

ORDINANCE NO. 267

AN ORDINANCE FOR THE CITY OF IDAHO CITY, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; PROVIDING FOR THE REPEAL OF ORDINANCE NO. 230; AND THE AMENDMENT OF ORDINANCES NO. 163 AND 213 TO ESTABLISH A PROVISION IN THOSE ORDINANCES AUTHORIZING THE ASSESSMENT OF A MINIMUM CHARGE FOR INACTIVE WATER AND SEWER HOOKUPS.

WHEREAS, Ordinance No. 163, pertaining to the development and administration of a sewer system in Idaho City and Ordinance No. 213, relating to the development and administration of a water system in Idaho City, do not contain provisions for the assessment of minimum charges for inactive water and sewer hookups, and

WHEREAS, persons who purchase water and sewer hookups but do not use them create a future demand on the water and sewer system and reduce the number of water and sewer hookups available for individuals or businesses who will use and pay for such services;

WHEREAS, Ordinance No. 230 should be repealed and replaced by this ordinance;

BE IT ORDAINED by the Mayor and the Council of the City of Idaho City, Idaho, that Ordinance No. 230 is hereby repealed.

BE IT FURTHER ORDAINED that Ordinance No. 163 be amended to add the following section:

Section 24(D): A vacancy rate of \$5.00 per month shall be charged upon any sewer hookup that is purchased but is not actually connected to the city sewer system until such time as the hookup is used, at which time the charge will be as stated in this Ordinance. A sewer hookup that is connected but is vacant shall also be charged the vacancy rate of \$5.00 per month when such connection has been vacant for 30 days or more. Notification of vacancy and re-occupancy must be in writing and delivered to the City Clerk.

BE IT FURTHER ORDAINED that Section 20 of Ordinance No. 213 shall be amended to add the following:

When a water service hookup is purchased but not actually connected to the city water system, a vacancy charge of \$6.00 per month shall be assessed against the owner of the property until such time as the owner actually connects to the water system and commences use of the city water system. At that time, the charge for water service shall be as stated in this Ordinance.

BE IT FURTHER ORDAINED that Section 21 of Ordinance No. 213 shall be amended to add the following:

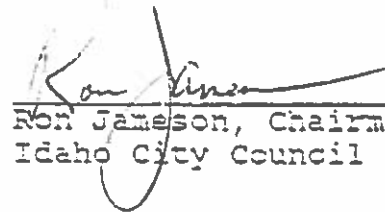
Properties for which service has been terminated shall be charged a vacancy rate as set forth in Section 20 above.

This Ordinance shall take effect and be in full force and effect from and after its passage, approval and publication according to law.

Adopted and approved this 24th day of February, 1998, and signed by the Mayor of the City of Idaho City and the Chairman of the City Council.

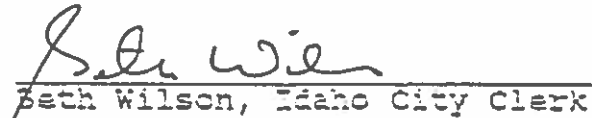


Tom Corum, Mayor  
City of Idaho City, Idaho



Ron Jameson, Chairman  
Idaho City Council

ATTEST:



Beth Wilson, Idaho City Clerk

ORDINANCE NO. 266

AN ORDINANCE ADOPTING THE IDAHO CITY COMPREHENSIVE PLAN

WHEREAS, significant public input has been received by the Idaho City Council regarding the development and adoption of the Idaho City Comprehensive Plan; and

WHEREAS, notice of intent to adopt the Idaho City Comprehensive Plan and notice of the public hearing thereon has been sent to all political subdivision providing services within Idaho City pursuant to statute; and


WHEREAS, a final public hearing on the Idaho City Comprehensive Plan was held at the Idaho City Hall on January 20, 1998; and

WHEREAS, the Idaho City Council finds it to be in the best interest of Idaho City that the Idaho City Comprehensive Plan be adopted;

BE IT ORDAINED BY THE MAYOR AND THE COUNCIL OF THE CITY OF IDAHO CITY, IDAHO, that the "Idaho City Comprehensive Plan" as presented at the public hearing held on January 20, 1998, is hereby adopted by reference by the Idaho City Council pursuant to the provisions of Idaho Code Section 67-6509(c).

This Ordinance shall take effect and be in full force and effect from and after its passage, approval and publication according to law.

Adopted and approved this 27th day of January, 1998, and signed by the Mayor of the City of Idaho City and the Chairman of the City Council.

