



ORDINANCE NO. 323

AN ORDINANCE PROVIDING FOR THE LICENSING OF RETAILERS OF BEER IN THE CITY OF REXBURG, IDAHO: FIXING THE AMOUNT OF TAX FOR SUCH LICENSES: REQUIRING THE FILING OF WRITTEN APPLICATIONS FOR LICENSES: REQUIRING THE FILING OF WRITTEN APPLICATION FOR LICENSES: PRESCRIBING CERTAIN LIMITATIONS AS TO PLACES WHERE BEER MAY BE SOLD AND REGULATIONS AS TO THE KEEPING OF SUCH PLACES: PROVIDING A PENALTY FOR THE VIOLATION OF THE PROVISIONS OF THIS ORDINANCE FOR THE REVOCATION OF LICENCESES: AND REPEALING ORDINANCE NUMBER 314 OF THE CITY OF REXBURG.

BE IT ORDAINED By the Mayor and Council of the City of Rexburg, Idaho:

SECTION I: As used in this Ordinance the words "person" "retailer" and "beer" and, other words used herein in connection with the subject matter of this Ordinance shall have the same meanings as are given such words in the laws of the State of Idaho permitting and controlling the sale of beer, and particularly in House Bill Number 108 of the Twenty-third Session of the Legislature of the State of Idaho, being, "An Act For The Authorization, Regulation and Control of The Manufacture, Sale and Distribution of Beer and Defining the Same", and containing other provisions.

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

SECTION III: Any person desiring to engage in the business of sale, barter, trade, delivery or distribution of beer as a retailer, within the limits of the City of Rexburg, shall make application to the City Council for a license and shall pay the tax herein provided to be paid in such cases. Such application shall be in writing and shall state the name, age and sex of the applicant, the business in which he is engaged, whether an individual, firm, co-partnership or corporation, or other association of persons, the street number or other brief description of the place where beer is to be sold or kept for sale by such applicant.

SECTION IV: Every applicant for a license under the provisions of this Ordinance shall deposit with the City Clerk, for the uses and purposes of the City of Rexburg, at the time of filing his application, the amount in lawful money of the United States, herein required for the kind of license applied for, for the current calendar year. If such application is filed between the first day of January and, the first day of June there shall be deposited the tax for a full year, and if filed between the first day of June and the 31st day of December, one-half of the yearly tax. The license tax to be paid and collected before any license shall issue for the respective kinds of licenses hereby authorized shall be the following:

A. Where such applicant applies for a license to sell, as a retailer, only bottled beer, the amount to be paid and collected shall be Twenty-five Dollars per year.

B. Where such applicant applies for a license to sell, as a retailer, draught beer and bottled beer, or draught beer only, the amount to be paid and collected shall be Seventy-five Dollars per year. Provided, for the year 1935, every retailer who has paid the amount of license tax required by Ordinance Number 314 of the City of Rexburg, and is engaged in business as a retailer by right of a license issued under said Ordinance, shall be given credit for the amount paid for such outstanding license.

SECTION V: No license shall be issued to any applicant to engage in the sale of beer, as a retailer, within said City until the application therefor shall have been approved by the City Council and an order entered on the journal of the proceedings of the Council directing the issuance of such license; and before ordering the issuance of any license under the provisions of this Ordinance the City Council shall examine into the character and reputation of the applicant and the place where he proposes to engage in business as a retailer, and the City Council may refuse to grant a license to any person who in their judgment may not be a suitable or proper person to conduct the business of a retailer, or the place where the applicant proposes to carry on such business is not a suitable or orderly place.

SECTION VI: Every license issued pursuant to the provisions of this Ordinance shall be kept posted at all times in the place of business 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 at any place within the City of Rexburg, except the place mentioned and described in the application for said license and any attempted transfer of such license, or any sale or offering for sale of beer at any place other than that mentioned and described in such application shall be a violation of the provisions of this Ordinance.

SECTION VII: Every place where beer is sold within the City of Rexburg shall be maintained in a sanitary and orderly condition and as a quiet and orderly place of business, and the same shall be open to inspection at all times by any police officer of the City of Rexburg, or any officer of Madison County, or the State of Idaho, or of the United States, and there shall be no screens or other obstructions to the view of the general public into any building where beer is sold, through the windows or doors thereof.

SECTION VIII: It shall be unlawful for any retailer conducting a grocery store or other place where groceries or foods are sold to the general public, or any general merchandise store, within the City of Rexburg, to permit beer sold at such places of business to be consumed on the premises where sold; and no beer sold or delivered pursuant to the provisions of this Ordinance or the laws of Idaho shall be drunk or consumed at any grocery store or place where groceries or foods are sold to the general public or at any general merchandise store within the City of Rexburg. Provided, that the provisions of this Section shall not apply to restaurants or cafes or soft drink dispensaries.

SECTION IX: Any violation of the provisions of this Ordinance shall be deemed a misdemeanor, and any person convicted of a violation of any of the provisions hereof shall be punished by fine in any sum not exceeding One Hundred Dollars, in the discretion of the court wherein conviction is had, and shall be imprisoned in the City or County jail at hard labor until such fine is paid, at the rate of One Dollar and fifty cents per day.

And if any retailer to whom a license has been issued pursuant to the provisions of this Ordinance shall be convicted of any violation of the provisions hereof, or of any law of the State of Idaho relating to the retail sale of beer, the license of such retailer may be revoked or suspended for such time as the City Council may determine by order of the Council, and if revoked such retailer shall not be eligible to receive a license to sell beer within the City of Rexburg for a period of at least one year after the date of such revocation.

SECTION X: Ordinance Number 314 of the City of Rexburg passed and approved on the 19th day of July, 1933, is hereby repealed.

Passed the 24th day of April, A.D. 1935.

Approved the 1st day of May, A. D. 1935.

Attest:

T.G. Richman
City Clerk

Arthur Porter, Jr.
Mayor

(SEAL)