



NOTICE OF PUBLIC MEETING
Monday, May 19, 2025
City Council Chambers
680 Park Avenue, Idaho Falls, ID 83402
3:00 p.m.

The public is invited to observe City Council Work Sessions. However, the agenda for Work Sessions does not include an opportunity for public interaction. Seating in the Council Chambers may be limited. All seating is available on a first-come, first-serve basis. The public also may view this meeting via livestream on the City's website at <https://www.idahofallsidaho.gov/429/Live-Stream>. This meeting may be canceled or recessed to a later time in accordance with law. If you need communication aids or services or other physical accommodations to participate or access this meeting of the City of Idaho Falls, you may contact City Clerk Emily Geisler at (208) 612-8414 or the ADA Coordinator Lisa Farris at (208) 612-8323 not less than 48 hours prior to the meeting. They can help accommodate special needs.

CITY COUNCIL WORK SESSION

Times listed in parentheses are only estimates.

Call to Order and Roll Call

Fire Department

Report: Annual Department Focus Report (75)

Action: Council Direction to Staff (or take other appropriate action)

Municipal Services

Report: Quarterly Financial Report (45)

Action: Council Direction to Staff (or take other appropriate action)

City Attorney

Review and Discussion: Ordinance Amendments related to City Alcohol Permitting (30)

Action: Council Direction to Staff (or take other appropriate action)

Mayor and City Council

Mayor and Council Reports: Calendars; Announcements; Events; Reports; Updates; Concerns; Questions; Discussion; Proclamations; Notes or Minutes from Boards and Commissions (15)

Action: Council Direction to Staff (or take other appropriate action)

DATED this 16th day of May 2025

A large, stylized blue ink signature of Emily Geisler is written over a horizontal line. Below the line, the text "Emily Geisler, City Clerk" is printed.

Emily Geisler, City Clerk

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; AMENDING TITLE 4, CHAPTERS 2, 3, AND 4, AND TITLE 8, CHAPTER 3, SECTION 5, RECONCILING DISCREPANCIES ON THE HOURS ALCOHOL MAY BE SERVED BETWEEN THE CHARITABLE EVENT PERMIT AND THE PERMITTED EVENT IN CITY PARKS; CLARIFYING THE SIGNING AND BARRIER REQUIREMENTS FOR CONSUMPTION AREAS FOR A CHARITABLE EVENT ALCOHOL PERMIT; AND CLARIFYING THAT A TEMPORARY EVENT ALCOHOL PERMIT DOES NOT CONSTITUTE A CHANGE IN USE UNDER THE CITY'S FIRE, BUILDING OR ZONING CODES, AND PROVIDING SEVERABILITY, CODIFICATION, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE.

WHEREAS, the Council has established a number of regulations regarding the consumption of alcohol within the City; and

WHEREAS, the regulation of alcohol in certain locations within the City occasionally requires adjustment, in order to accommodate changing circumstances; and

WHEREAS, the Council desires to update the City's alcohol regulations related to temporary event permits to clarify that the permitted temporary service of alcohol does not constitute a change in use of building or land under the City's fire, building, and zoning codes; and

WHEREAS, the Council desires to clarify that only licenses to dispense liquor, beer, or wine at retail triggers the City's "change in use" analysis under the City's adopted fire, building, and zoning codes; and

WHEREAS, there are conflicts between the City's regulations on the Charitable Event Alcohol Permit (which regulates the dispensing of alcohol at both private and public spaces within the geographic limits of the City) and Permitted Events (which regulates the terms and conditions in which alcohol may be served on City-owned properties), in particular where Sandy Downs and Noise Park are concerned; and

WHEREAS, the Council desires to clarify and rectify conflicts and discrepancies in the Code and provide other necessary clarification on the City's temporary alcohol event permitting; and

WHEREAS, the Council desires to amend the Charitable Event Alcohol Permit in order to extend the area beer and wine may be served in a signed, designated consumption area.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF IDAHO FALLS, IDAHO, THAT:

SECTION 1: Title 4, Chapter 2, Section 1 of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

4-2-1: ~~DEFINITIONS:~~ **DEFINITIONS:** Whenever the following words or terms are used in this Code, they shall have the meanings ascribed below:

BARTENDER: Any person, whether agent, servant, employee, or person acting in any other capacity, who pours, mixes, or prepares any liquor by the drink upon any licensed premises. This shall not apply to any person who solely pours, mixes or prepares wine by the drink at retail as defined by this Code.

