

Title 5 BUSINESS LICENSES AND REGULATIONS

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Chapter 5.04 BEER SALES AND REGULATIONS

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5.04.010 License—Investigation of applicant.

The sale of beer by any person or corporation within the incorporated limits of the city of Inkom, Bannock County, Idaho, is prohibited unless the person or corporation making such sale shall first have obtained a retailers license from the city clerk of the city of Inkom. No license shall be granted hereunder until there has been an investigation by the police department of all applicants hereunder. After investigation the applications will be forwarded to the city council with a recommendation from the chief of police. If the chief of police recommends that an application be denied he shall state in writing:

- A. The statutes or ordinances and standards used in evaluating the application;
- B. The reason for the denial; and
- C. The action, if any, that the applicant could take to obtain the license, transfer or renewal thereof.

(Ord. 83-150 § 1)

5.04.020 License—Fee—Period.

Except to the extent, if any, that the method for setting fees is governed by State Statute in a manner contrary to the ordinance codified in this section, the city council of the city of Inkom may from time to time fix such rates and conditions for users, and may amend from time to time such fees as required by resolution of the city council.

All fees currently established by resolution of city council may be fixed or may be changed from time to time without repeal of the previous resolutions.

A fee schedule of current fees and rates shall be maintained by the city clerk and made available for inspection at the Inkom city office.

(Ord. 83-150 § 2; Ord. 08-231)

Chapter 5.08 PEDDLERS

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5.08.010 Uninvited peddlers declared nuisance.

- A. The practice of going in and upon private residences in the municipality by solicitors, peddlers, hawkers, itinerant merchants or transient vendors of merchandise not having been required or invited to do so by the owner or owners, occupant or occupants of the private residences is declared to be a nuisance and punishable as such nuisance as a misdemeanor.
- B. Acts prohibited under this section include solicitation of orders for the sale of, or payment for, any goods, wares, merchandise, services, employment or contracting or any of the aforementioned. Requests for goods, gifts, donations or services by the solicitor, salesperson or vendor from the resident is also declared a nuisance; provided, however, persons who solicit donations for charitable or nonprofit organizations shall not be deemed to be in violation of this chapter.

(Ord. 84-162 § 1)

Chapter 5.12 POOL, BILLIARD HALLS AND CARD ROOMS

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5.12.010 Definition.

Every person who keeps a hall or room containing a pool or billiard table or card table, for the use of the public, is declared to be a pool hall, billiard hall or card room keeper, and such hall or room is declared to be a pool or billiard hall or card room.

(Prior code § 5-801)

5.12.020 License application.

Every person who operates or wishes to operate a pool or billiard hall or card room, shall make application in writing for a license for the operation thereof to the city clerk, together with his or her statement, under oath, showing the location of the hall or room, and the number of pool, billiard or card

tables therein or to be placed therein. Such application for license and such statement shall be investigated by the city marshal who shall make a report thereof at the next regular meeting of the council, and at that time make recommendation upon such application. If the council grants permission to such person to open or run such billiard, pool hall or card room, a license shall be issued by the city clerk, upon payment to said clerk of the license fee.

(Prior code § 5-802)

5.12.030 License fee.

Before a license shall be issued to any person to operate or open a billiard, pool or card hall or room, said person shall pay to the clerk a license fee of twenty-five dollars (\$25.00) per quarter for one card table and five dollars (\$5.00) per quarter for each additional card table, and five dollars (\$5.00) per quarter for each pool or billiard table. Said license shall expire on the last day of each quarter.

(Prior code § 5-803)

5.12.040 License not transferable.

The license herein granted shall be a personal license to the person making application therefor, and if, during the term for which said license is granted, the said billiard, pool or card room shall be sold or transferred to any other person or persons, the license shall immediately terminate, provided however, the successor of said license may secure a license as provided in this chapter in the same manner as the original licensee without being required to pay any additional charge for the unexpired term of the original license.

