



ORDINANCE NO. 172

AN ORDINANCE PROVIDING FOR THE SALE OF INTOXICATING LIQUORS BY PHARMACISTS PRESCRIBING THE CONDITIONS OF SUCH SALE AND FIXING THE PENALTIES FOR THE VIOLATION OF SAID ORDINANCE, PRESCRIBING THE CONDITIONS UNDER WHICH A PHYSICIAN MAY ISSUE A PRESCRIPTION FOR THE USE OF INTOXICATING LIQUORS, AND PROVIDING A PENALTY FOR THE VIOLATION OF THE SAME, PROVIDING THE CONDITIONS UNDER WHICH A PERSON MAY OBTAIN ALCOHOL FOR MECHANICAL, MANUFACTURING AND SCIENTIFIC PURPOSES AND FIXING A PENALTY FOR VIOLATION OF THE SAME; PROVIDING FOR ALL PARTITIONS, SCREENS, AND OBSTRUCTIONS FROM DRUG STORES AND FIXING A PENALTY FOR VIOLATING THE SAME AND REPEALING ALL ORDINANCES IN CONFLICT HEREWITH.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF REXBURG;

SECTION I – It shall be unlawful for any physician to issue a prescription for intoxicating liquor within the corporate limits of the City of Rexburg as medicine except in the case of actual sickness, and after making a thorough examination of the patient. Said prescription shall state the County in which the prescription is issued, the name of the physician and the name of the patients, the quantity of liquor and for what purpose prescribed, and the directions for using. The prescription shall be dated and properly signed by the physician issuing the same, said prescription to be in the following form:

STATE OF IDAHO
COUNTY OF MADISON
CITY OF REXBURG

I, _____, a regular practicing physician under the laws of said state, do hereby prescribe for the sale of _____ patient in my charge, whom I have professionally examined _____ for directions for using the same _____ and do certify that the same is necessary for the alleviation or care of illness from which the said patient is suffering.

Date _____

Physician _____

Provided that a licensed physician who does not follow the practice of medicine as a principal and usual calling shall not be authorized to give the prescription permitted by this section and any duly licensed physician of this state who shall issue any prescription contrary to the provisions of this ordinance shall be fined not more than One Hundred Dollars (\$100.00). Any person who shall make any false statement to any physician for the purpose of purchasing intoxicating liquors to be used otherwise than stated, or who shall use as a beverage the intoxicating liquor so procured, under this ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not exceeding One Hundred Dollars (\$100.00) or imprisoned in the City Jail for a period of not more than twenty days or both fine and imprisonment.

SECTION II – It shall be unlawful for any person within the corporate limits of the City of Rexburg, to sell or dispose of alcohol to any person for mechanical, manufacturing or scientific purposes, until such person shall subscribe and swear to an affidavit before the City Clerk, stating in said affidavit the purpose for which said alcohol is to be used for which affidavit there shall be no charge said affidavit shall be in the following form:

I, _____, residing at _____, Fremont County, State of Idaho, by _____, having been duly sworn, say that I desire to purchase _____ for _____ purposes, and in case said purchase is consummated, I shall use said alcohol for the above purpose only. _____

Subscribed and sworn to before me this _____ day of _____, 191____.

City Clerk

Provided it shall be the duty of the City Clerk to refuse to administer the oath for the purpose herein stated whenever he has reason to believe that the person applying therefor is under the influence of liquor, or that he intends to use the alcohol to be purchased as a beverage or permit it to be so used.

Any person who shall make any false statement in order to procure alcohol for any purpose than stated for affidavit, or use said alcohol for beverage purposes shall be guilty of a misdemeanor and shall upon conviction thereof, be fined in any sum not exceeding One Hundred Dollars (\$100.00) and for a second or subsequent offense be subject to a jail sentence not to exceed twenty days in addition to the fine provided by this ordinance.

SECTION III – No Wine shall be sold within the corporate limits of the City of Rexburg, State of Idaho, except for sacramental purposes, except as herein provided; provided however, that no wine for sacramental purposes shall be sold or delivered to any person until such person presents a written application therefor, signed by a bishop or clergyman or official of the church using the wine.