  
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Tom Corum, Mayor  
City of Idaho City, Idaho

  
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Ron Jameson, Chairman  
Idaho City Council

ATTEST:

  
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Beth Wilson, Idaho City Clerk

ORDINANCE NO. 265

AN ORDINANCE EXTENDING THE PROVISIONS OF IDAHO CITY ORDINANCE NO. 250, THE IDAHO CITY BUILDING CODE ORDINANCE, UNTIL A COMPREHENSIVE PLAN AND ZONING ORDINANCE HAVE BEEN ADOPTED.

WHEREAS, Idaho City Ordinance No. 250, the Idaho City Building Code Ordinance, was adopted as an interim Ordinance to be in effect until a Comprehensive Plan and Zoning Ordinance could be approved by Idaho City, but was not to be in effect for longer than one year from April 5, 1996; and

WHEREAS, it has become necessary to extend the effective date of Ordinance No. 250;

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

1. Ordinance No. 250, the Idaho City Building Code Ordinance, shall be in full force and effect until repealed by the Idaho City Council upon the approval of a comprehensive plan and zoning ordinance, or until said Ordinance is otherwise repealed.

2. Ordinance No. 250 shall be amended as follows:

ORDINANCE NO. 250

AN ORDINANCE ESTABLISHING PROCEDURES FOR CONSTRUCTION OR PLACEMENT OF STRUCTURES UPON PROPERTY IN THE CORPORATE LIMITS OF IDAHO CITY; PROVIDING FOR BUILDING PERMITS AND OCCUPANCY PERMITS; PROVIDING REGULATIONS AND REQUIREMENTS FOR NEW STRUCTURES; PROVIDING FOR THE ENFORCEMENT OF THIS ORDINANCE, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of Idaho City, Idaho, deems it necessary for the health, peace, safety, convenience, order and prosperity, general welfare of the present and future inhabitants of Idaho City to formulate and adopt a Comprehensive Plan and Zoning Ordinance; and

WHEREAS, the Idaho City Planning and Zoning Commission has only recently been disbanded and the City Council is exercising planning and zoning functions; and

WHEREAS, it is anticipated that the Comprehensive Plan and proposed Zoning Ordinance will not be in effect for several months; and

WHEREAS, new growth within the corporate limits of Idaho City may have the effect of creating zoning problems which are not consistent with the developing comprehensive plan; and

WHEREAS, the City Council has determined that an interim Ordinance be adopted in order to regulate and plan the growth in Idaho City until the Comprehensive Plan and Zoning Ordinance are fully developed;

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

1. This Ordinance shall be known and entitled as the Idaho City Building Code Ordinance.

2. The 1994 edition of the Uniform Building Code is hereby adopted as the standard with which all new construction must comply after the effective date of this Ordinance. A copy of the Uniform Building Code is available at the Idaho City Clerk's Office during normal business hours.

3. Any mobile home or trailer or manufactured home which is proposed to be placed upon property inside the corporate limits of Idaho City shall meet the standards set forth by the Idaho State Industrial Commission. This requirement shall also apply to moving an existing mobile home or trailer or manufactured home from one lot inside the city limits to another lot inside the city limits. Any such mobile home or trailer shall not be older than the year 1976.

4. No building or other structure shall be erected, moved, added to or structurally altered, nor shall any building, structure or land be established or changed in use without a permit therefor issued by the City Council. Building Permits shall be issued only in conformity with the provisions of this Ordinance. Any construction already commenced on the date this Ordinance becomes effective shall not be affected by this Ordinance. However, actual work must be performed within one hundred twenty (120) days of the effective date of this Ordinance, or the owner must then obtain a Building Permit and comply with the terms of this Ordinance.

5. The application for a Building Permit shall be signed by the owner or applicant attesting to the truth and exactness of all information supplied on the application. Each application shall clearly state that the permit shall expire and be considered revoked if work

has not begun within one hundred twenty (120) days from the date the permit was issued. At a minimum, applications shall contain the following information:

1. Name, address and telephone number of the applicant;
2. Legal description of the property;
3. Existing use;
4. Proposed use;
5. Plan, drawn to scale, showing the exact dimensions and the shape of the lot to be built upon; the exact size and location of existing buildings on the lot, if any; and the location and dimensions of the proposed buildings or alteration;
6. Building heights;
7. Number of off-street parking spaces;
8. Number of dwelling units;
9. Proposed sewer and water facilities;
10. Such other matters as may be necessary to determine conformance with, and provide for, the enforcement of this Ordinance, and other applicable city and county Ordinances.
11. Flood Plain Permit if applicable.
12. Estimated value of new construction, remodel, addition or placement.

6. A fee shall be charged for the building permit as well as for the inspections required under this ordinance. The City Council shall set the fees for the permit and inspections by resolution. The permit fee must be submitted with the application in order for the application to be considered by the City Council. Payment of all fees is required prior to a certificate of occupancy being issued.