(Prior code § 5-804)

5.12.050 Minors.

Minors under the age of eighteen (18) years shall under no circumstances frequent, loiter, go or remain in any hall licensed by this chapter at any time, unless it is upon some lawful errand or sent under the direction and the consent and knowledge of the parent, guardian, or other person having lawful custody of such minor; and it is unlawful for the proprietor of any hall so licensed to allow or permit any such minor to frequent, loiter or remain within the hall in violation of this section.

(Prior code § 5-805)

Chapter 5.16 RETAIL LIQUOR BY THE DRINK SALES

Sections:

[5.16.010 Liquor by the drink.](#)

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[5.16.080 Dispensing off-premises prohibited.](#)

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5.16.010 Liquor by the drink.

It is lawful to sell within the city of Inkom, Bannock County, Idaho, liquor by the drink as provided in Chapter 274 of the 1947 Session Laws of Idaho, provided a license shall first be obtained from the city of Inkom as provided in this chapter, and as provided by the rules and regulations and provisions concerning the licensing and operation of such places of business contained in this chapter and contained in Chapter 274 of the 1947 Session Laws of the State of Idaho.

(Ord. 12 (6/25/47) § 1)

5.16.020 Licenses required.

Before any establishment for sale of alcoholic liquor by the drink is permitted to operate, an application must be made for such license and filed with the city clerk of the city of Inkom on application forms provided by the city. Such application shall set out the name of the applicant, location of the proposed business, and that at the time application is made, the applicant shall also present a copy of the application for a state license as well as a license issued by the state of Idaho for sale of liquor by the drink at retail, and no city license shall be issued without the applicant having first obtained a license for sale of liquor by the drink from the state of Idaho.

All applications shall be, by the city clerk, referred to the council for their final approval and no license shall be issued by the clerk unless the application therefor has been approved by the council of the city. The applicant shall pay to the city clerk the license fee provided by Section 5.16.030, such payment shall be made at the time of filing the application and upon approval of the application by the council, a license will be mailed to the applicant. Should such application be disapproved by the council, the money paid by the applicant to the city clerk will be refunded.

(Ord. 12 (6/25/47) § 2)

5.16.030 License fees.

Except to the extent, if any, that the method for setting fees is governed by State Statute in a manner contrary to the ordinance codified in this section, the city council of the city of Inkom may from time to time fix such rates and conditions for users, and may amend from time to time such fees as required by resolution of the city council.

All fees currently established by resolution of city council may be fixed or may be changed from time to time without repeal of the previous resolutions.

A fee schedule of current fees and rates shall be maintained by the city clerk and made available for inspection at the Inkom city office.

(Ord. 12 (6/25/47) § 3; Ord. 08-231)

5.16.040 License transfers.

An application to transfer any license issued pursuant to this chapter shall be made to the city clerk, who shall refer such application to the council for their final approval, and if the council shall determine that all the conditions required of a licensee under this chapter have been met by the proposed transferee, then the license shall be endorsed over to the proposed transferee by said licensee for the remainder of the period for which such license has been issued and the mayor shall note his approval thereof on such license.

This amendment shall be in full force and effect from and after its passage, approval and publication as required by law.

(Ord. 12 (11/16/59); Ord. 12 (6/25/47) § 4)

5.16.050 License revocation.

If any licensee or employee of a liquor by the drink establishment shall violate any of the provisions of this chapter or is convicted of violating any of the provisions of Chapter 274 of the 1947 Session Laws of Idaho, the council is authorized and empowered to revoke said license by reason of such violation or conviction, provided, however, that if it is brought to the attention of the mayor and council that such violation or violations have taken place, then before revoking such license, the mayor and council shall cause notice to be served upon such licensee setting forth in general terms the violations claimed to have occurred or existed and such notice shall state the time for hearing thereon by the mayor and council, which date of hearing shall not be less than ten days nor more than twenty (20) days from the date of the service of said notice and if at the said hearing the mayor and council shall find that the provisions of this chapter or the provisions of Chapter 274 of the 1947 Session Laws of Idaho have been violated by such licensee, the mayor and council shall revoke such license and no refund of any part of said license fee shall be made to the licensee or to any other person.

