

#24

COPY

ORDINANCE NO. 24

AN ORDINANCE RELATING TO REGULATION OF LIQUOR BY THE DRINK; ADDING CHAPTER 8, SECTIONS 5-8-1 THROUGH 5-8-7 TO TITLE V OF THE MALTA CITY CODE; PROVIDING DEFINITION OF TERMS; REQUIRED LICENSE AND FEE; PROVISIONS FOR APPLICATION FOR LICENSE; ISSUANCE OF LICENSE; FORM OF LICENSE AND POSTING REQUIRED; FORFEITURE OF LICENSE; REGULATION OF LICENSED OPERATIONS; AND REPEALING ALL ORDINANCES IN CONFLICT HEREWITH AND PROVIDING AN EFFECTIVE DATE

BE IT ORDAINED by the Mayor and Council of the City of Malta, State of Idaho:

Section 1. That Chapter 8, Sections 1 through 7 be added to Title V of the Malta City Code, to be known as Chapter 8, Liquor By The Drink Regulations, to read as follows:

CHAPTER 8

LIQUOR BY THE DRINK REGULATIONS

SECTION:

- 5-8-1: Definitions
- 5-8-2: License Required; Fee
- 5-8-3: Application For License
- 5-8-4: Issuance Of License
- 5-8-5: Form of License; Posting Required
- 5-8-6: Forfeiture of License
- 5-8-7: Regulation of Operation

5-8-1: DEFINITIONS: The following terms are hereby defined as follows, when used in this Chapter:

LICENSE: A license issued by the City for the retail sale of liquor by the drink.

LIQUOR: Every kind of beverage sold by and in a State liquor store operated in the State of Idaho.

LICENSEE: A person to whom a license has been issued by the City.

5-8-2: LICENSE REQUIRED; FEE: No person licensed by the State of Idaho to sell liquor by the drink at retail shall do so within the corporate limits of the City unless he is the holder of a valid, subsisting license to carry on or conduct such business, issued to him by the City.

The license fee provided and required by this Chapter shall be a sum equal to the amount collected from the applicant by the Clerk of the County of Cassia, State of Idaho, for the license issued to such applicant by the County of Cassia for the current year.

Any licensee of the State of Idaho that has a license but is not actually selling liquor by the drink but is nevertheless maintaining the license pursuant to the Rules and Regulations of the State of Idaho shall pay to the City an amount equal of the amount of the fee currently being charged by Cassia County for such authorized inactive status.

5-8-3: APPLICATION FOR LICENSE: Each applicant for a license to sell liquor by the drink at retail within the City or a prior licensee that desires to maintain the license but not actually sell liquor by the drink shall file in the office of the City Clerk, in duplicate, an application for license on a form to be furnished by the City. The application shall be executed by the applicant or an officer thereof, and shall be verified by the oath of the person executing the same. The application shall contain the following information:

- (A) The name and address of the applicant; if the applicant is a corporation, the name and address of each officer and director thereof; if the applicant is a partnership or other organization, the name and address of each member thereof.
- (B) The address of, and a description of the premises within the City wherein or whereon the applicant intends to conduct his business, or maintain the license.
- (C) The number of the license to sell retail liquor by the drink issued to the applicant by the State of Idaho, and the date of issuance thereof, or such other certificate as may be issued by the State of Idaho for any inactive status.

- (D) In case of a licensee not actually selling liquor by the drink but maintaining the license, the address where the license will be displayed.

At the time of filing the application, the applicant shall deliver to the City Clerk the license issued by the State of Idaho, authorizing the sale of liquor by the drink at retail, and shall pay to the City Clerk the amount of the license hereinabove specified, or in the case of a licensee being maintained without actually selling liquor by the drink the evidence that the license is inactive.

- 5-8-4: ISSUANCE OF LICENSE: Upon the receipt by the City Clerk of the duly executed and verified application for a license, the license fee and the license issued to the applicant by the State of Idaho, the City Clerk shall issue and deliver to the applicant the license applied for by him, and shall return to him the license issued by the State of Idaho.
- 5-8-5: FORM OF LICENSE, POSTING REQUIRED: The license shall consist of a partly printed and partly written form, and shall contain the name of the City, the year for which it is issued, the name of the licensee, the location of the premises where the licensee is licensed to conduct his business, the date of issuance of the license and the amount of the fee paid therefor. The license shall be signed by the City Clerk and sealed with the Seal of the City. It shall not be transferable, and shall expire on December 31 next succeeding the date of issue. It shall at all times after issuance be kept posted by the licensee in a conspicuous place in that portion of the premises occupied by him where the licensed business is conducted.
- 5-8-6: FORFEITURE OF LICENSE: Upon the forfeiture or revocation by the State of Idaho of the license issued by said State to any licensee hereunder, the license herein provided for shall be forfeited and shall thereupon be taken and cancelled by the City. No part of the fee paid by a licensee for a license that is thereafter forfeited shall be returned to the licensee.

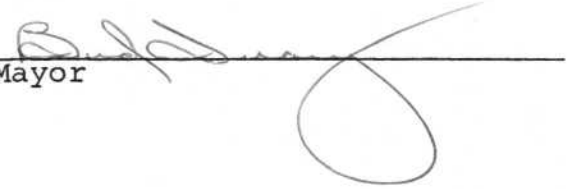
5-8-7:

REGULATION OF OPERATION: Every licensee hereunder shall carry on and conduct the licensed business in all respects according to the provisions of the laws of the State of Idaho, and any regulations thereunder promulgated from time to time by the Director of Law Enforcement of the State of Idaho.

Section 3: All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

Section 4: This ordinance shall take effect and be in full force and effect upon its passage, approval, and publication.

PASSED BY THE COUNCIL AND APPROVED BY THE MAYOR THIS
22nd DAY OF July, 1986.



Mayor

ATTEST:
By 
City Clerk