7. Within thirty (30) days after the receipt of an application, the City Council shall either approve or

disapprove the application in conformance with the provisions of this Ordinance. All Building Permits shall, however, be conditional upon the commencement of work within one hundred twenty (120) days. One copy of the plan shall be returned to the applicant by the City Council after the Council shall have marked such copy either as approved or disapproved and attested to same by the signature of the Mayor or his/her designee on said copy. One copy of plans similarly marked shall be retained by the City Council. The Council shall issue a placard, to be posted in a conspicuous place on the property in question attesting to the fact that the use or alteration is in conformance with the provisions of this Ordinance.

8. If the work described in any Building Permit has not begun within one hundred twenty (120) days from the date of issuance thereof, said permit shall expire and be considered revoked by the Council. No written notice of expiration or revocation need be given to the persons affected.

9. It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or part thereof thereafter created, erected, changed, converted or wholly or partly altered or enlarged in its use or structure until a Certificate of Occupancy shall have been issued therefor by the City Council stating that the proposed use of the building or land conforms to the requirements of this Ordinance and with all conditional provisions that may have been imposed. This provision shall not apply to structures already occupied or used prior to the commencement of addition or remodel work.

10. Failure to obtain a Building Permit or a Certificate of Occupancy shall be a violation of this Ordinance. Use, arrangement or construction contrary to that authorized through the Building Permit shall also be deemed a violation of this Ordinance.


11. The City Council shall have the authority to take whatever steps are necessary to civilly enjoin any violation of this Ordinance. Further, violation of any of the provisions of this Ordinance shall constitute a misdemeanor. Each day such violation continues shall be considered a separate offense. The land owner, tenant, subdivider, builder, public official or any other person who commits, participates in, assists in or maintains any such violation may be found guilty of a separate offense.

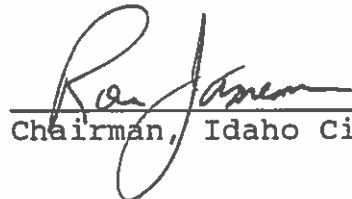
12. Any party who is aggrieved by a decision of the City Council shall have the right to appeal such decision to the District Court within twenty-eight (28) days, as stated in the Idaho Code.

This Ordinance shall take effect and be in full force and effect from and after its passage, approval and publication according to law, ~~and shall be effective for no longer than twelve (12) months unless sooner repealed.~~

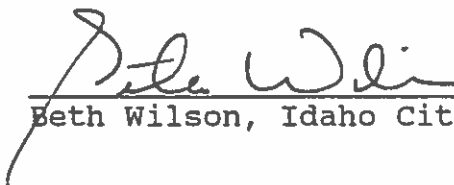
This Ordinance shall take effect and be in full force and effect upon its passage, approval and publication according to law.

Adopted and approved this 2nd day of December, 1997, and signed by the Mayor of the City of Idaho City and the Chairman of the City Council.

  
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Patricia Campbell, Mayor  
City of Idaho City, Idaho

  
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Chairman, Idaho City Council

ATTEST:

  
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Beth Wilson, Idaho City Clerk



ORDINANCE NO. 264

AN ORDINANCE OF IDAHO CITY, IDAHO, ESTABLISHING GROSS VEHICLE WEIGHT LIMITS ON MAIN STREET OF IDAHO CITY, IDAHO.

BE IT ORDAINED BY THE MAYOR AND THE COUNCIL OF THE CITY OF IDAHO CITY, IDAHO, AS FOLLOWS:

1. Restriction of truck traffic on Main Street. It is unlawful for the driver of any vehicle (including any trailer pulled by said vehicle) weighing twenty thousand (20,000) pounds or more to operate said vehicle on Main Street between School Street and Highway 21 within the city. The provisions of this section shall not apply to emergency vehicles, rubbish pickup vehicles, street and utility service vehicles, moving vans delivering personal property, merchandise delivery trucks or vehicles delivering materials to, or used in connection with, a construction project on or near Main Street in Idaho City, Idaho.

The Department of Public Works for the City of Idaho City is authorized and instructed to post notice of this weight restriction where appropriate on Main Street, Idaho City, Idaho.


A party may apply for a temporary special use permit allowing use of Main Street by vehicles (including any trailer pulled by said vehicle) exceeding the twenty thousand (20,000) pound maximum provided for in this section. After consideration of such an application and hearing by the city council, the city council may, upon such terms and conditions as are deemed by the council to be adequate to protect the public welfare, authorize the city clerk to issue such a temporary special use permit.

