

CITY OF DALTON GARDENS

ORDINANCE NO. 93

AN ORDINANCE AMENDING ORDINANCE NO. 3 OF THE CITY OF DALTON GARDENS TO ESTABLISH ADDITIONAL PROCEDURES FOR PROCESSING AND ACTING ON APPLICATIONS FOR BEER LICENSES, TRANSFERS OR RENEWALS: CHANGING LICENSE FEE: REPEALING ALL ORDINANCES IN CONFLICT HEREWITH: PROVIDING EFFECTIVE DATE.

BE IT ORDAINED by the Mayor and Council of the City of Dalton Gardens, Kootenai County, 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.~~

LICENSE - FEE - PERIOD. All licenses shall be granted by the Mayor and Council for a period of one year beginning January 1st and ending December 31st. A full year's license fee shall be collected after January 1st. The City Council shall grant or deny the application within 30 days of the time it is filed with the City Clerk. 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:

- (A) The statutes, ordinances and standards used in evaluating the application;
- (B) The reason for the denial; and
- (C) The actions, if any, that the applicant could take to obtain the license, transfer or renewal thereof.

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. 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. Upon written request and within the time period provided for retention of the record, any person may have the record transcribed at his expense. 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.

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~~ \$50.00 per year.

SECTION IV. CONSUMPTION ON THE PREMISES: No license shall be issued for the sale of draft beer, bottled or canned beer, all or 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~~ Mayor and City Council 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~~ Mayor and Council.

3. All licenses shall be issued by the Clerk.

4. It shall be the duty of the licensee to keep such license 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. LICENSE - 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 applications will be forwarded to the City Council with a recommendation from the Chief of Police. If the Chief of Police recommended that an application be denied he shall state in writing:

- (A) The statutes or ordinances and standards used in evaluating the application;
- (B) The reason for the denial; and
- (C) The action, if any, that the applicant could take to obtain the license, transfer or renewal thereof.

SECTION VIII. IX. 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 nineteen years.

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

SECTION XI. XII. 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. XIII. 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 City of Dalton Gardens, Idaho.

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

Passed 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 the 2 day of ^{February} ~~January~~, 1984.

Ward B. Newscomb
Mayor

ATTEST:

George K. Claycox
Clerk