

CHAPTER 6

LIQUOR-AT-RETAIL AND BY-THE-GLASS

SECTION:

4-6-1:	Definitions
4-6-2:	License Required
4-6-3:	License Fees
4-6-4:	Application for License
4-6-5:	Qualifications
4-6-6:	Issuance of License
4-6-7:	Expiration and Transfer of License
4-6-8:	Reserved
4-6-9:	Location Restrictions
4-6-10:	Age Restriction on Sale or Purchase
4-6-11:	Hours of Sale
4-6-12:	Denial of Application
4-6-13:	Liquor Catering Permit

4-6-1: DEFINITIONS: Certain words and phrases used in this Chapter are defined as follows:

DIRECTOR: The Director of the Idaho Department of Law Enforcement.

LIQUOR: Any alcoholic beverage falling under the definition of Idaho Code Section 23-105.

LIQUOR-BY-THE-DRINK: Liquor that is sold or given away by a commercial establishment by the individual glass or open bottle for consumption on the same premises where it is sold.

LIQUOR AT RETAIL: Liquor that is sold or given away by a commercial establishment in unopened containers for consumption and use off the premises where the liquor is sold or given away.

LICENSE: "License" means a license issued by the City of Shelley permitting a licensed commercial establishment to sell or give away Liquor-By-The-Drink or Liquor At Retail.

DISTRIBUTOR: A person who is employed by or is an agent of a retailer to sell, serve or dispense Liquor.

4-6-2: LICENSE REQUIRED: Except as otherwise provided by this Chapter, no person
Title 4-6-1

may sell Liquor-By-The-Drink or Liquor At Retail in the City without first obtaining a License. A person who holds a valid current License may sell or give away Liquor At Retail and may only sell or give away Liquor-By-The-Drink for consumption on the premises where it is sold or given away.

4-6-3: LICENSE FEES: The fee for a License is \$562.50 per year. License fees must be paid in advance for each calendar year or any portion of a calendar year without proration.

4-6-4: APPLICATION FOR LICENSE: Each applicant for a License shall submit a written application on a form furnished by the Clerk.

4-6-5: QUALIFICATIONS: An applicant for a License shall possess all qualifications necessary to obtain a license from the Director for selling Liquor-By-The-Drink. Licensees shall maintain qualifications throughout the period for which their License is issued. Possession of licenses regularly issued by the Director and Bingham County for selling Liquor-By-The-Drink shall be prima facie evidence of the applicant's qualifications to receive a License.

4-6-6: ISSUANCE OF LICENSE: The City Clerk must submit a License application to the City Council within thirty (30) days after the application is filed so long as the applicant has produced evidence of compliance with Section 4-6-5 and paid the required License fee. Upon approval of the Council, the Clerk shall issue the License to the applicant.

4-6-7: EXPIRATION AND TRANSFER OF LICENSE: Licenses issued under this Chapter shall expire at midnight on December 31 of the calendar year they were issued for. The procedure for transfer of a License shall be the same as provided in Idaho Code Section 23-1317, as amended, upon application to the City Clerk. The fee is \$100.00. The license of the transferring licensee shall be surrendered to the City Clerk before such transfer may be made. Notwithstanding, if the Idaho Legislature passes a law prohibiting the transfer of a License, such law will preempt this provision.

4-6-8: RESERVED:

4-6-9: LOCATION RESTRICTIONS: No License shall be issued to any person to sell or dispense Liquor for consumption at any place that is within three hundred (300) feet of any public school, church or any other place of worship, except with the approval of the city council. Such distance shall be measured in a straight line between the nearest entrance to the licensed premises and the nearest property line of such school, church, or place of worship. No person shall sell or dispense Liquor for consumption at any place within 300 feet of any public school, church, or other place of worship, similarly measured in a straight line, except with the approval of the city council. This restriction shall not apply to any duly licensed premises that at the time of first licensing did not come within the restricted area, but after such first licensing came therein because of the construction or commencement of use of such public facility or place of worship subsequent to such first licensing.

4-6-10: AGE RESTRICTION ON SALE OR PURCHASE:

(A) No person under twenty-one (21) years of age shall sell, purchase, possess or consume any Liquor.

(B) No person shall give, sell or deliver Liquor to any person under the age of twenty-one (21) years.

(C) No person under the age of twenty-one (21) shall represent to any retailer or distributor that he or she is twenty-one (21) years or more of age, when in fact he or she is under such age for the purpose of inducing the retailer or distributor, to sell, serve or dispense Liquor to such person.

(D) No person shall represent to any retailer or distributor that any other person is twenty-one (21) years or more of age, when in fact that other person is under such age for the purpose of inducing such retailer or distributor to sell, serve or dispense Liquor to such other person.

4-6-11: HOURS OF SALE: The City of Shelley adopts by reference the regulations set forth in Idaho code Section 23-927, as the same may be amended from time to time, establishing the hours, dates, and times that liquor-by-the-drink may be sold, offered for sale, given away, or dispensed in any manner, in or upon any licensed premises, or by Liquor Catering Permit, whether for retail sale or for consumption on or off the premises, within City limits.

4-6-12: DENIAL OF APPLICATION: If the Council intends to deny a License application, or a request for renewal or transfer of said License, the Council shall call for a hearing, giving reasonable notice of the hearing to the applicant or persons involved in the transfer that the Council will hold a hearing to consider the application or request, and shall explain its concerns with the application in the written notice. Said hearing shall be held substantially in accordance with the provisions of Section 23-1016(5) of the Idaho Code. At or after the hearing, if the City Council votes to revoke, suspend or cancel a License, they shall explain their reasons for denial pursuant to Section 23-1016(2) of the Idaho Code. The Clerk shall keep a transcribable, verbatim record of the hearing concerning such revocation, cancellation, suspension or denial.

4-6-13: LIQUOR CATERING PERMIT:

(A) Any person holding a License may serve and sell Liquor-By-The-Drink at an event at a location other than the licensed premises for a period not to exceed three (3) consecutive days upon obtaining a Liquor Catering Permit. Applications for a Liquor Catering Permit must be made to the Clerk on the form prescribed by the clerk, which will contain the following information:

a. The name and address of the applicant and the number of the applicant's state liquor

license.

b. The dates and hours during which the permit is to be effective, not to exceed three (3) consecutive days.

c. The names and addresses of the organizations, groups, or persons sponsoring the event.

d. The address where the liquor will be served, and if a public building, the rooms in which the liquor will be served.

(B) The Applicant must pay a \$75.00 application fee and sign and file the application with the Clerk.

(D) After the application is filed, the Council must indicate whether or not it approves the application by so stating on the application's face, which the Clerk will sign.

(E) Liquor Catering Permits are not transferable. (Ordinance 648 06/27/23)(Ordinance 651 10/10/23)