

ORDINANCE NO. 136 BY C. E. BRAINARD.

AN ORDINANCE PROHIBITING THE SELLING OR GIVING AWAY OF INTOXICATING, MALT, VINOUS, MIXED OR FERMENTED LIQUORS WITHIN THE CORPORATE LIMITS OF THE CITY OF PAYETTE, IDAHO, EXCEPT BY DRUGGISTS FOR MEDICAL, MECHANICAL, SACRAMENTAL OR CHEMICAL PURPOSES, ^{and prescribes} PRESCRIBING THE DUTIES OF DRUGGISTS, PHYSICIANS AND PERSONS IN RELATION TO THE SELLING, USING, GIVING AWAY OR PURCHASING OF INTOXICATING, MALT, VINOUS, MIXED OR FERMENTED LIQUOR WITHIN THE CORPORATE LIMITS OF THE CITY OF PAYETTE, IDAHO, PROVIDING A PENALTY FOR THE VIOLATION OF THIS ORDINANCE, AND REPEALING ORDINANCE NO. 44 OF THE ^{City} CITY OF PAYETTE, ENTITLED "AN ORDINANCE REPEALING ORDINANCE NO. 28 AND PROVIDING FOR THE REGULATION OF THE SALE OF INTOXICATING LIQUORS, TO PROVIDE FOR THE PROCURING OF A LICENSE BY ALL PERSONS ENGAGED IN THE SALE OF SUCH LIQUORS AND FIXING THE AMOUNT THEREOF."

Be it ordained by the Mayor and Council of the City of Payette, Idaho:

Section 1. It shall be and hereby is made unlawful for any person or persons, either as owner, principal, agent, servant, or employee, to establish, open, keep, maintain or carry on, or assist, in carrying on, within the corporate limits of the City of Payette, Idaho, any tippling house, dram shop, cellar, saloon, or other place where intoxicating, malt, vinous, mixed or fermented liquor is sold or given away; Provided, that the prohibitions of this ordinance shall not apply to the selling or giving away of intoxicating, malt, vinous, mixed or fermented liquor by a druggist for medical, mechanical, sacramental or chemical purposes as in this ordinance hereinafter provided.

Section 2. It shall be and hereby is made unlawful for any person, firm, association or corporation, either personally or by agent or agents, or by a servant or servants, or by employee or employees, or as agent or servant or employee, within the corporate limits of the City of Payette, Idaho, to sell or keep for sale, or give away, or permit to be given away, directly or indirectly, any intoxicating, malt, ~~or~~ vinous, mixed or fermented liquor, within the corporate limits of the said City of Payette; Provided, that the provisions of this section shall not apply to druggist selling or giving away intoxicating, malt, vinous, mixed or fermented liquor for medical, mechanical, sacramental or chemical purposes as in this ordinance hereinafter provided.

Section 3. It shall be and is hereby made unlawful for any druggist to sell or give away or offer for sale, or permit to be sold or given away any intoxicating, malt, vinous, mixed or fermented liquor for

medical, mechanical, sacramental or chemical purposes without first having procured a druggist's permit therefor from the City Clerk of the said City of Payette, Idaho; and it is hereby the duty of the City Clerk of the said City, to issue a druggist's permit for a period of one year, to any person who is a registered pharmacist and lawfully entitled to engage in the business of a druggist under and by virtue of the laws of the State of Idaho, and who has not been convicted of a violation of any of the provisions of this ordinance. The said permit shall be in the following form;

This is to certify that ----- is a registered pharmacist and lawfully entitled to engage in the business of druggist under and by virtue of the laws of the State of Idaho and has not been convicted of a violation of any ~~of any~~ of the provisions of this ordinance No. 136 and is entitled to sell intoxicating, malt, vinous, mixed and fermented liquor for medical, mechanical, sacramental and chemical purposes, for a period of one year. Said liquor is to be sold in accordance with the provisions of this ordinance No. 136. In case of a conviction for the violation of any of the provisions of this ordinance, this permit shall become immediately null and void. Dated this -----

Clerk of the City of Payette.

