



ORDINANCE NO. 334

AN ORDINANCE PROVIDING FOR THE LICENSING OF RETAILERS OF BEER IN THE CITY OF REXBURG, IDAHO: FIXING THE AMOUNT TO TAX FOR SUCH LICENSES: REQUIRING THE FILING OF WRITTEN APPLICATIONS FOR LICENSES: PRESCRIBING CERTAIN LIMITATION AS TO PLACE WHERE, AND DISTRICTS WITHIN WHICH, BEER MAY BE SOLD: AND REGULATIONS AS TO THE KEEPING OF SUCH PLACES: PROVING A PENALTY FOR THE VIOLATION OF THE PROVISIONS OF THIS ORDINANCE AND FOR THE REVOCATION OF LICENSES: AND REPEALING ORDINANCE NO. 323 OF THE CITY OF REXBURG.

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

SECTION I: As used in this ordinance the words Aperson@, Aretailer@ , and Abeer@ 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 A An Act For The Authorization, Regulation and Control of the Manufacture, Sale and Distribution of Beer and Defining the Same:, and containing other provisions. As used in this Ordinance the term draft beer is hereby defined to be any beer opened and sold on the premises where sold.

SECTION II: It shall be unlawful for any person as retailer to sell, deliver furnish of otherwise dispose of, or offer for sale or keep or have in his possession for sale, delivery or other disposition, any beer within the limits of the City of Rexburg, except for his own consumption of 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 applications 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 application for a license under the provisions of his 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 and 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 applied for a license to sell, as a retailer, only bottled beer, the amount to be paid and collected shall be Fifty Dollars per year.
- B.** Where such applicant applies for a license to sell, as a retailer, draft beer and bottled beer, or draft beer only, the amount to be paid and collected shall be One Hundred Dollars per year.

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 applicant therefore shall have been approved by the City Council and an order entered on the journal of the proceedings of the Council direction the issuance of such license; and before ordering the issuance of any character and the reputation of the applicant and the place where he proposes to engage in 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 to 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 in 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 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 of the view of the general public into any building where beer is sold, through the windows or doors thereof.

SECTION VIII: No license shall be granted to sell beer at retail within the City of Rexburg in any room or rooms in any second or third story of any building, or in any room or rooms not in the first story or upon the ground floor of any building, or in any cellar or basement room or in any place or room which does not have direct entrance from a public street, or in any room or rooms having any connection whatsoever with a place where dancing is engaged in.

SECTION IX: every person employed to sell beer at retail within Madison county, shall before selling or dispensing any draft beer, submit to the examination and test required as provided in Chapter 12 of Title 38 of the Idaho Code Annotated.

SECTION X: No male person under the age of twenty (20) years and no female person under the age of eighteen (18) years shall be employed in the selling or dispensing of any draft beer.

SECTION XI: No license to sell beer at retail within Madison County shall be issued to any person who is not an actual resident of said County and no license to sell draft beer at retail within said County shall be issued to any corporation.

SECTION XII: The City hereby reserves the right to reject any application for cause.

SECTION XIII: All persons selling beer must cease to sell same at 12 o'clock midnight and refrain from selling the same until 7 A.M. the next day.

SECTION XIV: 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 in 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 apply to restaurants or cafes or soft drink dispensaries.

SECTION XV: Licenses shall be denied to any person for sale or draft beer in any residential district and shall be granted to persons doing business within the following commercial districts only:

Commencing on East Main street 300 feet west of the Court House; west along Main Street to within 200 feet of the Main Building of the Madison High School; South from Main Street along College Avenue to Carlson Avenue; nor shall beer be sold within 200 feet of any school, dormitory, church building, City Park or public playground. All other territory within said City is hereby designated as a residential district.

SECTION XVI: Any violation of the provisions of the 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

