sale of intoxicating liquors, or for the conduct or act permitted by him 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 a public nuisance or a menace to the health, pence, safety or general welfare of the City of Firth. (Ord. 92, 2-14-1968)

3-1-14: NOTICE AND HEARING:

Whenever information shall come to the Mayor or any Councilman, or the City Marshall, that any licensee has committed any act rendering his license subject to

July 2023

revocation, it shall be the duty of such officer having such information to forthwith submit the facts, in writing, to the Mayor. Should it appear to the Mayor from such report or from other information that there is probable cause for the revocation of such license he shall make a report thereof to the city council, stating in general terms the grounds of complaint against such licensee. Such report shall be filed with the Clerk and a copy thereof served upon the licensee, together with a Notice citing him to appear before the City Council for investimation of said complaint, at a time and place fixed and stated in such Notice. The Clerk shall transmit such report to the Council. In case personal service cannot be made upon the licensee, the notice shall be mailed to the Licensee, addressed to his last known business address. No further pleadings shall be necessary. Such hearing and investigation shall be informal. If upon such hearing or investigation the city Council finds that cause exists for the revocation of such license, the same may be revoked by the City Council. (Ord. 92, 2-14-1968)

3-1-15: **PENALTY:**

Any person who violates any of the provisions of this chapter shall be guilty of a misdemeanor, and upon conviction thereof shall be subject to punishment by fine of not to exceed three hundred dollars (\$300.00), or imprisonment not to exceed thirty days, or by both such fine and imprisonment. (Ord. 92, 2-14-1968)