The conditions and restrictions included in any such special use permit may include, without limitation, restrictions as to the length of the permit, days and/or hours of operation, speed limits more restrictive than those posted or those generally applicable to the street, limits as to the weight of the vehicles (including any trailers) to be used, prohibition of use of "jake" brakes within the city, prohibition of operation in wet weather, a requirement that the applicant indemnify and hold the city harmless with regard to liability for any claims or damages from the applicant's operation, proof of liability insurance in an amount acceptable to the city council, and/or a requirement that security (in the form of a bond, escrow account, or joint account in an amount and form acceptable to the council) be posted to secure payment by the applicant of any and all expenses to repair damage to the street or streets used by the applicant resulting from said use.

Violation of any of the provisions of this Ordinance shall constitute a misdemeanor.

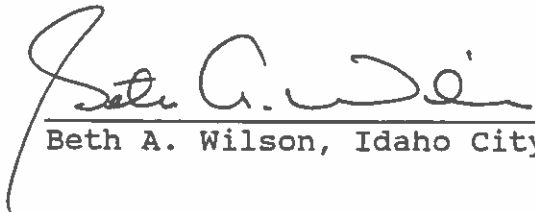
This Ordinance shall take effect and be in full force and effect from and after its passage, approval and publication according to law.

Adopted and approved this 14th day of October, 1997, and signed by the Mayor of the City of Idaho City and the Chairman of the City Council.

  
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Patricia Campbell, Mayor  
City of Idaho City, Idaho

  
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Ron Jameson, Chairman  
Idaho City Council

ATTEST:

  
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Beth A. Wilson, Idaho City Clerk

ORDINANCE NO. 263

AN ORDINANCE AMENDING ORDINANCE NO. 185 ESTABLISHING THE FEES FOR PURCHASE OF A GRAVESITE IN IDAHO CITY PIONEER CEMETERY, AND ESTABLISHING THE PURPOSES FOR WHICH SAID FEES MAY BE USED.

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

Section 1. FEES. That the fees for purchase of a gravesite in the Idaho City Pioneer Cemetery shall be \$300 if purchased for the burial of a resident of the City of Idaho City; and \$400 for the burial of a person not a resident of the City of Idaho City. Said fees shall be for the purchase of said gravesite only; however the City shall provide, upon request, the opening and closing of the gravesite at no additional cost.

Section 2. USE OF FUNDS. All fees collected for the purchase of gravesites in Pioneer Cemetery shall be set aside in the General Fund to be used for maintenance, upkeep, opening and closing of gravesites, and for any other expenses that shall be incurred by the City in the operation of Pioneer Cemetery.

Section 3. SAVINGS CLAUSE. If any section, paragraph, sentence or pro-circumstance shall ever be held invalid or unenforceable, such holding shall not affect the remainder hereof, which shall continue in full force and effect and applicable to all circumstances to which it may validly apply.

Section 4. EFFECTIVE DATE. This Ordinance shall take effect and be in full force upon its passage, approval and publication in one (1) issue of the Idaho World, a newspaper of general circulation and the official newspaper thereof.

PASSED BY THE CITY COUNCIL and approved by the Mayor, this 23rd day of September, 1997.

By Pat Campbell  
Pat Campbell, Mayor

Attest:

Beth A. Wilson  
Beth A. Wilson, City Clerk

ORDINANCE # 262  
ANNUAL APPROPRIATION ORDINANCE  
1997-98 FISCAL YEAR

AN ORDINANCE ENTITLED THE ANNUAL APPROPRIATION ORDINANCE FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 1997, APPROPRIATING THE SUM OF \$368,656 FOR SAID FISCAL YEAR, AUTHORIZING A LEVY OF SUFFICIENT TAX UPON THE TAXABLE PROPERTY AND SPECIFYING THE OBJECTS AND PURPOSES FOR WHICH SAID APPROPRIATION IS MADE.

Be it ordained by the Mayor and the City Council of the City of Idaho City, Boise County, Idaho.

Section 1: That the sum of \$368,565 be, and the same is appropriated to defray the necessary expenses and liabilities of the City of Idaho City, Boise County, Idaho for the fiscal year beginning October 1, 1997.

Section 2: The objects and purposes for which such appropriation is made, and the amount of each object and purpose is as follows:

ESTIMATED EXPENDITURES

General Administration:

Legal	1,500
Professional Services	2,400
Other Government	42,079
Tort Insurance	9,500
State and Federal Grants	40,000

Law Enforcement:

Administration	53,130
Other Law Enforcement expenses	8,450

Fire Department:

Administration	735
Other Fire Department Expenses	4,250

Streets and Roads Department:

Administration	12,050
Maintenance	2,500
Other Street Expenses	11,300

Water Department:

Administration	28,106
Professional Services	8,600
Bond and Interest	20,000
Capitol Outlay	2,700
Other Water Expenses	47,100

Sewer Department:

Administration	28,106
Professional Services	7,600
Bond and Interest	17,000
Capitol Outlay	750
Other Sewer Expenses	20,800

Section 3: That a general tax levy on all taxable property within the City of Idaho City be levied in a amount allowed by lay for the general purposes for said City for the fiscal year beginning October 1, 1997.