DIRECTOR: The Director of the Idaho Department of Law Enforcement.

INTERDICTED PERSON: A person to whom the sale of liquor is prohibited under the laws of the State.

LIQUOR: All kinds of liquor sold by and in a state liquor store of the State of Idaho.

PREMISES: The building, room, or place in which the sale of liquor by the drink at retail by a licensee is authorized under the relevant provisions of the Idaho Code and under this Chapter.

RESTAURANT: An eating establishment which offers prepared food for sale to the public.

SECTION 2: Title 4, Chapter 2, Section 4 of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

4-2-4: **APPLICATION FOR LICENSE:**

(A) Each applicant for a license shall file with the Clerk an application in writing, verified under oath, stating the following:

(1) That the applicant lawfully holds a current, valid license issued by the County Commissioners of Bonneville County, Idaho and a current, valid issued by the State pursuant to the provisions under the Idaho Code.

(2) That the applicant complies with the applicable Bonneville County liquor ordinances.

(3) A description of the premises for which the license is sought, their location and the name of the owner of the premises.

(4) A letter from the Community Development Services Department verifying that the location of the proposed licensed premises would be permitted by the City's Zoning Code.

(5)(4) The names and addresses of all persons who will have any ownership or equity interest in any business to be carried on in the licensed premises, including without limitation interests arising from conditional sales contracts, partnerships, trusts or shares of corporate stock and the amount and nature of such interest.

(6)(5) The names and addresses of the applicant and all members of a partnership or association and all officers, members of the governing board and all stockholders of any corporation or any entity identified pursuant to this section..

(7)(6) Any other information reasonably necessary for the Clerk to determine the applicant's qualifications or disqualifications for a license.

(B) If during the term of any license issued under this Chapter any change shall take place in any of the information stated in the application, the licensee shall deliver a verified report of the change to the Clerk no later than seven (7) business days following the change.

(C) The names and addresses of the applicant and all members of a partnership or association and all officers, members of the governing board and all stockholders of any corporation or any entity identified pursuant to subsection (A).

(D) Any other information reasonably necessary for the Clerk to determine the applicant's qualifications or disqualifications for a license.

If during the term of any license issued under this Chapter any change shall take place in any of the information stated in the application, the licensee shall deliver a verified report of the change to the Clerk no later than seven (7) business days following the change.

(E) The application for a license to sell or dispense liquor by the drink at retail shall constitute a change in use of the location, building, or property for the purposes of applying the City's fire, building, or zoning codes. Applicants for a license to sell or dispense liquor by the drink at retail shall ensure compliance with the City's fire, building, and zoning codes as a condition for receiving a license.

SECTION 3: Title 4, Chapter 2, Section 5 of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

4-2-5: INVESTIGATION: Upon receipt of an application for a license or for a transfer of a license under this Chapter, accompanied by the necessary license or transfer fee, the Clerk and Chief of Police shall investigate all information stated in the application and report the results of the investigation to the Clerk. If the Clerk determines that the contents of the application are true, that the applicant is qualified to receive a license, that the premises are suitable for carrying on the intended business, that the business is in compliance with the City's fire, building, and zoning codes, and that the requirements of this Chapter have been met, a license shall be issued or transferred, upon approval of the Council. Otherwise, the application shall be denied and the license or transfer fee refunded.

SECTION 4: Title 4, Chapter 2, Section 12 of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

4-2-12: LOCATION RESTRICTIONS:

(A) No license shall be issued for any premises in any residential zone or within three hundred (300) feet of any public school, church or any other place of worship measured in a straight line between the nearest property line of such public building or place of worship and the nearest entrance to the licensed premises. No license shall be issued for a location where the operation of the licensed premises would violate the City's zoning code. This limitation shall not apply to any duly licensed premises that at the time of first licensing did not come within the restricted area but subsequent to first licensing came therein.

(B) No license shall be issued to any person for the operation of a licensed business upon any premises which were used by any occupant whose license under this Chapter was revoked within one (1) year prior to the date of the new application for issuance or transfer of a license.

