

ORDINANCE 439

Intoxicating Beverage Licenses and Times of Sale

AN ORDINANCE OF THE CITY OF MACKAY, CUSTER COUNTY, STATE OF IDAHO, REPEALING ORDINANCES NUMBER 171 AND 316 AND ANY RELATED RESOLUTIONS TO THOSE ORDINANCES OR DECISIONS MADE AND RECORDED IN THE MINUTES OF CITY COUNCIL MEETINGS; DEFINING INTOXICATING BEVERAGE; PROVIDING FOR THE LICENSING, REGULATION AND CONTROL, OF RETAIL SALE OF INTOXICATING BEVERAGES; AUTHORIZING THE ISSUANCE OF LICENSES; IMPOSING LICENSING FEES; REQUIRING A CATERING PERMIT FOR EVENTS; AND DEFINING DAYS/HOURS WHEN LIQUOR, BEER, WINE MAY BE SOLD; ESTABLISHING A PENALTY FOR ORDINANCE VIOLATION; AND AN EFFECTIVE DATE.

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

SECTION 1: Ordinances of the City of Mackay No. 171 and 316 are hereby repealed in their entirety. Also repealed are any Resolutions or decisions recorded in the minutes of City Council meeting(s) related to these Ordinances.

SECTION 2: For the purpose of this Ordinance, intoxicating beverages shall include any beverage that requires a license from the State of Idaho, in accordance with Idaho Code Title 23, for retail sales either in closed containers for consumption off premises of point of sales, or by the drink and consumed at the point of sales. This Ordinance does not apply to State of Idaho liquor stores.

SECTION 3: A City of Mackay Intoxicating Beverage License must be obtained prior to any sale of intoxicating beverages within the City Limits. Licenses will be issued for the following types of sales:

- Liquor By The Drink Consumed On Premises;
- Beer Consumed On Premises;
- Beer Consumed Off Premises;
- Wine Consumed On Premises;
- Wine Consumed Off Premises;
- Or a combination of the above.

SECTION 4: The City Council hereby authorizes the Clerk of the City of Mackay, in conjunction with the Mayor, to issue an Intoxicating Beverage License to the holder of a

current, valid State of Idaho permit/license and any required Custer County permit/license. The City Intoxicating Beverage License shall authorize sale of the beverage type(s) authorized by the State/County within the Mackay City Limits. Revocation or cancellation of any State of Idaho/Custer County permit/license shall automatically void any Intoxicating Beverage License issued by the City of Mackay. City of Mackay Intoxicating Beverage Licenses shall not be transferable.

SECTION 5: An Alcoholic Beverage Catering Permit shall be required in order to sell beer or wine at an event, festival or convention. An Alcoholic Beverage Catering Permit is issued to a holder of a current City of Mackay Intoxicating Beverage License for a time period not to exceed five (5) consecutive days, with an option to request one (1) permit extension on the same terms and conditions as the original permit; or at a party for a time period not to exceed two (2) consecutive days. City of Mackay Alcoholic Beverage Catering Permit shall not be transferable.

SECTION 6: The City Council shall establish the fee(s) for each type of license or permit by Resolution. License/Permit fee imposed by the City of Mackay is exclusive of and apart from any fee which may be imposed by the State or County for the sale of intoxicating beverages. Fees shall be reviewed and changed as deemed necessary by the Council.

SECTION 7: Pursuant to Idaho Code §23-927, vendors lawfully licensed and permitted to sell liquor by the drink, beer or wine by the State and City, may sell liquor by the drink, beer, and wine on Sunday, Memorial Day and Thanksgiving Day and until 2 o'clock A.M. within the limits of the City of Mackay.

SECTION 8: Any person who violates any of the provisions of this Ordinance or fails to comply with any of the terms and conditions of this Ordinance shall be guilty of a misdemeanor.

SECTION 9: This Ordinance shall be in full force and effective immediately upon its passage and publication according to law, the Council dispensing with the rule that ordinances must be read on three different days, as provided by law.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MACKAY,
CUSTER COUNTY, IDAHO, THIS 6TH DAY OF SEPTEMBER 2016.

CITY COUNCIL OF THE CITY OF MACKAY, CUSTER COUNTY, IDAHO A MUNICIPAL
CORPORATION OF IDAHO.

BY: Wayne Olsen
Wayne C. Olsen, Mayor

ATTEST: Suzanne Whitworth
Suzanne Whitworth, City Clerk

