

ORDINANCE NUMBER 478

" An Ordinance relating to Regulating and Licensing Clubs within the City of Payette which engage in the practice of, or whose plan or mode of operation is a locker system for the storage of intoxicating liquors and "Mixing Drink Service" for Members of such Clubs and their guests, upon the premises; Providing for closing hours, and prohibiting persons under twenty years of age from frequenting such Clubs; Prohibiting the use of operation or having in such Clubs for use of operation, Slot or Pinball machines or Punch Boards or other gambling devices; Fixing a License fee to be paid by such Clubs and fixing certain Regulations in their operation, and declaring certain things to be unlawful, and prescribing penalties for the violation of any of the provisions hereof, and making any such Club subject to having its license revoked that operates contrary to any of the provisions of this Ordinance, and providing a saving clause."

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF PAYETTE:

Section 1. That the Mayor and Council of the City of Payette, Idaho, hereby declare that in order to protect the public health, safeguard the morals and general welfare of the people of Payette, it is necessary to and the City does hereby exercise its police powers to govern and regulate and impose restrictions on the things and practices as hereinafter referred to.

Section 2. The term "Intoxicating Liquor", as used in this ordinance is defined to be any drink or beverage containing more than four per cent alcohol by weight.

Section 3. The term "Club" or "Night Club" as used herein, shall be construed to mean any corporation, society, group or association of individuals organized or existing for social, recreational or any purpose which has for its or their object, or which engages in the operation of a locker system for storing or keeping

1 intoxicating liquor or liquors on its or their premises for members
2 of such clubs, to serve to members and/or their guests for con-
3 sumption or which are consumed on the premises of such Clubs.

*Amended by
Ordinance
510*

4 Section 4. It is hereby declared to be unlawful for any
5 Club, as herein defined, or manager, operator or employee thereof, to
6 store or keep and/or serve for use or consumption on the premises of
7 any such club any intoxicating liquor, as herein defined, or/and hold
8 itself out or represent itself to be a "Club" or "Night Club" oper-
9 ating for any of the purposes herein mentioned, without first obtain-
10 ing a license from the City of Payette therefor, and at the same time
11 paying the license fee as herein provided. Such license shall at all
12 times be kept posted and displayed in a conspicuous place on the in-
13 side of the premises covered by such license.

14 Section 5. It shall be unlawful for any Club, operator
15 thereof, employee or any person whatsoever, to serve within or about
16 said Club any such intoxicating liquor to any person under the age of
17 twenty-one years, nor to admit or permit in any club any persons
18 under the age of twenty years.

19 Section 6. It shall be unlawful for any such Club, the
20 operator or any employee thereof, to serve, or permit to be served
21 in such Club, any intoxicating liquor to any person who is not a
22 member or the guest of a member present at the time of such service,
23 and then only under the rules and by-laws of the Club posted at the
24 time in a conspicuous place in such Club.

25 Section 7. All licenses required hereunder shall be
26 granted by the City Clerk with approval of the Mayor and Council, all
27 licenses being for and not to exceed one year from January 1st to
28 December 31st. And regardless of when the application is made, no
29 license shall be for any fractional part of a year. Any such Club
30 shall on demand of the Mayor and Council, the Chief of Police or
31 City Attorney, produce and submit for examination a bona fide list of
32 its members. No license shall be transferred from one Club or person

1 to another Club, person or association. The license shall only be
2 issued for one such "Club" at only one location.

3 Section 8. The license fee for any such Club is hereby
4 fixed at ~~\$1,500.00~~ ^{\$900.00} per year, or any part of a year. By the acceptance
5 of any such license the licensee shall be deemed to agree to operate
6 such Club in accordance with the provisions of this ordinance and the
7 Laws of the State of Idaho, and that such licensee will not permit in
8 such club any gambling or gambling devices contrary to the State of
9 Idaho, or the ordinance of the City of Payette, Idaho, and/or that
10 no intoxicating liquor, as herein defined, will be sold in any such
11 Club, or dispensed except under the rules or by-laws of the Club kept
12 posted therein, and that such Club will be open only during the hours
13 as provided in Section 9 hereof.

14 Section 9. It shall be unlawful for any such Club to
15 admit anyone therein, except police and other peace officers, and
16 bona fide employees, during the hours from 2 a.m. to nine a.m.
17 Mountain Standard Time of each day, and all persons in any such Club
18 at two o'clock a.m. shall be excluded therefrom and not permitted
19 therein after two o'clock a.m. Mountain Standard Time.

20 Section 10. When it is reported to the Mayor and Council
21 that any Club is operating contrary to any of the provisions of this
22 Ordinance, then the Mayor shall require a police officer to serve the
23 owner or operator or person in charge of such Club with a notice
24 setting forth in what respect such Club is charged with operating the
25 Club contrary to the provisions of this Ordinance, in which such
26 notice there shall be a time fixed of not less than two days nor more
27 than ten days, of a hearing at the Council Room in the City Hall,
28 where witnesses may be heard on the matter charged in such notice.
29 If on such hearing a majority of the Council shall vote to revoke the
30 license of the Club designated in the notice, then the license is re-
31 voked, and such Club, the manager or operator thereof shall be noti-
32 fied of such revocation, and it shall be unlawful for such Club to

1 operate thereafter until a new license is granted, and no part of the
2 license fee shall be refunded.

3 Section 11. Any such Club as herein defined, the manag-
4 er, operator, or any employee of such Club who shall violate any of
5 the provisions hereof, or do anything herein declared to be unlawful
6 shall be fined in any sum not to exceed \$100.00 for each offense and
7 each day that any such Club shall operate contrary to any of the pro-
8 visions hereof shall constitute a separate offense.

9 Section 12. Nothing herein in this Ordinance contained
10 shall be construed as licensing or attempting to license any practice
11 or operation prohibited by the laws of the State of Idaho or Ordi-
12 nances of the City of Payette, Idaho.

13 Section 13. Should any section, subdivision, clause or
14 sentence of this Ordinance be declared unconstitutional or invalid,
15 the Mayor and Council hereby declare it their intention that all
16 other parts of this Ordinance which can be given effect shall be and
17 remain in full force and effect.

18 Section 14. This Ordinance shall be in full force and
19 effect from and after its passage, approval and publication in the
20 Payette Independent-Enterprise.

21 Passed by the Council this 1st day of April, 1946.

22 Approved by the Mayor this 1st day of April, 1946.

23
24
25 Attest:

26
27 Alice Bulmer
City Clerk

J. McMillan
Mayor

4-1-'46

28
29 Section 8 - Amended by a
30 substitute motion to read
31 \$900.00 per annum in lieu
32 of \$1,500.00. Per Council action

Alice Bulmer,
City Clerk

1st reading 2-18-'46
2nd " 3-18-'46
3rd " 4-1-'46