(Ord. 12 (6/25/47) § 5)

5.16.060 Violation—Penalty.

Any person found guilty of violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor and upon such conviction shall be fined in the sum of not to exceed one thousand dollars (\$1,000.00).

Should the Commissioner of Law Enforcement of the state of Idaho revoke the license issued by the state for sale of liquor by the drink, such revocation shall automatically revoke any license which may have been issued by the city of Inkom.

(Ord. 12 (6/25/47) § 6; Ord. 05-223 § 4 (part))

5.16.070 Idaho Session Laws adopted.

All provisions of Chapter 274 of the 1947 Session Laws of Idaho, insofar as the same may be applicable, are adopted by reference as a part of this chapter.

(Ord. 12 (6/25/47) § 7)

5.16.080 Dispensing off-premises prohibited.

It is unlawful for any licensee to sell, give away, dispense, vend or deliver any liquor in any fashion or by any means or by any device, except upon the licensed premises.

(Ord. 12 (6/25/47) § 8)

5.16.090 Gaming prohibited.

It is unlawful for any licensee to permit, conduct, play, carry on or cause to be opened, any gaming in or upon the licensed premises or in or upon any premises directly connected by a door, hallway or other means of access from the licensed premises; provided, however, that the city of Inkom may authorize upon such licensed premises, or upon premises adjacent thereto, the use of coin-operated amusement devices, punchboards or other devices permitted by and duly licensed under the laws of the state of Idaho.

(Ord. 12 (6/25/47) § 9)

Chapter 5.20 WINE SALES

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[5.20.100 Misrepresentation of age.](#)

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[5.20.120 Penalty.](#)

5.20.010 Definitions.

The following terms as used in this chapter are defined as follows:

"Commissioner" means the Commissioner of Law Enforcement of the state of Idaho.

"Person" includes an individual, firm, copartnership, association, corporation or any group or combination acting as a unit, and includes the plural as well as the singular unless the intent to give a more limited meaning is disclosed by the context in which it is used.

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"Retail wine license" means a license issued by the Commissioner, authorizing a person to sell wine at retail for the consumption off the licensed premises.

"Retailer" means a person to whom a retail wine license has been issued.

"Wine" means any alcoholic beverage containing not more than fourteen (14) percent alcohol by volume obtained by the fermentation of the natural sugar content of fruits or other agricultural products containing sugar.

"Wine by the drink license" means a license to sell wine by the individual glass or opened bottle or retail, for consumption on the premises only.

(Ord. 78-123 § 1)

5.20.020 License required.

It is unlawful for any person to sell wine at retail for consumption off the licensed premises or to sell by the individual glass or opened bottle for consumption on the premises within the corporate limits of the city of Inkom without first having obtained a license therefor under the provisions of this chapter.

(Ord. 78-123 § 2)

5.20.030 Application for license.

Application for retail wine license or wine by the drink license shall be in writing, signed and sworn to by the applicant upon application forms furnished by the clerk. Such application shall be filed by the clerk and presented to the city council at the next regular meeting of the council for their approval, rejection, or further consideration.

(Ord. 78-123 § 3)

5.20.040 Qualifications.

The applicant for a retail wine license or wine by the drink license shall possess all of the qualifications necessary to obtain a license from the Commissioner of Law Enforcement of the state, as prescribed by the laws of the state, and maintain such qualifications throughout the period for which such license is issued. The possession of licenses regularly issued by the Department of Law Enforcement and the county in addition to a city beer license, shall be prima facie evidence of the applicant's qualifications to receive a license hereunder.