(C) The Council may for good cause shown grant a variance to the provisions of Section (A) or (B). Prior to granting such variance, the Council shall hold a public hearing after giving written notice to the owners or occupants of all properties located within three hundred (300) feet of the exterior boundaries of the proposed licensed premises, measured in the manner set forth above. Such notice shall be given at least fifteen (15) days prior to the date of the hearing. Notice shall be deemed to have been given upon its personal delivery to such owner or occupant or upon its deposit in the United States mail, addressed to the owner at the address last shown on the Bonneville County property tax rolls.

SECTION 5: Title 4, Chapter 2, Section 18 of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

4-2-18: LIQUOR CATERING PERMIT: -Any person holding a retail liquor license may serve and sell liquor, retail by the drink at a party or convention at a location other than at the licensed premises for a period not to exceed three (3) consecutive days, upon obtaining a liquor catering permit. Applications for such permit shall be made to the Clerk on such form as prescribed by the Clerk, which form shall contain the following information:

- (A) The name and address of the applicant and the number of their state liquor license.
- (B) The dates and hours during which the permit is to be effective, not to exceed three (3) consecutive days.
- (C) The names and addresses of the organizations, groups, or persons sponsoring the event.
- (D) The address at which the liquor is to be served, and if a public building, the rooms in which the liquor is to be served.

The application shall be verified by the applicant and filed with the Clerk. A filing fee in an amount set from time to time by Resolution of the Council for each day the permit is to be effective shall be paid to the Clerk. Such fee shall be nonrefundable irrespective of whether the party or convention is held.

The application of a liquor catering permit shall not be construed by any City official as constituting a change in use of the location or property for the purposes of applying the City's fire, building, or zoning codes.

SECTION 6: Title 4, Chapter 2, Section 19 of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

4-2-19: APPROVAL OF LIQUOR CATERING PERMIT: Upon the filing of an application for a liquor catering permit, the Council shall upon the advice and recommendation of the Chief of Police approve or disapprove the application and indicate the determination on the face of the application by endorsement signed by the Clerk. Copies of the application with signed endorsements thereon shall be mailed or delivered immediately to the Chief of Police, the Director of the Idaho Department of Law Enforcement and the applicant, and a signed copy shall be retained by the Clerk. An application approved in this manner shall constitute a permit, unless disapproved by the Director by notice served upon the applicant for the retail sale of liquor by the drink, beer and wine for the period authorized by the permit.

The issuance of a liquor catering permit shall not be construed by any City official as constituting a change in use of the location or property for the purposes of applying the City's fire, building, or zoning codes.

SECTION 7: Title 4, Chapter 3, Section 7 of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

4-3-4: APPLICATION FOR LICENSE:

(A) Each applicant for a license for the retail sale of beer shall file with the Clerk a written application that states the following:

- (1) The name and residential address of the applicant.
- (2) The street address of the premises where beer is to be sold.
- (3) A letter from the Community Development Services Department verifying that the location of the proposed licensed premises would be permitted by the City's Zoning Code.
- (3) The name of the owner of the premises for which the license is sought.
- (4) That the applicant, if an individual, is at least nineteen (19) years old.

(5) That the applicant has not been convicted of a felony or any crime involving moral turpitude.

(6) The names and addresses of four (4) references as to the good moral character of the applicant.

(7) That the applicant holds a current, valid license for the retail sale of beer, issued by the County Commissioners of Bonneville County, Idaho, and a current, valid license for the retail sale of beer issued from the State pursuant to the Idaho Code.

(8) That the applicant agrees to abide by the terms and conditions of this Chapter, and any laws, ordinances, rules or regulations subsequently promulgated by the State, Bonneville County or the City regarding the retail sale of beer licensing within the City.

(9) Any other information the Clerk requires to determine that the applicant possesses the qualifications and has none of the disqualifications for a license, as provided in this Chapter and the Idaho Code.

(B) On receipt of a written application conforming with subsection (A) of this Section and payment of the license fee, the Clerk shall immediately forward the application to the Chief of Police for review, investigation and recommendation.

(1) If the Chief of Police recommends approval of the license and the Clerk finds the applicant otherwise qualified, the Clerk shall grant the application and issue a license.