Section 4: All Ordinances and parts of ordinances in conflict with this ordinance are here by repealed.

Section 5: This ordinance shall take effect and be in full force upon its passage, approval and publication in one issue of the Idaho World, a newspaper of general circulation in the City of Idaho City, and the official newspaper of said City.

APPROVED:

  
PAT CAMPBELL, MAYOR

ATTEST:

  
BETH A. WILSON, CITY CLERK

PUBLISHED: 9/17/97

ORDINANCE NO. 261

BY THE COUNCIL:

AN ORDINANCE SETTING THE COMPENSATION FOR THE MAYOR AND COUNCIL MEMBERS OF THE CITY OF IDAHO CITY, IDAHO AND REPEALING ORDINANCE NO. 146:

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

Section 1: Compensation of Mayor: The compensation of the Mayor shall be \$100 per month, payable on the 1st day of each month, beginning with the month of January 1, 1998.


Section 2: Compensation of Council Members: The compensation of each council Member shall be \$100 per month, payable on the last day of each month, beginning with the month of January, 1998.

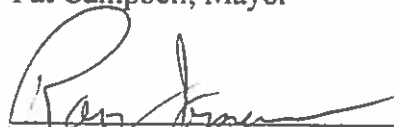
Section 3: This Ordinance shall be in full force and effect from and after its passage and approval.

PASSED BY THE COUNCIL OF THE CITY OF IDAHO CITY, IDAHO this 12th day of August, 1997.

APPROVED BY THE MAYOR OF THE CITY OF IDAHO CITY, IDAHO, this 12th day of August, 1997.

APPROVED:

  
Pat Campbell, Mayor

  
Ron Jameson, Chairman  
Idaho City Council

ATTEST:

  
Beth A. Wilson, City Clerk

ORDINANCE NO. 260

AN ORDINANCE ESTABLISHING MINIMUM REQUIREMENTS FOR THE LICENSING OF THE SALE OF ALCOHOLIC BEVERAGES FOR THE PROTECTION OF PUBLIC HEALTH, WELFARE, AND SAFETY; AND FOR THE ORDERLY, MORAL AND RESPONSIBLE CONDUCT OF THE BUSINESS OF SELLING AND DISTRIBUTING ALCOHOLIC BEVERAGES, AND FOR THE GENERAL WELFARE, ALL WITHIN THE BOUNDARIES OF THE CITY OF IDAHO CITY.

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

A. This Ordinance establishes minimum licensing requirements, qualifications, and fees for the sale of alcoholic beverages within the boundaries of the City of Idaho City, Idaho.

B. This Ordinance establishes the minimum standards of orderly, moral, and responsible conduct of properly licensed businesses engaged in selling and distributing alcoholic beverages within the boundaries of Idaho City, Idaho.

C. This ordinance establishes authority for enforcement, regulation, and penalties for failure to comply or violation of any or all parts of this ordinance.

1. LICENSE REQUIRED: It shall be unlawful for any person to engage in any of the following acts without first having obtained a license under the provisions of this Ordinance:

(a) To sell liquor by the drink at retail for consumption on the licensed premises.

(b) To serve and sell liquor at retail by the drink at a party or convention which is off the site of the licensed premises.

(c) To sell only bottled or canned beer, none of which is consumed on the premises where sold.

(d) To sell for consumption on the premises draft beer, bottled beer, and/or canned beer, and/or draft beer only.

(e) To sell wine at retail for consumption off the premises.

(f) To sell wine by the individual glass or opened bottle at retail for consumption on the premises only.

(g) To otherwise possess for resale, or sell wine, liquor, and/or beer.

Ordinance No. 260

Page 1. ddc

2. APPLICATION FOR LICENSES: Prior to the issuance of a license, the applicant shall file with the City Clerk an application, in writing, which application shall be on the official application form approved by the City Council, which shall be signed by the applicant(s), and contain such information and statements as requested relative to the applicant(s) and the premises where either liquor, beer, and/or wine is to be sold. The application shall show that the applicant possesses all of the qualifications required by this Ordinance. All applications for a license shall require the applicant to set forth the following information:

(a) A description of the premises for which a license is sought for a bar, tavern, lounge, or restaurant, or combination thereof.

(b) The names and addresses of all persons who will have any financial interest in any business to be carried on, in or upon the licensed premises, whether such interest results from open loans, mortgages, conditional sales contracts, silent partnerships, trusts, or any other basis than upon trade account incurred in the ordinary course of business and the amounts and nature of such interests including shareholders with names and addresses provided.