(Ord. 78-123 § 4)

5.20.050 License fee.

Except to the extent, if any, that the method for setting fees is governed by State Statute in a manner contrary to the ordinance codified in this section, the city council of the city of Inkom may from time to time fix such rates and conditions for users, and may amend from time to time such fees as required by resolution of the city council.

All fees currently established by resolution of city council may be fixed or may be changed from time to time without repeal of the previous resolutions.

A fee schedule of current fees and rates shall be maintained by the city clerk and made available for inspection at the Inkom city office.

(Ord. 78-123 § 5; Ord. 08-231)

5.20.060 Issuance of license.

Upon filing the application for a retail wine license or wine by the drink license and production of evidence as required by Section 5.20.040 as to the qualifications of the applicant and by the payment of the required license fee, the clerk shall upon approval of the council, issue to the applicant a retail wine license or wine by the drink license to sell wine at retail in accordance to the license issued within the municipality for such calendar year or the remainder thereof.

(Ord. 78-123 § 6)

5.20.070 License restrictions.

The assignment or transfer of a wine license shall be the same as provided by I.C. 23-1317 to the clerk and the fee for such assignment or transfer of a retail wine license or wine by the drink license shall be ten dollars (\$10.00).

(Ord. 78-123 § 7)

5.20.080 Consumption on premises.

Retailers who do not possess a valid license for the retail sale of liquor by the drink or wine by the drink license shall not permit consumption of wine on the licensed premises and may sell the wine only in its original unbroken, sealed container for consumption off the premises. Persons holding a valid wine by the drink license may sell wine for consumption on the premises only. Wine sold for consumption on the licensed premises may be sold only during hours that beer may be sold pursuant to the ordinances of the city of Inkom. Wine sold by the retailer for consumption off the premises of the retailer may be sold only during the hours that beer may be sold pursuant to the ordinances of the city of Inkom.

(Ord. 78-123 § 8)

5.20.090 Possession.

No person may, while operating or riding in or upon a motor vehicle upon a public highway of this state, have in his possession any wine in an open or unsealed container of any kind.

(Ord. 78-123 § 9)

5.20.100 Misrepresentation of age.

- A. No person under the age of nineteen (19) years may purchase, consume or possess wine.
- B. No person shall give, sell or deliver wine to any person under the age of nineteen (19) years.
- C. No person under the age of nineteen (19) years shall by any means represent to any retailer or distributor or to any agent or employee of such retailer or distributor that he or she is nineteen (19) years or more of age for the purpose of inducing such retailer or distributor, or his agent or employee, to sell, serve or dispense wine to such person.
- D. No person shall, by any means, represent to any retailer or distributor or the agent or employee of such retailer or distributor, that any other person is nineteen (19) years or more of age, when in fact

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such other person is under the age of nineteen (19) years, for the purpose of inducing such retailer or distributor, or the agent or employee of such retailer or distributor, to sell, serve or dispense wine to such other person.

(Ord. 78-123 § 10)

5.20.110 Revocation of license.

The right shall be and remain at all times vested in the city council, and the city council may, as provided by this chapter, revoke or cancel any license for fraud or misrepresentation in its procurement, or for a violation of any of the provisions of this chapter, or for any conduct or act of the licensee or his employees or any conduct or act permitted by him or them on the premises where such business is conducted, or in connection therewith or adjacent thereto, tending to render such business or such premises where the same is conducted as a public nuisance or a menace to the health, peace, safety or general welfare of the city; provided, that revocation or suspension of the state license by the Commissioner of Law Enforcement shall be deemed prima facie evidence for revocation or suspension of the license issued by this chapter.

(Ord. 78-123 § 11)

5.20.120 Penalty.

Any person who violates any of the provisions of this chapter or fails to comply with any of the terms and conditions of this chapter shall be guilty of a misdemeanor and punishable by a fine of not to exceed one thousand dollars (\$1,000.00), or by imprisonment in the county jail for not to exceed thirty (30) days, or by both such fine and imprisonment.

(Ord. 78-123 § 12; Ord. 05-223 § 4 (part))