(2) If the Chief of Police or the Clerk recommends denial of the license application, the Chief or the Clerk shall notify the applicant of the recommendation for denial and state the date, time, and place of the Council meeting at which the recommendation will be considered. The notice shall be in writing and shall be mailed to the applicant at the address in the application no later than seven (7) days prior to the date of the Council meeting.

(C) At the date, time and place stated in the recommendation for denial notice, the Council shall consider the application, the recommendation for denial, and hear testimony and evidence from any interested person. No license application shall be denied unless the written notice required by subsection (B) of this Section has been given and the applicant has been given an opportunity to testify and present evidence in support of the issuance of the license. All applications for a retail beer license or any transfer or renewal of a retail beer license shall be granted or denied within sixty (60) days from the date the application was delivered to the Clerk.

(D) If the Council denies an application for a retail beer license, or any renewal or transfer of a retail beer license, the Council shall specify in writing:

(1) The statutes, ordinances and standards used in evaluating the application;

(2) The reasons for denial; and

(3) The actions, if any, the applicant could take to obtain the license, transfer or renewal.

(E) The Clerk shall keep a transcribable verbatim record of all proceedings concerning applications for beer licenses, or their transfer, renewal or revocation, pursuant to the provisions of this Chapter. If an application for a license, transfer or renewal is denied, or if a license is revoked, the transcribable verbatim record shall be kept for a period of not less than six (6) months after a final decision. Upon request and within the time provided for retention of the record, persons may have the record transcribed at their expense.

(F) The application for a license to sell or dispense beer at retail shall be construed as a change in use of the location or property for the purposes of applying the City's fire, building, or zoning codes. Applicants for a license to sell or dispense beer at retail shall ensure compliance with the City's fire, building, and zoning codes as a condition for receiving a license.

SECTION 8: Title 4, Chapter 3, Section 6 of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

4-3-6: LICENSE FOR DESIGNATED ADDRESS ONLY: A license for the retail sale of beer shall be granted only for the place designated in the application. The place of business shall not be changed or moved without the consent of the Council.

SECTION 9: Title 4, Chapter 3, Section 7 of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

4-3-7: LOCATION RESTRICTIONS:

(A) No license for retail sale of beer for consumption on premises shall be issued for any premises that is within three hundred (300) feet of any public school, church, or any other place of worship. Such distance shall be measured in a straight line between the nearest entrance to the licensed premises and the nearest property line of such school, church, or place of worship. No license shall be issued for a location where the operation of the licensed premises would violate the City's zoning code.

~~(B) No person shall sell or dispense beer for consumption on the premises at any place within three hundred feet (300') of any public school, church, or other place of worship, measured in a straight line between the nearest entrance to such place and the nearest property line of such school, church or place of worship. Notwithstanding the foregoing, nothing herein shall prohibit the sale or dispensing of beer for consumption on the premises at a public school, church, or other place of worship pursuant to a permit issued under this Chapter to an applicant which owns or operates such school, church or place of worship.~~

(B)(C) The provisions of ~~subsections (A) and (B)~~ in this Section shall not apply to any premises that met the qualifications of such subsection at the time the premises were first licensed, but thereafter fail to meet such location restrictions because of the construction

or commencement of use of such public facility or place of worship subsequent to such first licensing.

- (D)(C) The Council may for good cause grant a variance to the provisions of Sections (A) or (B) ~~this Section above~~. Prior to granting such variance, the Council shall hold a public hearing after giving written notice to the owners or occupants of all properties located within three hundred (300) feet of the exterior boundaries of the proposed licensed premises, measured in the manner set forth above. Such notice shall be given at least fifteen (15) days prior to the date of the hearing. Notice shall be deemed to have been given upon its personal delivery to such owner or occupant or upon its deposit in the United States mail, addressed to the owner at the address last shown on the Bonneville County property tax rolls.