(c) If the premises to be licensed are not owned by the applicant, then it shall be incumbent upon the applicant to furnish a certified copy of the lease by which applicant will occupy the premises, and that the lessor has consented to the sale of liquor, beer or wine on the premises and the applicant shall furnish evidence of the lease, by which the applicant is entitled to possession of the property.

(d) The name and address of the applicant shall include, if the applicant is a partnership, whether a general or limited partnership and if the applicant is a corporation, the officers, directors and principal stockholders of the corporation.

3. QUALIFICATIONS FOR LICENSE: The applicant for a license shall possess all of the qualifications necessary to obtain a license from the Commissioner of Law Enforcement of the State as prescribed by Chapter 9, title 23, Idaho Code, as amended. The applicant shall meet all requirements for Boise County. Additionally, no license shall be issued to any applicant for a new and/or renewal of and/or for the transfer of a license, who has not met those requirements or who:

(a) Proposes a premises for the sale of liquor, wine, or beer on the premises that does not conform to the laws and regulations of the State of Idaho and to the Ordinances/laws of the County of Boise and the City of Idaho City, which are applicable thereto and which relate to public health, safety, and planning and zoning.

(b) Proposes to license a premise that is within three hundred feet (300') of any public school, church or other place of worship, or college, measured in a straight line from the nearest corner of said building to the nearest entrance of the licensed premises. This provision does not



apply to licensed premises which pre-existed the public school, church or other places of worship or college. This applies to new licenses requested subsequent to the effective date of this Ordinance.

(c) Proposes a licensed premise, subsequent to the effective date of this Ordinance, that does not meet the current Uniform Building Code as adopted by the City of Idaho City. This does not apply to prior approved licenses when renewing at the same established location.

(d) Submits an application which shall contain a false material statement knowingly made.

(e) Allows conduct to occur on the licensed premises which is a moral nuisance as defined by the laws of the State of Idaho and/or the Ordinances of the City.

(f) Allows the licensed premises to be frequented by disorderly persons and/or persons convicted of crimes of violence and/or controlled substances, and/or lewd or lascivious conduct.

(g) Manages and/or operates the licensed premises in such a way as to be a nuisance to surrounding businesses by reason of the conduct of employees or clientele of the licensed premises, where said employees or clientele engage in lewd and/or violent and/or disorderly behavior.

4. INVESTIGATION OF APPLICANT: Upon receipt of an application for a license under this Ordinance, accompanied by the necessary fee, the City Clerk, within thirty (30) days thereafter, shall verify that all State and County license requirements have been met. The Clerk shall thereafter submit said application along with all supporting documents to the City Council and the City Council shall thereafter act on said application at the next scheduled Council meeting.

5. LICENSE FEE AND PERIOD FOR WHICH LICENSE IS ISSUED: The license fee imposed and collected shall be established by resolution adopted by the Council for each license year, which license year shall be from January 1 to December 31; provided, however, if the license is issued for less than a full calendar year, the license fee shall be prorated on a daily basis, as of the day of actual issuance.

(a) Not later than 30 September each calendar year, City Council will establish by resolution the next calendar year license fees. This will occur at a regularly scheduled Council meeting with public input.

(b) All licenses shall expire at twelve o'clock (12:00) midnight, December 31, of the year for which said license was issued.

(c) Request for license renewal shall be submitted to the City Clerk on a renewal application form provided by that office. The renewal application shall be filed with the City Clerk by November 1 of each and every year, commencing with calendar year 1997. The renewal

application shall include any changes, modifications or alterations to the nature or operational characteristics of the business. Failure to provide a complete and accurate application in advance of the November 1 deadline shall cause delay in processing the application and shall result in a suspension of the license for a period of one day for each day after November 1. This suspension will be effective December 31 at twelve o'clock (12:00) midnight when the old license expires and will continue accordingly.

(d) The license fee so paid to the City Clerk at the time of making an application shall be held by the Clerk pending final action upon the application by the City Council. Should the application be denied, the license fee so paid shall be returned to the applicant. If the application is approved the license fee shall be retained by the Clerk who shall thereupon issue to the applicant the appropriate license provided for.

(e) The license issued under this Ordinance shall set forth the name of the person to whom issued, the location of the premises and such other information as the City Council deems necessary. If issued to a partnership, the names of the persons constituting such partnership shall be set forth. If issued to a corporation or association, the names of the principal officers and the governing board shall be set forth. Such license shall be signed by the licensee and shall be nontransferable. Every license issued under the provisions of this ordinance is separate and distinct and no person except the person therein named shall exercise any privilege granted thereunder and all licenses are applicable only in respect to the premises to which they are licensed.

