



**ORDINANCE NO. 314**

**AN ORDINANCE TO REGULATE THE SALE BY RETAILER OF BEER AND OTHER BEVERAGES CONTAINING ALCOHOL IN QUANTITIES MADE LEGAL WITHIN THE STATE OF IDAHO: PROVIDING FOR PAYMENT OF A LICENSE TAX AND THE ISSUANCES OF LICENSES TO SUCH RETAILERS; PRESCRIBING CERTAIN CONDITIONS AND REGULATIONS TO BE OBSERVED IN PLACES WHERE SUCH BEVERAGES ARE SOLD, AND PRESCRIBING PENALTIES FOR THE VIOLATION OF HEREOF.**

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF REXBURG, IDAHO.

**SECTION I:** As used in and for the purpose of this Ordinance the word "purpose", "retailer", and "beer" shall have and shall be given the same meaning as are given said words in House Bill No. Twelve of the extraordinary session of the Twenty Second Legislature of the state of Idaho being "an act for the authorization, regulation and control of manufacture, sale and disposition of beer and defining the same and other terms", and for other purposes.

**SECTION II:** It shall be unlawful for any person as a retailer to sell, deliver, furnish or otherwise dispose of or offer for sale, deliver or otherwise dispose of or keep or have in possession for sale, delivery or other disposition except for his own consumption any beer or other beverages containing alcohol without first paying the tax and obtaining a license here in provided for.

**SECTION III:** Before any retailer shall sell, deliver, furnish or otherwise dispose of or offer for sale or have in his possession for sale, delivery or other disposition, except for his own consumption, any beer or other beverage containing alcohol, such retailer shall make application to the city clerk of the City of Rexburg for a license to do so, and shall pay to said city Clerk the license tax herein provided to be paid. Such application shall state the name age and sex of the applicant, the business in which he is engaged whether an individual, firm, co-partnership, corporation or other association, the street number or other description of the place where beer is to be sold by such applicant.

**SECTION IV:** The license tax to be paid by each retailer of beer the city of Rexburg shall be \$12.50 per year and shall be paid yearly in advance on or before the second day of January each year, provided that for the balance of the year 1933 half of the annual license tax shall be paid.

**SECTION V:** The license issued pursuant to the provision of this ordinance shall be kept posted at all times in the place of the licensee named therein, where beer is sold or offered for sale; and such license shall not be transferable and shall not authorize the licensee or any other person to sell beer or any other beverage within the city of Rexburg except the place mentioned and described in such license, and any attempted transfer of any license, or any sale or offering for sale of any beer or any other beverage containing alcohol at any place other than that mentioned in license issued shall be a violation of the provision of this ordinance and subject to the licensee to the penalties herein prescribed.

**SECTION VI:** Beer shall not be sold in any grocery store or any other place where groceries or foods are sold to the general public, not in any general merchandise store within the city of Rexburg to be consumed at the place where sold and no beer or other beverages containing alcohol sold or delivered pursuant to the law to the state of Idaho, or the provisions of this ordinance shall be drunk or consumed at any grocery store or other place where groceries or foods are sold to the general public or in any general merchandise store within the city of Rexburg,

provided the provisions of this section shall not apply to restaurants or cafes or soft drink dispensaries.

**SECTION VII:** Any violation of the terms of this ordinance shall be and is hereby declared a misdemeanor, and any person convicted of on any of the provisions hereof shall be fined in any sum not to exceed \$100.00 in the discretion of the court, and shall stand committed until such fine is paid. If any retailer to whom a license is issued under the provision of this ordinance shall be convicted of any violation of the terms of this ordinance the license shall be forfeited in addition to any other penalty imposed and such retailer shall not be eligible to receive a license to sell beer or other beverages containing alcohol within the city of Rexburg for a period of at least one year after such forfeiture.

PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR THIS 19th Day of July 1933

Attest:

\_\_\_\_\_  
T.G.Richman  
City Clerk

\_\_\_\_\_  
Arthur Porter  
Mayor

REPEALED BY ORD 323