SECTION 10: Title 4, Chapter 3, Section 16 of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

4-3-16: BEER SOLD OR DONATED FOR BENEVOLENT, CHARITABLE OR PUBLIC PURPOSES - PERMIT REQUIRED:

- (A) Notwithstanding the provisions of Section 4-3-2 of this Chapter, nothing shall prevent any licensed dealer, wholesaler or retailer from selling or donating unbroken packages of beer or kegs of beer to a person which has not been issued any license for the sale of alcoholic beverages in this state, for benevolent, charitable or public purposes if a permit has been issued to the person or nonprofit entity as provided in subsection (B) of this Section.
- (B) Upon delivery to the Clerk of a properly completed application in accordance with the provisions of this Chapter and, following receipt of an affirmative recommendation from the Chief of the Police Department and the, Chief of the Fire Department, the Clerk may issue to a Qualified Organization a permit authorizing the sale or dispensing of beer at an event sponsored by such qualified organization if the Clerk is satisfied that the proceeds, after deducting reasonable expenses incurred, will be donated for a benevolent, charitable or public purpose.
- (C) Any permit issued to an applicant who desires to conduct a charitable event within the City shall be subject to the following conditions:
- (1) ~~(1)~~ — Except as otherwise provided in ~~subsections (2) and (3) of this sSection~~, all events shall be conducted within a confined area constructed and operated in accordance with the terms and provisions of this subsection. The applicant shall designate in their application ~~an the area not to exceed one thousand two hundred fifty (1,250) square feet in which all beer will be sold, dispensed, possessed and consumed. The sale, dispensing, and consumption area shall be approved by the Chiefs of the Police and Fire Departments, or their designee. Such sale, dispensing, and consumption area shall be visually designated by either a physical barrier with signage or by signage alone. The signs shall state, with large letters no less than two~~ (2) inches high: "No Open Container of Beer May Be Possessed or Transported

Beyond this Area," or such other statement which adequately apprises customers of the prohibitions set forth in this Chapter.

Where a physical barrier to pedestrian traffic is erected, a sign shall be placed at every entrance to the sale, dispensing, and consumption area. Where no physical barricade is erected, individual signs shall visually warn that alcohol must be consumed within the sale, dispensing, and consumption area and must be placed within fifty (50) feet of each other, in order to create a visual boundary.

~~Such area shall be completely surrounded by a fence, barricade, or other physical barrier to pedestrian traffic, except for one (1) opening not to exceed six (6) feet in width. Such defined premises shall be at such location as may be approved by the Chief of Police, which location shall be specified on the permit.~~

~~The deSuch defined sale, dispensing, and consumption area shall be considered to be the "premises" for the purposes of this Chapter and the applicant shall not sell or dispense beer outside such area. The applicant shall also erect and maintain in a conspicuous location at all times, a sign with large letters no less than two (2) inches high bearing the following legend: "No Open Container of Beer May Be Possessed or Transported Beyond the Fenced Area," or such other legend which adequately apprises customers of the prohibitions set forth in this Chapter~~

~~. Beer shall not be sold, conveyed or dispensed between the hours of 9:00 o'clock p.m. and 10:00 o'clock a.m. of the following day. Failure to construct or maintain such fence, barrier or sign, or failure to comply with such hours of operation, shall be grounds for summary revocation of such permit. The Chiefs of the Police and Fire Departments Chief of Police or the Clerk may establish additional conditions or restrictions as reasonably necessary to protect the public health and safety, or alternatively may waive or modify the conditions and restrictions herein provided such waiver or modification does not jeopardize the public health and safety.~~

- (2) Charitable events may, with the prior approval of the Chiefs of the Police and Fire Departments~~Chief of Police~~, be conducted in or upon a public street, subject to the terms and conditions of this subsection. Beer may be dispensed at an event conducted in a public street and within an area comprised of no more than one (1) street on one (1) side of a City block,~~excluding any intersections thereof, provided it is dispensed only between the hours of 5:00 o'clock p.m. and 9:00 o'clock p.m. on any permitted day of the week. Beer shall not be sold on Sundays or legal holidays at such events.~~ Such street area shall be considered to be the "premises" for the purposes of this Chapter and the applicant shall not sell or dispense beer outside such area. The applicant shall also erect and maintain at all times in a conspicuous location at each end of such street area, a sign with large letters no less than two (2) inches high bearing the following legend: "No Open Container of Beer May Be Possessed or Transported Beyond this Point" or such other legend which adequately apprises customers of the prohibitions set forth in this Chapter. Failure to construct or maintain such fence, barrier or sign shall be grounds for summary revocation of such permit.

