

CHAPTER 4

WINE

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4-4-1: DEFINITIONS: Certain words and phrases used in this Chapter are defined as follows:

DIRECTOR: The director of the Idaho Department of Law Enforcement.

WINE: Any alcoholic beverage containing not more than fourteen percent (14%) alcohol by volume obtained by the fermentation of the natural sugar content of fruits or other agricultural products containing sugar whether or not other ingredients are added, and as may be defined by any State law or regulation.

RETAIL WINE LICENSE: A license issued by the Director authorizing a person to sell wine at retail for consumption off the licensed premises. The term also means a license issued by the City authorizing a person to sell wine at retail for consumption off the licensed premises only.

**WINE-BY-THE-DRINK
LICENSE:**

A license to sell wine by the individual glass or open bottle at retail for consumption on the premises.

RETAILER:

A person to whom a retail wine license or wine-by-the-drink license has been issued.

DISTRIBUTOR:

A person who is employed by or is an agent of, a retailer to sell, serve or dispense wine.

4-4-2: **LICENSE REQUIRED:** Except as otherwise provided by this Chapter, no person shall sell wine at retail for consumption off the premises or by the individual glass or open bottle for consumption on the premises within the City, without first obtaining a license under this Chapter. A person who holds a valid current wine-by-the-drink license issued by the City may sell on the licensed premises wine at retail for consumption off the premises without obtaining a retail wine license from the City.

4-4-3: **LICENSE FEES:** The fee for a retail wine license shall be two hundred dollars (\$200.00) per year. The fee for a wine-by-the-drink license shall be two hundred dollars (\$200.00) per year. License fees shall be paid in advance for each calendar year or any portion of a calendar year without proration.

4-4-4: **APPLICATION FOR LICENSE:** Each applicant for a retail wine license or wine-by-the-drink license shall submit a written application on a form furnished by the Clerk.

4-4-5: **QUALIFICATIONS:** An applicant for a retail wine license or wine-by-the-drink license shall possess all qualifications necessary to obtain a license from the Director. Licensees shall maintain qualifications throughout the period for which their license is issued. Possession of licenses regularly issued by the Director and Bingham County shall be prima facie evidence of the applicant's qualifications to receive a license under this Chapter.

4-4-6: **ISSUANCE OF LICENSE:** When the applicant for a retail wine license or wine-by-the-drink license has produced evidence as required by Section 4-4-5 above and paid the required license fee, the City Clerk shall submit the application to the City Council within thirty (30) days after the application is filed. Upon approval of the Council, the Clerk shall issue the license to the applicant.

4-4-7: **EXPIRATION AND TRANSFER OF LICENSE:** Licenses issued under this Chapter shall expire at midnight on December 31 of the calendar year for which they are issued. The procedure for the transfer of a retail wine license or a wine-by-the-drink

license shall be the same as provided in Idaho Code Section 23-1317, as amended, upon application to the City Clerk. The fee for transfer of a retail wine license or wine-by-the-drink license shall be one hundred dollars (\$100.00). The license of the transferring licensee shall be surrendered to the City Clerk before such transfer may be made.

4-4-8: RESERVED:

4-4-9: LOCATION RESTRICTIONS: No wine-by-the-drink license shall be issued to any person to operate at any place that is within three hundred (300) feet of any public school, church or any other place of worship. Such distance shall be measured in a straight line between the nearest entrance to the licensed premises and the nearest property line of such school, church or place of worship. No person shall sell or dispense wine for consumption on the premises at any place within three hundred (300) feet of any public school, church or other place of worship, similarly measured in a straight line. This restriction shall not apply to any duly licensed premises that at the time of first licensing did not come within the restricted area, but subsequent to such first licensing came therein because of the construction or commencement of use of such public facility or place of worship subsequent to such first licensing.

4-4-10: AGE RESTRICTION ON SALE OR PURCHASE:

- (A) No person under twenty-one (21) years of age shall sell, purchase, possess or consume any wine.
- (B) No person shall give, sell or deliver wine to any person under the age of twenty-one (21) years.
- (C) No person under the age of twenty-one (21) shall represent to any retailer or distributor that he or she is twenty-one (21) years or more of age, when in fact he or she is under such age for the purpose of inducing the retailer or distributor, to sell, serve or dispense wine to such person.
- (D) No person shall represent to any retailer or distributor that any other person is twenty-one (21) years or more of age, when in fact that other person is under such age for the purpose of inducing such retailer or distributor to sell, serve or dispense wine to such other person.

4-4-11: HOURS OF SALE: It shall be unlawful to sell or offer for sell at retail or give away or to dispense in any manner wine as defined herein or in the laws and regulations of the State of Idaho in or upon any licensed premises for the retail sale of wine for consumption off the premises or wine by the drink for consumption on the premises whether conducted for pleasure or profit:

- (A) Upon any Memorial Day, as proclaimed by the State of Idaho, Thanksgiving Day or Christmas Day between the hours of 1:00 a.m. of said day to 6:00 a.m. of the

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following day. (Ordinance 576 4/28/15)

4-4-12: DENIAL OF APPLICATION: If the Council denies an application for the issuance of a license for the detail wine license or wine by the drink license or any renewal or transfer of such, the Council shall specify in writing and shall cause the licensee to be notified and shall call for a hearing giving reasonable notice in writing to the licensee and such hearing shall be held in accordance with the provisions of Section 23-1016 of the Idaho Code. Whenever the Mayor and City Council proposed to revoke, suspend, cancel or deny a license, they shall specify in writing the reasons as set forth in 4-3-4(D). The Clerk shall keep a transcribable, verbatim record of such proceedings concerning such revocation, cancellation, suspension or denial as required by Section 4-3-4(E).