

ORDINANCE NO. 1120

AN ORDINANCE OF THE CITY OF PAYETTE, IDAHO, AMENDING SECTION 5.04.060 OF THE PAYETTE MUNICIPAL CODE BY CHANGING THE AGE FROM 19 TO 21; AMENDING SECTIONS 5.08.120 AND 5.08.130 OF THE PAYETTE MUNICIPAL CODE BY PROHIBITING SALES OF LIQUOR BY THE DRINK DURING NATIONAL AND STATEWIDE GENERAL ELECTIONS BUT NOT DURING CITY ELECTIONS; AMENDING SECTION 5.08.160 OF THE PAYETTE MUNICIPAL CODE BY ELIMINATING THE REFERENCE TO INDIANS; SETTING AN EFFECTIVE DATE; ESTABLISHING SEVERABILITY; ALLOWING FOR PUBLICATION BY SUMMARY; ESTABLISHING A REPEALER.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF PAYETTE, IDAHO;

Section 1. Section 5.04.060 of Title 5 of the Payette Municipal Code is hereby amended to read as follows:

5.04.060 Retailer--Sales restrictions. It is unlawful for any retailer to suffer or permit any person under the age of nineteen twenty-one years to consume any beer, as defined in Section 5.04.010, in or upon his premises; or for any retailer to sell, give away or in anywise dispose of any such beer to any person under the age of nineteen twenty-one years; or for any retailer to sell, give away or dispose of any such beer or to permit any such beer to be consumed by any person in or upon his premises at any time between the hours of one a.m. and six a.m.

Section 2. Section 5.08.120 of Title 5 of the Payette Municipal Code is hereby amended to read as follows:

5.08.120 Premises--Prohibited hours of operation. No liquor shall be sold, offered for sale, given away or consumed upon any licensed premises during the following hours:

- A. Christmas Day from two a.m. to ten a.m. the following day;
- B. On any other day between two a.m. and ten a.m.
- C. On any other day of a national or statewide general or primary election until after the time when the polls are closed.

Section 3. Section 5.08.130 of Title 5 of the Payette Municipal Code is hereby amended to read as follows:

5.08.130 Premises--Presence of persons prohibited when--Nonapplicability. A. Except as provided in subsection B of this section, it is unlawful for any person to be present upon any licensed premises for any purpose whatsoever during the following hours:

- 1. Christmas Day from two a.m. to ten a.m. the following day;

2. On any other day between two a.m. and ten a.m.;

3. On any day of a national or statewide general or primary election until after the time when the polls are closed.

B. This section shall apply to the owner of the business if an individual; to members of a partnership, association or officers or members of the governing board of a corporation, when actually engaged in work which must be performed upon the premises, if the licensee is a partnership, association or corporation; to bartenders licensed under Section 5.08.100 regularly employed in or upon the licensed premises; or to laborers or craftsmen employed for work upon the licensed premises between the hours of eight a.m. and six p.m. of any day.

Section 4: Section 5.08.160 of Title 5 of the Payette Municipal Code is hereby amended to read as follows:

5.08.160 Purchase by unqualified person--Declared misdemeanor. Any person under the age of twenty-one years, ~~Indian~~ or any other person, who knowingly misrepresents his qualifications for the purpose of obtaining liquor from an liquor licensee shall be equally guilty with such licensee and shall upon conviction thereof be guilty of a misdemeanor.

Section 5. Any ordinances which are in conflict with this ordinance are hereby repealed, but only insofar as the conflict exists.

Section 6. If any portion of this ordinance should be found to be unconstitutional or unenforceable for any reason, the remainder of the ordinance shall constitute ordinance number 1120.

Section 7. This ordinance may be published by summary in accordance with the statutes of the state of Idaho.

Section 8. This ordinance shall be in full force and effect immediately upon passage and publication as required by law.

Passed and approved by the Mayor and City Council this 2nd day of January, 1995.

CITY OF PAYETTE

BY James E. McCune
Mayor

ATTEST: John P. Franks
City Clerk

ORDINANCE NO. _____
sn Payette\Ord\liquor