- ~~(3) Charitable events that are held at Sandy Downs or Noise Park and which also have~~

~~been issued a Permitted Event permit under this Code may allow beer to be sold, dispensed, possessed, and consumed in an area that exceeds one thousand two hundred fifty (1,250) square feet, provided that beer is dispensed only between the hours of 12:00 o'clock p.m. and 5:00 o'clock p.m. and within the Permitted Event's dispensing area indicated on the approved site map. (Ord. 3570, 05-23-24)~~

- (D) Permits issued under the subsections above, shall not exceed a period of greater than three (3) consecutive days. ~~No Qualified Organization shall conduct more than two (2) events within the Green in any calendar year.~~ Nothing herein shall authorize or allow the issuance of any permit to sell or dispense beer in any park in violation of this Code.
- (E) The form of the application shall require the following information:
- (1) The names, mailing addresses and telephone numbers of the sponsors of the event, the tax identification number of the sponsor or sponsors and satisfactory evidence that the sponsor is a Qualified Organization;
 - (2) Quantities and types of beer products to be used at the event;
 - (3) Names of the dealer or wholesaler from whom the beer is to be received;
 - (4) The retailer, if any, designated by such person or nonprofit entity to receive, store or dispense beer on behalf of the permittee;
 - (5) Dates and hours of operation for which the permit is desired.
 - (6) The location of the event and a description of the premises where beer will be sold, dispensed or conveyed;
 - (7) Such other information directly related to the event and the applicant that the Clerk or Chief of Police may require.
- (F) For the purposes hereof, a "Qualified Organization" shall mean any benevolent, charitable, or public organization or person to whom a permit has been issued by the Director of the Idaho Department of Law Enforcement pursuant to the provisions of the Idaho Code.
- (G) Within ninety (90) days after the conclusion of the event, the permittee shall submit an accurate and complete report to the Clerk showing the disposition of funds from the event in accordance with the provisions of this Chapter.
- (H) The Clerk shall collect a fee in an amount set from time to time by Resolution of the Council for each permit issued, provided however permits issued for benevolent, charitable, or public purposes may be issued for multiple events conducted within a calendar year, provided that such events are separated by a period of at least six (6) days. Such multiple event permit fee shall be in an amount as set from time to time by Resolution of the Council. In the event an applicant seeks a permit to sell beer and wine

at the same location, the combined permit fee shall be in an amount set from time to time by Resolution of the Council.

- (I) Should the Chief of Police or Clerk determine that an applicant, permittee or its representative is violating any provision of this Chapter, or has in the past violated any law pertaining to the dispensing or sale of beer by a licensed retailer relating to hours of sale, relating to restrictions concerning age provided in the Idaho Code or under this Chapter, or has failed in the past to submit such information as may have been requested by the Clerk such permit may be summarily suspended by the Chief of Police prior to hearing, or may be denied or canceled pending a hearing.
- (J) A licensed retailer may, on behalf of the permittee, receive or store beer to be used at the event and may dispense such beer to attendees of the benevolent, charitable or public purpose event for which the permit was issued.
- (K) No City official may construe the application nor the issuance of a benevolent, charitable or public purpose beer permit as constituting a change in use of the location or property for the purposes of applying the City's fire, building, or zoning codes.

SECTION 11: Title 4, Chapter 4, Section 4 of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

4-4-4: APPLICATION FOR LICENSE:

- (A) Each applicant for a retail wine license or wine-by-the drink license shall file with the Clerk a written application that states the following:
 - (1) The name and residential address of the applicant.
 - (2) The street address of the premises where wine is to be sold.
 - (3) A letter from the Community Development Services Department verifying that the location of the proposed licensed premises would be permitted by the City's Zoning Code.
 - (3) The name of the owner of the premises for which the license is sought.
 - (4) That the applicant, if an individual, is at least nineteen (19) years old.
 - (5) That the applicant has not been convicted of a felony or any crime involving moral turpitude.
 - (6) The names and addresses of four (4) references as to the good moral character of the applicant.
 - (7) That the applicant holds a current, valid license for the retail sale of wine, issued

by the County Commissioners of Bonneville County, Idaho, and a current, valid license for the retail sale of wine issued from the State pursuant to the Idaho Code.

