

Chapter 5.04

ALCOHOLIC BEVERAGES

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5.04.010 Definitions.

"Beer, wine and other alcoholic beverages," in addition to the common definition associated therewith, includes all such beverages now regulated or which are hereinafter regulated by the state of Idaho and the applicable definitions of those beverages under Idaho law. (Ord. 542 § 1, 1995)

5.04.020 License required.

No person shall within the city of Montpelier distribute or sell beer, wine or other alcoholic beverages without first obtaining an annual license from the city of Montpelier. (Ord. 542 § 2, 1995)

5.04.030 State license required.

Prior to any license for distributing and

selling beer, wine or other alcoholic beverages being approved and issued by the city, the applicant must have qualified for and obtained a similar license from the state of Idaho. (Ord. 542 § 3, 1995)

5.04.040 License—Revocation or limitations.

Any revocations or special conditions placed by the state on the license is adopted by the city as a revocation and condition of the city license. (Ord. 542 § 4, 1995)

5.04.050 License—Fee.

Prior to issuing a license for sale or distribution of beer, wine or other alcoholic beverages, the applicant shall pay a license fee to the city which shall be set by resolution of the city council, and in the absence thereof, shall be not less than the maximum allowable fee under state law. (Ord. 542 § 5, 1995)

5.04.060 State laws adopted.

All applicable statutes, rules and regulations of the state controlling, limiting or qualifying the licensing, use, distribution or sale of beer, wine or other alcoholic beverages is adopted by the city subject to such additional prohibited acts or conduct as may be adopted by the city. (Ord. 542 § 6, 1995)

5.04.070 Hours for on-premises consumption.

No person shall remain on any licensed premises for on-premises consumption of beer, wine or other alcoholic beverages more than thirty (30) minutes after the time for lawful distribution or sale of beer, wine and other alcoholic beverages has expired, except for owners, managers or employees

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who are reasonably required to clean up and close the premises. (Ord. 542 § 7, 1995)

5.04.080 Sale, distribution and consumption on Sundays.

The sale, distribution or consumption of alcoholic beverages, other than beer, on licensed premises is prohibited on Sundays beginning at two a.m., except any person with a restaurant classification license to cater to parties, banquets, and bus tours in a controlled area may serve, sell or otherwise distribute liquor by the drink for on-premises consumption in accordance with state law on Sundays. (Ord. 543 § 8, 1995; Ord. 542 § 8, 1995)

5.04.090 Unsealed or opened containers.

A. No person shall consume or have in his possession any unsealed or opened container of beer, wine or other alcoholic beverages while operating or riding in a motor vehicle upon any street or premises open to the general public in the city.

B. No person shall consume or have in his possession any unsealed or opened container of beer, wine or other alcoholic beverages on any sidewalks, public facilities, public parks, building or premises open to the general public in the city, unless the premises has a license for on-premises consumption of beer, wine and other alcoholic beverages. (Ord. 542 § 9, 1995)

5.04.100 Application for special permit.

A. Upon written application, the mayor may grant a special permit for consumption of beer, wine or other alcoholic beverages on specific public facilities.

B. The application shall identify the public premises or facilities, the time, and the persons consuming beer, wine or other alcoholic beverages and the persons responsible to the city. (Ord. 542 § 10, 1995)

5.04.110 Violation—Penalty.

Any person violating this chapter shall be guilty of a misdemeanor for each day said person shall remain in violation of this chapter. (Ord. 542 § 11, 1995)