

CITY OF DALTON GARDENS

ORDINANCE NO. 38

AN ORDINANCE OF THE CITY OF DALTON GARDENS, KOOTENAI COUNTY, IDAHO, PROVIDING FOR THE ISSUANCE OF LICENSES FOR THE RETAIL SALE OF WINE WITHIN THE MUNICIPALITY; SETTING RESTRICTIONS FOR THE ASSIGNMENT OF LICENSES; PROVIDING DEFINITIONS; REQUIRING A CITY LICENSE; DEFINING THE RIGHTS OF A LICENSEE; ESTABLISHING A LICENSE FEE; PROVIDING FOR TYPE AND FORM OF APPLICATION FOR SUCH LICENSE; PROVIDING FOR THE HOURS OF SALE OF WINE; PROVIDING A PENALTY FOR VIOLATION; AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH:

BE IT ORDAINED by the Mayor and City Council of the City of Dalton Gardens, Kootenai County, Idaho:

SECTION 1: DEFINITIONS: The City adopts the definitions set forth in Chapter 156 Session Laws, First Regular Session, 1970, State of Idaho, three copies of which are on file in the office of the Clerk.

SECTION 2: LICENSE REQUIRED: It shall be unlawful for any person to sell wine at retail within the corporate limits of the City without having first procured a license therefor.

SECTION 3: APPLICATION FOR LICENSE: Application for license shall be in writing, signed and sworn to by the applicant upon application forms furnished by the Clerk. Such application shall be filed with the Clerk and accompanied by the license fee and presented to the Mayor and City Council at the next meeting of the Council for their approval, rejection or further consideration.

SECTION 4: QUALIFICATIONS: The applicant for a license shall possess all of the qualifications necessary to obtain a license from the Commissioner of Law Enforcement of the State as prescribed by the law of the State, and maintain such qualifications throughout the period of such license, provided, however, before a license shall be issued the licensee shall first procure a license from the proper official of the County.

SECTION 5: LICENSE FEE: The license fee imposed and collected shall be in the sum of \$25.00 per year for each premise for which a license is issued. Such license fee shall be from 12:01 a.m. January 1 through December 31. Said license shall be assignable to persons possessing the qualifications necessary to acquire a license to sell wine upon the filing of proper application with the Clerk and the payment of an assignment fee of \$20.00.

SECTION 6: HOURS OF SALE: Retailers shall not permit consumption of wine on the licensed premises and no person shall sell wine except in the original unbroken container. Wine sold by the retailer for consumption off the premises of the retailer may be sold only during the hours that beer may be sold pursuant to the laws of this State.

SECTION 7: REVOCATION OF LICENSE: The right shall be and remain at all times vested in the mayor and council, and the mayor and council may, as hereinafter provided, revoke or cancel any license for fraud or misrepresentation

in its procurement, or for a violation of any of the provisions of this ordinance, or for any conduct or act of the licensee or his employees, or any 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 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 Commissioner of Law Enforcement shall be deemed prima facie evidence for revocation or suspension of the license issued herein.

SECTION 8: PENALTY: Any person who violates any of the provisions of this act or fails to comply with any of the terms and conditions of this ordinance shall be guilty of a misdemeanor.

SECTION 9: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 10: This ordinance shall take effect and be in full force and effect upon its passage, approval and publication in one issue of the Coeur d'Alene Press, a newspaper of general circulation in said City, published and printed at Coeur d'Alene, Idaho, being the official newspaper of said city.

Passed on first reading the 8th day of July, 1971; and on the second and third readings under suspension of the rules upon which a roll call vote was taken and duly enacted an ordinance of the City of Dalton Gardens, Idaho, at a regular meeting of the mayor and city council held on September 2, 1971, at 8:00 p.m.

Ward B. Newscomb  
Mayor

ATTEST:

Lucy P. Lowery  
Clerk

3712

# AFFIDAVIT OF PUBLICATION

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Ward B. Newcomb  
Mayor

ATTEST:  
Lucy A. Howey  
Clerk  
Sept. 10, 1971

STATE OF IDAHO,  
County of Kootenai,

} ss.

*Callie Foentner*

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 of 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. 38

of which the annexed is a printed copy, was published in the regular daily issue of said newspaper for one consecutive issue commencing on the 10 day of Sept, 1971, and ending on the 10 day of Sept, 1971, 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.

*Callie Foentner*

Subscribed and sworn to before me this 10 day of September, 1971.

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

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