

ORDINANCE NO. 951

AN ORDINANCE AMENDING CHAPTER 49 OF TITLE 5 OF THE PAYETTE MUNICIPAL CODE TO ESTABLISH ADDITIONAL PROCEDURES FOR PROCESSING AND ACTING ON APPLICATIONS FOR BEER LICENSES, TRANSFERS OR RENEWALS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING AN EFFECTIVE DATE; AND CHANGING LICENSE FEES.

Be It Ordained by the Mayor and the City Council of the City of Payette, Idaho, that Section 5.04.030 be amended 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, 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 now, and for more than thirty days immediately prior thereto has continuously been, a bona fide resident of the county;
- D. That the applicant is of good moral character and over the age of twenty-one years;
- E. That the applicant has not been convicted of any felony or any crime involving moral turpitude;
- F. The name and address of four references as to the good moral character of the applicant;
- G. That the applicant agrees to abide by the terms and conditions of this chapter and/or any law amendatory thereof, and/or any rules or regulations promulgated by the city relative to the sale, trade, barter and/or disposal of beer at retail within the corporate limits. (Prior code §5-4-3).

That Section 5.04.040 of the Municipal Code be and hereby is amended to read as follows:

5.04.040 License - Fee - Period. All licenses shall be granted by the Mayor and Council for a period of one year beginning January 1st and ending December 31st. A full year's license fee shall be collected for the entire year or any portion thereof. The City Council shall grant or deny the application within 30 days of the time it is filed with the City Clerk. Whenever the Mayor and City Council denies an application, they shall specify in writing:

- (A) The statutes, ordinances and standards used in evaluating the application;
- (B) The reason for the denial; and
- (C) The actions, if any, that the applicant could take to obtain the license, transfer or renewal thereof.

In all cases where the City Council is considering applications for licenses, transfers, revocations or renewals thereof, a transcribable verbatim record of the proceeding shall be made. If the applicant for a license, transfer or renewal is denied, or there is a revocation, a transcribable, verbatim record of the proceedings shall be kept for a period of not less than six (6) months after a final decision on the matter. Upon written request and within the time period provided for retention of the record, any person may have the record transcribed at his expense. The City Council shall also provide for the keeping of the minutes of the proceedings. Minutes shall be retained indefinitely or as otherwise provided by law.

That Section 5.04.045 be added as follows:

5.04.045 License - Investigation of Applicants. No license shall be granted or transferred until there has been an investigation by the police department of all applicants hereunder. After investigation the applicants will be forwarded to the City Council with a recommendation from the Chief of Police. If the Chief of Police recommended that an application be denied he shall state in writing:

- (A) The statutes or ordinances and standards used in evaluating the application;
- (B) The reason for the denial; and
- (C) The action, if any, that the applicant could take to obtain the license, transfer or renewal thereof.

That Section 5.04.060 of the Municipal Code be 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 twenty nineteen 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 twenty nineteen 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. (Prior code §5-4-6).

That Section 5.04.080 of the Municipal Code be amended to read as follows:

5.04.080 License--Fees--Expiration. A. The annual license fees for the retail sale of beer, as defined in Section 5.04.010, are fixed as follows:
1. ~~Where such retailer sells draught beer; and bottled or earned beer; or draught beer only; one hundred dollars a year;~~
2. 1. Where such retailer sells only bottled, or canned or draught beer and such bottled, or canned or draught beer is consumed on the premises where sold, seventy-five one-hundred dollars a year;
3. 2. Where such retailer sells only bottled or canned beer, none of which is consumed on the premises where sold, the license fee shall be twenty-five dollars a year.
B. All licenses issued under the term of this chapter shall expire on December 31st of the year for which they are issued (Prior code §5-4-8).

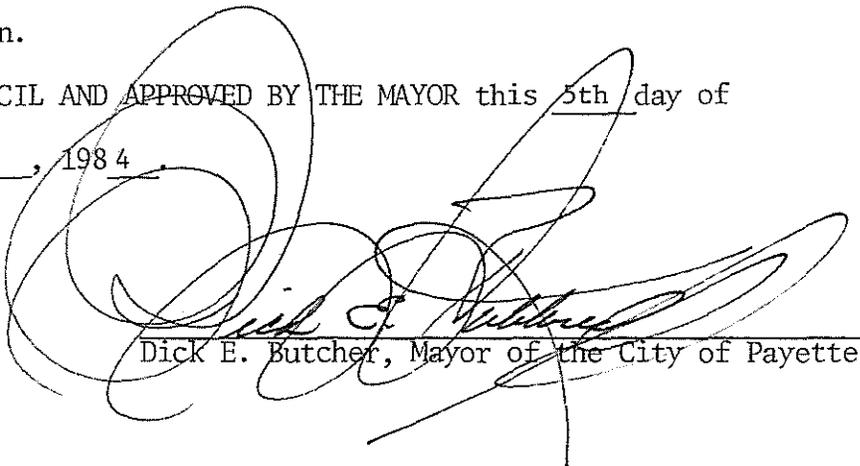
That Section 5.04.110 be amended as follows:

5.04.110 License--Transfer procedure. ~~Application to transfer any license issued pursuant to this chapter shall be made in writing to the city clerk. Upon receipt of such an application, the city clerk shall make the same investigation and determination with respect to the transferee as are required by Section 5.04.030. Within four days after the receipt of said application, the city clerk shall report his findings together with the original application to the mayor and council.~~ If the council determines that all of the conditions required of a licensee under the provisions of this chapter have been met by the proposed transferee of said license, then the license shall be endorsed over to the proposed transferee by said licensee for the remainder of the period for which the license has been issued, and the council shall note its approval thereof upon such license. Such transferee shall accompany each application for transfer with, and shall pay ten dollars. Nothing in this action shall be construed to permit the transfer of a license to premises other than the premises originally designated in the license.

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

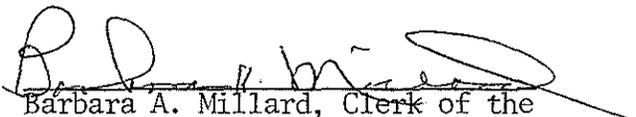
This ordinance shall take effect and be in full force upon its passage, approval and publication.

PASSED BY THE COUNCIL AND APPROVED BY THE MAYOR this 5th day of March, 1984



Dick E. Butcher, Mayor of the City of Payette

ATTEST:



Barbara A. Millard, Clerk of the City of Payette