Section 4. It shall be and hereby is made unlawful for any druggist within the corporate limits of the City of Payette, Idaho, to whom a permit has been issued as provided in section three of this ordinance, to sell or offer for sale, or to give away any intoxicating, malt, vinous, mixed or fermented liquor for medical purposes except upon the written prescription of a physician, regularly licensed and authorized to practice medicine under the laws of the State of Idaho, containing the date of its issue, the name of the person for whom issued, the medical purpose for which issued, the amount for which issued. The said prescription shall be filed by the druggist making the sale or giving away thereunder in a book, to be kept for that purpose, which book shall be open for the inspection of the citizens of Payette, and in no case shall a druggist sell or give a larger amount of liquor than that mentioned in the prescription, or make more than one sale or gift thereunder. In all cases where intoxicating, malt, vinous, mixed or fermented liquor is sold or given away upon prescription, the drug-

gist so selling or giving the same away shall not permit or allow the person obtaining the same to drink it in or upon the premises where sold. It is further ~~is further~~ made the duty of the druggist to put said liquor in a bottle and securely fasten thereon a copy of said prescription and deliver the same to the person presenting said prescription.

Section 5. It shall be and hereby is made unlawful for any physician, regularly licensed and authorized to practice ^{medicine} under the laws of the State of Idaho, to give to any person, firm, association or corporation within the corporate limits of the City of Payette, Idaho, a prescription for any intoxicating, malt, vinous, mixed or fermented liquor except for medicinal purposes, and the said physician shall set forth in said prescription, the date of its issue, for whom issued, for what medicinal purpose issued, the amount for which issued not exceeding one quart. It is further made the duty of the physician issuing a prescription, to file in his office a full, true and correct copy of the same for the inspection of the citizens of Payette, Idaho.

Section 6. It shall be and hereby is made unlawful for any druggist to sell or give away any intoxicating, malt, vinous, mixed or fermented liquor for mechanical, sacramental or chemical purposes except upon an affidavit sworn to before the police judge of the said City of Payette, containing the date of its issue, for what mechanical, sacramental or chemical purpose issued, and that it is to be used for this purpose and no other, for whom issued and the amount to be issued by the druggist. The said affidavit shall be made free of charge by the Police Judge, and no greater amount shall be sold or given away by the druggist than that mentioned in the said affidavit, and no more than one sale or giving away shall be made thereunder. The said affidavit shall at all times be kept on file by the druggist receiving the same for the inspection of the citizens of Payette, Idaho.

Section 7. It shall be and hereby is made unlawful for any person within the corporate limits of the City of Payette, Idaho, to drink or to have in his possession to be drunk, any intoxicating, malt, vinous,

mixed or fermented liquor at any other place than his or her dwelling ^{boarding house} house or home.

Section 8. The words "Intoxicating Liquor" as used in this ordinance shall be deemed and construed to include spirituous, vinous, fermented and malt liquors, and all mixtures and preparations thereof including bitters, that may be used as a beverage and produce intoxication.

Section 9. It shall be and hereby is made unlawful for any druggist who has been convicted of a violation of any of the provisions of this ordinance, to sell, offer for sale, or give away for any purpose whatever, within the corporate limits of the City of Payette, Idaho, any intoxicating, malt, vinous, mixed or fermented liquor.

Section 10. Any person, firm, association or corporation violating any of the provisions of this ordinance, or failing to comply with the requirements thereof shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not less than fifty dollars nor more than one hundred dollars and costs of the action and in default of the payment of the said fine and costs shall be confined in the City Jail of the City of Payette one day for each and every two dollars thereof.

Section 11. This ordinance shall go into effect and be in full force and effect on and after the first of May, A. D. 1909.

Section 12. That ordinance No. 44 of the City of Payette, Idaho, entitled "An ordinance repealing ordinance No. 28, and providing for the regulation of the sale of intoxicating liquors, to provide for the procuring of a license by all persons engaged in the sale of such liquors, and fixing the amount thereof", be and the same is hereby repealed.

Passed and approved this 12th day of November, A. D. 1908.

Attest:

Gold W. Baker
CLERK

H. N. Thompson
MAYOR