(f) Any license that expires and is not renewed by twelve o'clock (12:00) midnight, December 31, of the license year shall be revoked and is no longer valid. Any licensee that subsequently chooses to renew after said license is revoked shall file a new application with the City Clerk and shall meet all portions of this Ordinance.

(g) In the event that an application for license is filed pursuant to the transfer of ownership of an existing licensed establishment, and contingent upon compliance with all of the terms of this Ordinance by the applicant, the Mayor or the City Clerk shall be empowered to issue a temporary license to the applicant valid for a period of up to thirty (30) days. At such time as the application is addressed by the City Council, the temporary license shall terminate.

6. LICENSEE TO REPORT CHANGES: If, during the period of any license under this Ordinance, any change takes place in the licensee's circumstances, relating to the licensee's qualifications to hold a license and/or in relationship to the floor and/or plot plan, the licensee shall forthwith report of such changes to the City.

7. DENIED APPLICATION PROCEDURES: In the event the City Council denies an application or renewal the City must specify the following in writing, to wit:

(a) The statute, Ordinances and/or standards used to evaluate.

Ordinance No. 260

Page 4. ddc

(b) Specify the reasons for the denial, suspension, or revocation.

(c) The actions, if any, the applicant could take to obtain, renew, or reinstate the license.

(d) Applicants denied a license may request a hearing with the City Council. This request must be filed within fifteen (15) days of the date of mailing which shall be made by return receipt requested and/or by registered mail and/or by delivery of the decision by the City Clerk to the applicant.

(e) Upon receipt of a written request for a hearing, the Mayor will schedule an open meeting within fifteen (15) days of receipt of the request. The Clerk will immediately notify the applicant of the scheduled hearing date and time.

8. CITY CLERK RESPONSIBILITIES: The Clerk shall be empowered and it is made their duty to prescribe forms to be used in the administration of this Ordinance, the proof to be furnished and conditions to be observed in the issuance of the licenses, prescribing notices required by this Ordinance or the regulation thereof, and the manner of giving and serving the same, prescribing, subject to the provisions of this Ordinance, the conditions and qualifications necessary to obtain a license.

9. REGULATIONS: Whenever information is submitted to , or shall come to the attention of any official of the City, that a licensee has committed any act rendering the licensee's license subject to suspension and/or revocation, the official shall promptly report such information to the City Council in writing. In the event it appears to the City Council, after having received such report, that there are grounds for the suspension and/or revocation of a license, after having conducted a reasonable investigation into the matter or instructing the Chief of Police to do so, the City Council shall suspend, revoke, or terminate the license.

(a) Any person under the age of twenty one (21) years who knowingly misrepresents his or her qualifications for the purpose of obtaining alcoholic beverages or employment from such licensee shall be equally guilty with such licensee and shall, upon conviction thereof, be guilty of a misdemeanor.

(b) It shall be unlawful for a licensee or his employed agents, servants, or bartenders to sell, deliver, or give away, or cause to permit to be sold, delivered, or given away any alcoholic beverages to any person actually, apparently, or obviously intoxicated or to a habitual drunkard.

(c) It shall be unlawful to deny or obstruct access to licensed premises to any law enforcement personnel, fire department personnel and/or state or public health inspectors acting in official capacity.

(d) It shall be unlawful for a licensee, or his employed agents, servants, or bartenders to allow any lewd, lascivious, violent, and/or disorderly behavior and/or illegal and/or immoral conduct,

anywhere on a licensed premises.

(e) It shall be unlawful for a licensee, or his employed agents, servants, or bartenders to allow any firearm anywhere on a licensed premise, except for peace officers on official duty. Anyone knowingly transporting a firearm onto a licensed premise shall be equally guilty with such licensee and shall, upon conviction thereof, be guilty of a misdemeanor.

10. ACCESS TO PREMISES: All peace officers appointed by the United States Government, State of Idaho, Boise County or the City of Idaho City shall have free access at all times during business hours to all portions of the licensed premises, and any information concerning the manner and method of operation of said premises or the sale of said alcoholic beverages may be submitted to the Council upon any investigation made of licensee. Peace officers appointed by the City of Idaho City shall make periodic inspections of licensed premises to ensure compliance with this Ordinance and the laws of the State of Idaho.

11. PREMISE REQUIREMENTS: Every licensee must conform to all regulations and laws of the State of Idaho and the provisions of this Ordinance. Full and unobstructed view of premises where liquor by the drink is sold shall always be maintained by said licensee. All premises shall be adequately lighted.

