



ORDINANCE NO. 130

AN ORDINANCE OF THE CITY OF REXBURG LIMITING AND REGULATING THE ISSUANCE OF LICENSES OF SALOONS IN SAID CITY, FIXING THE NUMBER OF INHABITANTS AS A UNIT FOR THE ISSUANCE OF EACH SUCH LICENSE, AND REGULATING THE LICENSE FEE TO BE PAID BY THE SALOONS ALREADY LICENSED AND NOW IN OPERATION AS THE POPULATION SHALL INCREASE; AND PRESCRIBING A PENALTY FOR THE VIOLATION OF THIS ORDINANCE.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF REXBURG, COUNTY OF MADISON, STATE OF IDAHO:

SECTION I: That no license for the keeping of a saloon within the City of Rexburg shall at any time hereafter be issued or granted to any person except as hereinafter provided.

SECTION II: All lawful licenses issued and in force on the date of the passage and approval of this Ordinance for the keeping of a saloon within the City of Rexburg shall be removed or reissued upon strict and full compliance with the laws and ordinances in force in the City of Rexburg at the time of the application for such renewal, or reissue, but no new license, other than a renewal or reissue as hereinafter provided, for the keeping of a saloon, shall at any time hereafter be granted or issued until the number of licenses in force at the time shall be less than one for every two thousand or major fraction thereof of the population of the City of Rexburg as ascertained by the then last preceding school census, whereupon such new licenses may be issued from time to time to lawful applicants, according to priority of application upon full compliance by the applicant with the laws and ordinances in force in the City of Rexburg at the time of the application for such licenses until the number of licenses in force shall equal one for every two thousand of the population of the City of Rexburg or major fraction thereof, as ascertained by the then last preceding school census, upon the basis as above set forth.

SECTION III: The owner or owners, or his or their legal representatives, of a license to keep a saloon shall have and be given the right to a renewal or reissue of such license at the same or different place of business upon the compliance with the ordinance there in force in the City of Rexburg, governing the licensing of saloons and such owner, or owners, or his or their legal representatives, of a saloon license may assign or convey his right to the renewal or reissue thereof to another person, who upon full compliance with the ordinances then in force in the City of Rexburg, governing the licensing of saloons, shall be entitled to a renewal or reissue of such license in his own name, and each holder of a license, or his legal representative, in turn may assign or convey such right or renewal or reissue of such license upon the same terms and conditions as the original owner thereof could do hereunder, provided, however, that such assignment or transfer shall at all times be agreed upon by the Mayor and City Council, and no assignment transfer or conveyance of such license shall be made without the consent of the Mayor and City Council, the privilege of renewal or reissue of such license provided by this ordinance shall apply only as long as the license in each case shall have been kept in force continuously and uninterruptedly in the name of the license, or his successor in interest; no license to keep a saloon shall hereafter be issued to a firm except in the names of the individual members of the firm, and no such license shall hereafter be issued to a corporation; provided, however, that any corporation now owning such license in its name may designate the person or persons by and with the consent of the Mayor and City Council, who shall be entitled to renewal or reissue of such license; provided, further, however, that such person or persons shall duly qualify by complying with all the laws and ordinances in force at the time in the City of Rexburg.

SECTION IV: That all licenses for the keeping of a saloon now in force in the City of Rexburg shall be renewed or reissued upon the 1st day of February 1909, and those now in force and that shall not have expired upon said date, shall when renewed or reissued upon said date be credited with the amount for the expired term of such license, and that no such license shall at any time be granted or issued for a term less than three months. The license fee to be paid for the

keeping of each saloon in the City of Rexburg shall, on and after the 1st day of February, 1909, be one thousand dollars annually, to be paid in advance for each such license granted or issued as herein provided the license fee. If at any time after the passage of the ordinance, when the number of license saloons in said City shall be equal to the proportion specified in section two, any person or persons being the owner or owners of a license for the keeping of a saloon or drain shop in the City of Rexburg, and having the right to have the same renewed or reissued, and fails or refuses to do so, or has his license revoked as hereinafter he or they renewed his or their said license, shall be apportioned among the remaining licenses for the keeping of saloons in the City of Rexburg, and paid by them each a proportional part, which shall comprise a part of their individual annual license fee for the keeping of a saloon in the City of Rexburg, so that the gross or total amount paid during one year as license fees for the keeping of saloon shall not be less than would have been paid had the whole number of licenses for the keeping of saloons that are now in force continued to be and remained in force, or that may hereafter be granted.

SECTION V: When any person or persons as licensed to keep a saloon in the City of Rexburg shall be convicted of a violation of any of the laws or ordinances of the City of Rexburg or any of the penal statutes of this state, relating to the sale of intoxicating liquors, or the regulating or governing saloons, or shall fail to conduct their place of business in a quit, orderly and peaceable manner, or who shall be found guilty of using or permitting to be used the house or premises where the said saloon is kept, for any illegal purposes or who shall violate any of the conditions of their bonds, the City Council shall immediately, and it is hereby made its duty, to revoke the license of any such person, or persons, and any person, or persons whose license shall have been revoked for any of the above reasons shall be forever prohibited and barred from again obtaining a license for the keeping of a saloon in the City of Rexburg.

SECTION VI: All applications for a license to sell intoxicating, spirituous malt or fermented liquors or wines to be drunk or handled in, on or about the premises where sold, must be made to the Mayor and City Council at least twenty days before the meeting at which such application shall be acted upon, and said application shall specify the place of sale, and said application may be granted or rejected by said Mayor and City Council, in their discretion.

SECTION VII: Any and all ordinances or parts of ordinances of the City of Rexburg, in so far as they conflict with any of the provisions of said ordinance are hereby repealed.

SECTION VIII: This ordinance shall be in full force and effect from and after its passage and approval.

PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR this the 21st day of December, 1908.

J. W. Webster, Mayor

(SEAL)

ATTEST:

A.L. Blackburn, City Clerk

STATE OF IDAHO)
)ss.
County of Madison)

I, A.L. BLACKBURN, City Clerk of the city of Rexburg, Idaho, do hereby certify: That the above and foregoing is a full, true and correct copy of the Ordinance Entitled:

AN ORDINANCE OF THE CITY OF REXBURG LIMITING AND REGULATING THE ISSUANCE OF LICENSES OF SALOONS IN SAID CITY, FIXING THE NUMBER OF INHABITANTS AS A UNIT FOR THE ISSUANCE OF EACH SUCH LICENSE, AND REGULATING THE LICENSE FEE TO BE

**PAID BY THE SALOONS ALREADY LICENSED AND NOW IN OPERATION
AS THE POPULATION SHALL INCREASE; AND PRESCRIBING A PENALTY
FOR THE VIOLATION OF THIS ORDINANCE.**

PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR this the 21st day of
December, 1908.

A.L. Blackburn, City Clerk

(SEAL)