

## ORDINANCE 1426

**AN ORDINANCE OF THE CITY OF PAYETTE, IDAHO, AMENDING THE PAYETTE MUNICIPAL CODE SECTIONS 5.04.030 and 5.04.100 OF CHAPTER 5 IN TITLE 5, AND SECTIONS 5.08.010 IN CHAPTER 8 OF TITLE 5, WHICH AMENDMENTS PROVIDE FOR THE ISSUANCE OR DENIAL OF BEER, WINE, LIQUOR AND CATERING PERMITS BY THE CITY CLERK OR A DESIGNEE RATHER THAN THE CITY COUNCIL; PROVIDING FOR AN APPEAL TO BE FILED WITH THE CITY COUNCIL: SETTING AN EFFECTIVE DATE; ALLOWING PUBLICATION IN SUMMARY FORM; ESTABLISHING SEVERABILITY; ESTABLISHING A REPEALER; PROVIDING A PENALTY.**

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

**Section 1.** Sections 5.04.030 and 5.04.100 of Title 5, Chapter 5.04 and 5.08.010 of Title 5, Chapter 5.08 of the Payette Municipal Code is hereby amended to read as follows:

### **5.04.030: LICENSE; APPLICATION; REQUIRED INFORMATION:**

Every person desiring to obtain a license or a transfer of license for the sale, barter, trade or distribution of beer at retail within the corporate limits shall make a written application to the council **city clerk or designee**, and said application shall contain the following information:

- A. Name and residence of applicant;
- B. Description of the room or building in which said business shall be conducted;
- C. That the applicant is of good moral character and over the age of twenty one (21) years;
- D. That the applicant has not been convicted of any felony or any crime involving moral turpitude;
- E. The name and address of four (4) references as to the good moral character of the applicant;
- F. 1. A site plan for the premises for which the license is sought, which plan shall contain the same information that the applicant is required to provide to the state of Idaho, department of law enforcement. In addition to any information provided to the department of law enforcement, the site plan shall include the location of fire extinguishers, emergency lighting, exits and exit signs. The plan shall be submitted only one time unless there is a change which would render the information inaccurate or obsolete.  
  
2. No license shall be issued or renewed until the information contained herein is provided by the applicant to the city clerk.
- G. A statement by the applicant that the applicant agrees to abide by the terms and conditions of this chapter and any amendments thereto, and any rules or regulations promulgated by the city relative to the sale, trade, barter or disposal of beer at retail within the corporate city limits. (Ord. 1151 § 1-2, 1997: Ord. 963, 1986: Ord. 91, 1984: prior code § 5-4-3)

### **5.04.100: LICENSE; CANCELLATION OR REVOCATION:**

The right shall be and at all times remain vested in the council to revoke or cancel any license for any violation of this chapter or any other law of the city, and, upon a complaint being filed with the city clerk **council**, the council shall notify the offender and shall call a hearing in a summary manner. If at said hearing it appears to the council that cause exists for the cancellation or revocation of the license, they may do so without further process of law. (Prior code § 5-4-10)

**5.08.010: DEFINITIONS:**

The following words and phrases used in this chapter shall be given the following interpretations. All other words and phrases used in this chapter, the definition of which is not given in this section, shall be given an ordinary and commonly understood and accepted meaning.

**BARTENDER:** Any person, whether agent, servant, employee, licensee or in any other capacity, who pours, mixes, prepares, serves or delivers any liquor by the drink upon any licensed premises.

**GAMING:** Any and all gambling or games of chance.

**INTERDICTED PERSON:** A person to whom the sale of liquor is prohibited under the laws of the state.

**LICENSE:** A license issued by the council **city clerk or designee** to a qualified person, under which it is lawful for the licensee to sell and dispense liquor by the drink at retail, as provided by this chapter.

**LICENSEE:** The person to whom a license is issued.

**LIQUOR:** All kinds of liquor sold by and in a state liquor store.

**PREMISES:** The building in which the sale of liquor by the drink at retail is authorized. (Prior code § 5-5-1)

**Section 2.** This Ordinance may be published in summary form allowed by Idaho Code.

**Section 3.** This Ordinance shall be in full force and effect immediately upon passage and publication as required by the laws of the State of Idaho.

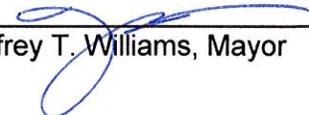
**Section 4.** Any ordinances or resolutions which are in conflict with this Ordinance are hereby repealed, but only insofar as the conflict exists.

**Section 5.** If any portion of this Ordinance should be found to be unconstitutional or unenforceable for any reason, the remainder of the Ordinance shall be applied to effectuate the purposes of this Ordinance.

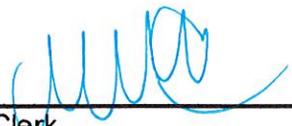
**Section 6.** Any violation of this ordinance shall be a misdemeanor.

PASSED and APPROVED by the Mayor and City Council of the City of Payette, Idaho this 21<sup>st</sup> day of March, 2017.

CITY OF PAYETTE, IDAHO

BY   
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Jeffrey T. Williams, Mayor

ATTEST:

  
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City Clerk