

VILLAGE OF DALTON GARDENS

ORDINANCE NO. 3

AN ORDINANCE ESTABLISHING STANDARDS FOR THE SALE OF BEER BY RETAIL WITHIN THE VILLAGE OF DALTON GARDENS , REQUIRING A LICENSE THEREFOR, LIMITING THE NUMBER OF LICENSES THAT MAY BE ISSUED AND THE PURPOSE OF SUCH LICENSES, PRESCRIBING THE CONDITIONS THEREOF, THE MANNER OF MAKING APPLICATION, PROHIBITING THE SALE OF BEER TO MINORS AND INTOXICATED PERSONS, PRESCRIBING THE HOURS OF SALE, AND PRESCRIBING PENALTIES FOR THE VIOLATION OF THE PROVISIONS HEREOF.

BE IT ORDAINED BY THE CHAIRMAN AND THE BOARD OF TRUSTEES OF THE VILLAGE OF DALTON GARDENS, IDAHO:

SECTION I. LICENSE REQUIRED: It shall be unlawful for any person to sell beer by retail within the municipality without first obtaining a license therefor as herein provided.

SECTION II. ANNUAL LICENSE: All licenses shall be granted by the Chairman and Board of Trustees for a period of one year beginning January 1st and ending December 31st. A full year's license fee shall be collected for each license issued notwithstanding the fact that such license may have been issued after January 1st.

SECTION III. AMOUNT OF THE LICENSE: The fee for any license issued shall be as follows:

For the retailing of bottled or canned beer, none of which is to be consumed on the premises where sold, the sum of \$25.00 per year.

SECTION IV. CONSUMPTION ON THE PREMISES: No license shall be issued for the sale of draft beer, bottled or canned beer, all of part of which is to be consumed upon the premises where sold, and it shall be unlawful for any person to sell beer for consumption on the premises where sold, or to permit or allow beer to be consumed upon any premises licensed hereunder.

SECTION V. LIMITATION OF LICENSES: The Chairman and Board of

Trustees of the Village shall not issue in excess of two licenses for the sale of beer to be consumed off the premises where sold in any one year.

SECTION VI. CONDITIONS OF LICENSE:

1. The license fee shall permit the sale of such beer in but one place of business. Such place of business to be designated in the license issued.

2. Such license may be transferred with the consent of the Chairman and Board of Trustees.

3. All licenses shall be issued by the Clerk.

4. It shall be the duty of the licensee to keep posted in a conspicuous place in the place of business for which the license is granted, such license.

SECTION VII. APPLICATION FORM: All applications for licenses shall be in writing, filed with the Clerk and accompanied by the affidavit of the applicant showing such applicant to be qualified by this ordinance and by the laws of the State of Idaho to receive a license. Such application must state the place of business with respect to which the license is to be issued and must be accompanied by the license fee. Provided moreover that before a license shall be issued, the licensee must have procured a license from the proper official of Kootenai County, Idaho.

SECTION VIII. SALE OF BEER TO MINORS: It shall be unlawful for any person to sell beer within the municipality to any person under the age of twenty years.

SECTION IX. HOURS OF SALE: No persons licensed by the municipality shall sell or serve any beer between the hours of 12:00 o'clock midnight and 6:00 o'clock a.m.

SECTION X. SALE TO INTOXICATED PERSONS: It shall be unlawful for any person to sell beer to any intoxicated persons.

SECTION XI. VIOLATIONS: Any violation of the provisions of this ordinance shall be punishable by fine not exceeding \$100.00 or by imprisonment not exceeding thirty days or both such fine and imprisonment.

SECTION XII. This ordinance shall take effect and be in full force and effect upon its passage and approval and publication in one issue of the "Coeur d'Alene Press" a newspaper of general circulation in the Village of Dalton Gardens, Idaho.

SECTION XIII. All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

Passed under suspension of rules, upon which a roll call vote was taken, and duly enacted an Ordinance of the Village of Dalton Gardens, Idaho, at a regular meeting of the Board of Trustees held on the 14 day of March, 1961, at 8:00 p.m.

Approved by the Chairman and Board of Trustees of the Village of Dalton Gardens, this 14 day of March, 1961.

Walter B. Thurnamb.  
Chairman, Board of Trustees  
Village of Dalton Gardens, Idaho

ATTEST:

Manon Bray  
Clerk

# AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,  
County of Kootenai, } ss.

*Arnd M. Neuman* being first duly sworn upon oath deposes and says:

1. I am now and at all times hereinafter mentioned was a citizen of the United States, resident of the State of Idaho, over the age of twenty-one years and not a party to the above entitled action.

2. I am now and at all times hereinafter mentioned was the ~~printer~~ (principal clerk) of the "Coeur d'Alene Press," a newspaper printed and published daily except Sunday in Coeur d'Alene, Kootenai County, Idaho, and having a general circulation in said county.

3. *The Ordinance No 3 of the Village of Dalton Gardens*

of which the annexed is a printed copy, was published in the regular *daily* issue of said newspaper for *one issue* consecutive *March 27* commencing on the *27th* day of *March*, 1961, and ending on the *27th* day of *March*, 1961, and such publication was made as often during said period as said newspaper was regularly issued.

4. That said newspaper has been continuously and uninterruptedly published in said Kootenai County, during a period of more than seventy-eight consecutive weeks immediately prior to the first publication of said notice

*Ordinance No 3*  
*Arnd M. Neuman*  
Subscribed and sworn to before me this *30th* day of *Aug*

*1961*  
*Dwight B. Hagden*

Notary Public for the State of Idaho,  
residing at Coeur d'Alene, Idaho.

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Approved by the Chairman and Board of Trustees of the Village of Dalton Gardens, this 14th day of March, 1961.

Ward B. Newcomb,  
Chairman, Board of Trustees,  
Village of Dalton Gardens, Idaho

ATTEST:  
Marion Bray,  
Clerk.  
March 27, 1961.