SECTION IV – It shall be unlawful for any person to sell or dispose of any intoxicating liquors of any kind within the corporate limits of the City of Rexburg, State of Idaho; except he be a regularly licensed pharmacist; provided however, that no regularly licensed pharmacist shall sell

within the corporate limits of the City of Rexburg, State of Idaho, intoxicating liquors of any kind unless the person buying such intoxicating liquor shall comply with all the requirements of section one (1) and two (2) and three (3) of this ordinance. Any such liquor sold shall not be drunk upon the premises where it is sold or in any adjoining room, under any circumstances and provide further that each regularly licensed pharmacist doing business within the corporate limits of the City of Rexburg shall execute a bond in the sum of five hundred dollars (\$500.00) payable to the City of Rexburg, and to be approved by the Mayor of the City conditioned that none of the liquor sold by him or in his place of business, shall be used or disposed of for any other purpose than as compounding medicine or as herein otherwise provided. Said bond shall be filed with the City Clerk of the City of Rexburg, Idaho. It shall be the duty of the City Attorney to bring suit on the bond executed by such person for the recovery of any such penalty and all costs. Any pharmacist who shall have been convicted of selling intoxicating liquor in violation of the provisions of this ordinance shall hereafter not be permitted to sell intoxicating liquors for any purpose whatsoever, either personally or by request, for two years within the corporate limits of the City of Rexburg, Idaho.

Provided further, that no such licensed pharmacist doing business within the corporate limits of the City of Rexburg, Idaho, shall have in his place of business, or in his possession at any time, intoxicating liquors to exceed fifty gallons.

Any person, company or corporation who shall violate the provisions of this section shall be guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not to exceed One Hundred Dollars, (\$100.00).

Any pharmacist selling intoxicating liquors for the purposes herein provided shall keep a true and exact record in duplicate of every sale of intoxicating liquors made by him or in or about his place of business, to any person whatsoever, the date of the sale, the name of the purchaser, his residence, the kind and quantity, and the price of such liquor, the purpose for which it was sold; and when the sale is for medical purposes, the record shall also contain the name of the physician issuing the prescription therefor and the directions providing the same, such entry shall be signed on duplicate by the person purchasing the liquor in his own name. Every prescription shall be immediately cancelled by writing the word cancelled on the face thereof and the date on which it was presented and filled and shall be kept on file and no such prescription shall be filled the second time. All records and prescriptions, affidavits and applications for intoxicating liquors filled shall be open for public inspection.

All duplicate records as herein provided shall be filed by the pharmacist on the first day of every month with the city clerk and no charge shall be made by such filing.

Any pharmacist who shall fail to keep such record or who shall fail to file such duplicate record or who shall destroy or alter in any way such record or entry therein or any prescription filled, or affidavit or permit or procure the same to be destroyed or altered or refuse inspection thereof to any person or shall cancel any such prescription, or shall refill any prescription or shall sell intoxicating liquors for medical purposes except on written prescription of a duly licensed physician; or alcohol for mechanical, manufacturing or scientific purposes without affidavit; or wine for sacramental purposes without a signed order from a bishop, clergyman or officer of the church

using the wine shall for such act be deemed guilty of a misdemeanor and upon conviction thereof be fined in any sum not to exceed One Hundred Dollars (\$100.00) for the offence.

SECTION V – Any person, company, corporation or association engaged in the sale of drugs or medicine or operating under the name of a drug store, shall remove or cause to be removed all partitions, booths, or obstructions of any kind, so that all parts of the interior of such a place of business shall be in plain view of passersby and no screen curtain, or partition shall obstruct the full view of the prescription counter or shall any part of the interior of such place of business be so arranged as to permit a person or persons to retire from the view of other person in the store or of passersby on the street.

Any person violating any of the provisions of this section shall be deemed guilty of an offence and upon conviction thereof shall be fined in any sum not exceeding One Hundred Dollars (\$100.00) for each offence.

SECTION VI – This ordinance shall be liberally construed to promote the purpose of its enactment.

SECTION VII – All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION VIII – This ordinance shall take effect immediately after its passage, signing and publication.

PASSED AND APPROVED THIS 13TH DAY OF NOVEMBER, 1913.

NATHAN RICKS

Mayor

ATTEST: J.C. ANDERSON

City Clerk