12. SUSPENSION AND/OR REVOCATION OF LICENSE: The procedures for notification and determination of suspension and/or revocation are essentially the same as those outlined in Section 8 of this Ordinance. The City of Idaho City may:

(a) Revoke the license of any licensee who does not meet the qualifications to hold a license as set forth in this Ordinance, and/or denies access for inspection conducted pursuant to this Ordinance.

(b) Suspend the license at any time, during the period for which a license is issued, wherein the licensee is unable to meet the qualifications to hold a license as set forth in this Ordinance. In the event the licensee is able to come into compliance with the requirements of said Sections of this Ordinance, then the suspension shall be terminated. No suspension can be for a period greater than one hundred eighty (180) days. In the event the licensee does not come within compliance within the period of the suspension, the license shall be immediately revoked by the terms of the suspension.

(c) Suspend the license, for a period of up to one week per event, of any licensee in the event of circumstances occurring upon or around the licensed premises which are disqualification's from holding a license as defined in this Ordinance or in the laws of the State of Idaho, or in the event a licensee violates any provisions of this Ordinance or the Laws of the State of Idaho, and/or interferes and/or impedes an inspection conducted pursuant to this Ordinance. In the event the licensee does not come into compliance within the period of the suspension, the license shall be revoked by the terms of the suspension.

(d) Revoke the license of any licensee that has received three (3) previous suspensions within a license year and/or five (5) within any two (2) year period.

(e) Any law enforcement officer of the City of Idaho City, Boise County, State of Idaho, or United States government shall have the authority to close a licensed premises and/or immediately suspend the license of any licensee anytime a situation occurs that endangers the health, safety or welfare of the public at large. This suspension shall continue through the remainder of the business day, but no more than 72 hours. During which time, and as soon as practical, the authority taking said action will file a complete report with the City Clerk. The Clerk shall notify the Mayor and City Council and a determination will be made as to other courses of action that may be taken under the provisions of this Ordinance.

(f) A revocation or suspension of the State license by the Commissioner of Law Enforcement or by the County of Boise shall be deemed prima facie evidence for the revocation or suspension of any license issued hereunder.

### 13. HOURS OF SALE:

(a) Two-thirty o'clock a.m. (2:30 a.m.) shall be the required closing time. No alcoholic beverages shall be dispensed, sold, offered for sale, or given away on any day between the hours of two o'clock a.m. (2:00 a.m.) and seven o'clock a.m. (7:00 a.m.).

(b) Any patron present on the licensed premises after the sale of alcoholic beverages has stopped as required in Section 13 (a) of this Ordinance shall have a reasonable time, not to exceed thirty (30) minutes, to consume any beverages already served.

(c) Any person who consumes or intentionally permits the consumption of any alcoholic beverage upon a licensed premises after the time provided for in Section 13 of this Ordinance shall be guilty of a misdemeanor.

14. CATERING PERMIT: For benevolent, charitable or public purposes any person who has been issued a permit to dispense or sell beer and/or wine by the Department of Law Enforcement pursuant to the provisions of Idaho Code § 23-1007A and/or 23-1336 may apply to the city for a beer or wine catering permit. All such permits shall be subject to the provisions and restrictions of Idaho Code § 23-1007A and/or 23-1336. The application shall contain the following information:

(a) The name and address of the applicant and the names of the organizations, groups, or persons sponsoring the event,

(b) A copy of the application submitted to the Department of Law Enforcement and the permit issued thereby pursuant to the provisions of Idaho Code § 23-1007A and/or 23-1336,

(c) The dates and hours during which the permit is to be effective, not to exceed three (3) consecutive days, and

(d) The address at which the beer and/or wine is to be served.

The application shall be verified by the applicant and filed with the City. A filing fee in the amount of \$20.00 for each day the permit is to be effective shall be paid to the City which shall not be refunded in any event.


15. PENALTIES: Any person violating any of the provisions of this Ordinance shall be guilty of a misdemeanor for each violation, and upon conviction thereof in a court of competent jurisdiction shall be punished by a fine of not more than three hundred (\$300.00) dollars, or by imprisonment for a period not exceeding six (6) months, or by both such fine and imprisonment together with the costs of prosecution.

16. SEVERABILITY: Should any section, clause, sentence or provision of this Ordinance be held invalid for any reason, such holding or decree shall not be construed as affecting the validity of any of the remaining portions hereof, it being declared that the City Council would have adopted the remainder of this Ordinance, notwithstanding the invalidity of any such section, clause, sentence or provision.

Adopted and approved this 24<sup>th</sup> day of JUNE, 1997, and signed by the mayor of the City of Idaho City and the Chairman of the City Council.



Patricia Campbell, Mayor  
City of Idaho City, Idaho



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Ron Jameson, Chairman  
Idaho City Council

ATTEST:



Beth A. Wilson, Idaho City Clerk

Ordinance No. 260

Page 8. ddc