

ORDINANCE NO. 682

AN ORDINANCE AMENDING CHAPTER 5, TITLE 5, MUNICIPAL CODE OF THE CITY OF PAYETTE, IDAHO, BY AMENDING SECTION 5-5-2 TO CORRECT A REFERENCE TO STATE LAW; BY AMENDING SECTION 5-5-10, RELATING TO QUALIFICATIONS OF BARTENDERS; BY ENACTING A NEW SECTION, DESIGNATED 5-5-10b, RELATING TO COCKTAIL WAITRESSES; AND PROVIDING AN EFFECTIVE DATE HEREFOR.

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

Section 1. That Chapter 5, Title 5, Municipal Code of the City of Payette, be, and the same is, amended by amending Section 5-5-2 to read as follows:

"5-5-2: LICENSE: The Council, at regular or special meeting, may issue licenses to qualified applicants, as herein provided, whereby the licensee shall be authorized and permitted in said City, to sell liquor by the drink at retail, and, upon the issuance of such license, the licensee therein named shall be authorized to sell liquor at retail by the drink in said City, but only in accordance with the provisions of this Chapter and Chapter 9, Title 23, Idaho Code, as each may be amended from time to time."

Section 2. That Chapter 5, Title 5, Municipal Code of the City of Payette, be, and the same is, amended by amending Section 5-5-10 to read as follows:

"5-5-10: BARTENDERS: It shall be unlawful for any person to act as a bartender in any premises licensed under the provisions of this Chapter unless such person shall hold a permit therefor issued by the Council. Applications for permits shall be made on forms furnished by the Clerk and shall be accompanied by a permit fee of one dollar (\$1.00). No person shall receive a permit as a bartender unless he shall establish to the satisfaction of the Council that he:

"(A) Is a male person over the age of twenty-one (21) years and of good moral character, except as hereafter provided;

"(B) Is a holder of a valid and subsisting health permit issued under the provisions of Chapter 17, Title 39, Idaho Code;

"(C) Has not been convicted of any violation of the laws of the United States, the State of Idaho, or any other State of the United States, relating to the importation, transportation, manufacture or sale of liquor or has paid any fine or completed any sentence of imprisonment for any felony within five (5) years prior to the date of making application for a permit;

"(D) Has not had a license issued under the provisions of this Chapter revoked, or who has been an officer, member of the governing board or one of the ten (10) principal stockholders of a corporation licensed hereunder and whose license has been revoked, such revocation in any instance to be within five (5) years of the application for permit as a bartender.

"Provided, however, that such license may be issued to a licensee even though a female person, or to the wife of a licensee, as determined by the provisions of Chapter 3, Title 32, Idaho Code, provided that such person meets all other requirements of this section, and, provided further, that such permit shall be restricted for use on the licensed premises of said licensee or the husband of said licensee and not elsewhere.

"A permit for a bartender shall expire at the end of six (6) months from the date on which issued. Any bartender convicted of any violation of the provisions of Chapter 9, Title 23, Idaho Code, or of this Chapter shall have his permit as bartender immediately revoked by the Council upon receipt of a certified copy of the judgment of conviction of such permit holder.

"It shall be unlawful for any licensee to employ, or permit the employment of, or the performance of services on his premises by any bartender not having in force a permit as bartender."

Section 3. That Chapter 5, Title 5, Municipal Code of the City of Payette, be, and the same is, amended by adding thereto a new section designated 5-5-10b, reading as follows:

"5-5-10b: COCKTAIL WAITRESSES: A license may be issued to any female person over the age of 21 years who meets all the requirements of 5-5-10, except that of being a male person, as a waitress for the purpose of serving and collecting for, but not pouring or mixing, liquors on licensed premises.

"Application shall be made and fees paid as provided in 5-5-10."

Section 4. This ordinance shall be effective upon its passage, approval and publication.

Passed by the Council this 19 day of October, 1964.

Approved by the Mayor this 19 day of October, 1964.

ATTEST:

Dorothy G. Williams
Clerk

L. J. Josephson
Mayor