

ORDINANCE NO. 583

AN ORDINANCE AMENDING ORDINANCE NO. 526 OF THE CITY OF PAYETTE, IDAHO, BY AMENDING SECTION 11 THEREOF TO REGULATE LOCKING THE DOORS OF LICENSED PREMISES; BY AMENDING SECTION 12 THEREOF PROVIDING FOR THE HOURS OF SALE OR OTHER DISPOSITION AND CONSUMPTION OF LIQUOR UPON LICENSED PREMISES; BY ADDING THERETO A NEW SECTION DESIGNATED AS SECTION 12-A PROHIBITING PERSONS IN OR UPON LICENSED PREMISES DURING CERTAIN HOURS, AND PROVIDING AN EXCEPTION THERETO; BY AMENDING SECTION 16 THEREOF PROVIDING FOR SUSPENSION, REVOCATION AND CANCELLATION OF LICENSES; AND AMENDING SECTION 17 THEREOF PROVIDING PENALTIES FOR VIOLATION.

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

SECTION 1. That Section 11 of Ordinance No. 526 be and the same is hereby amended to read as follows:

"Section 11. OFFICER MAY EXAMINE PREMISES. Any duly authorized police officer of the City of Payette, Idaho, shall have the right at any time to make an examination of the premises of any licensee to ascertain whether the laws of the State of Idaho and the ordinances of this City are being complied with, and it shall be unlawful to refuse such officer the right of admittance or access to such premises. It shall be unlawful to lock the door or doors of such premises at any time when there are any persons present therein or thereon except those persons authorized by Section 12-A hereof to be in or upon the premises during the hours therein stated."

SECTION 2. That Section 12 of Ordinance No. 526 be and the same is hereby amended to read as follows:

"Section 12. HOURS OF SALE OF LIQUOR. No liquor shall be sold, offered for sale, given away, or consumed upon any licensed premises during the following hours:

"(a) Sunday, Memorial Day, Thanksgiving Day and Christmas Day from 1:00 o'clock A.M. to 10:00 o'clock A.M. the following day.

"(b) On any other day between 1:00 o'clock A.M. and 10:00 o'clock A.M.

"(c) On any day of a general or primary election until after the time when the polls are closed."

SECTION 3. That Ordinance No. 526 be and the same is hereby further amended by adding thereto a new section designated Section 12-A, which reads as follows:

"Section 12-A. PERSONS UPON PREMISES. Except as hereinafter provided it shall be unlawful for any person to be present upon any licensed premises for any purposes whatsoever during the following hours:

"(a) Sunday, Memorial Day, Thanksgiving Day and Christmas Day from 1:15 o'clock A.M. to 10:00 o'clock A.M. the following day. /

"(b) On any other day between 1:15 o'clock A.M. and 10:00 o'clock A.M.

"(c) On any day of a general or primary election until after the time when the polls are closed.

"This section shall not apply to (1) the owner of the business if an individual, (2) to members of the partnership or association or officers or members of the governing board of a corporation when actually engaged in work which must be performed upon the premises, if the licensee be a partnership, association, or corporation, (3) to bartenders licensed hereunder regularly employed in or upon the licensed premises; nor (4) to laborers or craftsmen employed for work upon the licensed premises between the hours of 8:00 o'clock A.M. and 6:00 o'clock P.M. of any day."

SECTION 4. That Section 16 of Ordinance No. 526 be and the same is hereby amended to read as follows:

"Section 16. SUSPENSION, REVOCATION AND CANCELLATION. The right shall be, and at all times shall remain, vested in the City Council of the City of Payette, Idaho, to suspend, revoke or cancel the license of any person licensed hereunder, including licenses of bartenders, for any violation of this ordinance, and upon verified complaint filed with the City Council, the City Council shall, by written notice, cause such alleged offender to appear before said City Council, and be heard upon said complaint; a copy of such complaint shall be served with such notice, and the day and hour of the hearing, which shall be at least 5 days thence, shall be specified in such notice, and such hearing shall be had in the Council Chambers, unless a different place shall be specified in such notice; and if at said hearing upon the taking of evidence on behalf of the City and such alleged offender it shall appear to said City Council that cause exists for the suspension, cancellation or revocation of such license, the same may be suspended, cancelled or revoked without further process of law, and upon such suspension, cancellation or revocation no refund of any unexpired portion of the license fee shall be made to the licensee; and a certified copy of such suspension, cancellation or revocation shall immediately be forwarded to the Commissioner of Law, Enforcement of Idaho by the City Clerk."

SECTION 5. That Section 17 of Ordinance No. 526 be and the same is hereby amended to read as follows:

"Section 17. VIOLATION--PENALTY. Any violation of the provisions of this Ordinance shall be unlawful, and any person so violating such provision shall be guilty of a misdemeanor hereunder, and upon conviction thereof shall be fined not more than \$100.00, and upon failure to pay such fine shall be confined in the city jail at the rate of \$1.50 per day until such fine is paid in full, or confined in the city jail not more than 30 days, or by both such fine and imprisonment. The municipal Police Court in which a judgment of conviction against any licensee has been had shall forthwith certify a copy thereof to the Commissioner of Law Enforcement of Idaho. In case of the revocation of any license hereunder by the City Council the City Clerk shall forthwith certify a copy of such revocation to said Commissioner."

SECTION 6. This Ordinance shall take effect and be in full force upon its passage, approval and publication in one issue of the Independent-Enterprise, a newspaper of general circulation printed and published in the City of Payette, Idaho, and being the official newspaper thereof.

Passed and approved by the Mayor and City Council of the City of Payette, Idaho, this 3rd day of January, 1955.

ATTEST:

Alice Bulmer  
City Clerk

Charles B. Dalton  
Mayor