- (8) That the applicant agrees to abide by the terms and conditions of this Chapter, and any laws, ordinances, rules or regulations subsequently promulgated by the State, Bonneville County or the City regarding the retail sale of wine licensing within the City.
 - (9) Any other information the Clerk requires to determine that the applicant possesses the qualifications and has none of the disqualifications for a license, as provided in this Chapter and the Idaho Code.
- (B) On receipt of a written application conforming with subsection (A) of this Section and payment of the license fee, the Clerk shall immediately forward the application to the Chief of Police for review, investigation and recommendation.
- (1) If the Chief of Police recommends approval of the license and the Clerk finds the applicant otherwise qualified, the Clerk shall grant the application and issue a license.
 - (2) If the Chief of Police or the Clerk recommends denial of the license application, the Chief or the Clerk shall notify the applicant of the recommendation for denial and state the date, time and place of the next Council meeting at which the recommendation will be considered. The notice shall be in writing and shall be mailed to the applicant at the address in the application no later than seven (7) days prior to the date of the Council meeting.
- (C) At the date, time and place stated in the recommendation for denial notice, the Council shall consider the application, the recommendation for denial, and hear testimony and evidence from any interested person. No license application shall be denied unless the written notice required by subsection (B) of this Section has been given and the applicant has been given an opportunity to testify and present evidence in support of the issuance of the license. All applications for a retail wine license or any transfer or renewal of a retail wine license shall be granted or denied within sixty (60) days from the date the application was delivered to the Clerk.
- (D) If the Council denies an application for a retail wine license, or any renewal or transfer of a retail wine license, the Council shall specify in writing:
- (1) The statutes, ordinances and standards used in evaluating the application;
 - (2) The reasons for denial; and
 - (3) The actions, if any, the applicant could take to obtain the license, transfer or renewal.

- (E) The Clerk shall keep a transcribable verbatim record of all proceedings concerning applications for wine licenses, or their transfer, renewal or revocation, pursuant to the provisions of this Chapter. If an application for a license, transfer or renewal is denied, or if a license is revoked, the transcribable verbatim record shall be kept for a period of not less than six (6) months after a final decision. Upon request and within the time provided for retention of the record, persons may have the record transcribed at their expense.
- (F) The application for a license to sell or dispense wine at retail shall be construed as a change in use of the location or property for the purposes of applying the City's fire, building, or zoning codes. Applicants for a license to sell or dispense wine at retail shall ensure compliance with the City's fire, building, and zoning codes as a condition for receiving a license.

SECTION 12: Title 4, Chapter 4, Section 4 of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

4-4-7: LOCATION RESTRICTIONS:

- (A) No license wine by the drink for retail sale of wine for consumption on premises license shall be issued to any person to operate at any place that is within three hundred (300) feet of any public school, church or any other place of worship. Such distance shall be measured in a straight line between the nearest entrance to the licensed premises and the nearest property line of such school, church or place of worship. No license shall be issued for a location where the operation of the licensed premises would violate the City's zoning code.
- ~~(B) No person shall sell or dispense wine for consumption on the premises at any place within three hundred (300) feet of any public school, church or other place of worship, between the nearest entrance to such place and the nearest property line of such school, church or place of worship. Notwithstanding the foregoing, nothing herein shall prohibit the sale or dispensing of wine for consumption on the premises at a public school, church or other place of worship pursuant to a permit issued under this Chapter to an applicant which owns or operates such school, church, or place of worship.~~
- ~~(B)~~ ~~(C)~~—The provisions of subsections (A) and (B) above this Section shall not apply to any premises that met the qualifications of such subsection at the time the premises were first licensed, but thereafter fail to meet such location restrictions because of the construction or commencement of use of such public facility or place of worship subsequent to such first licensing.
- ~~(C)~~ ~~(D)~~ The Council may for good cause shown grant a variance to the provisions of this ~~s~~Section. Prior to granting such variance, the Council shall hold a public hearing after giving written notice to the owners or occupants of all properties located within three hundred (300) feet of the exterior boundaries of the proposed licensed premises, measured in the manner set forth above. Such notice shall be given at least fifteen days prior to the date of the hearing. Notice shall be deemed to have been given upon its personal delivery

to such owner or occupant or upon its deposit in the United States mail, addressed to the owner at the address last shown on the Bonneville County property tax rolls.

SECTION 12: Title 4, Chapter 4, Section 12 of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

4-4-12: WINE SOLD OR DONATED FOR BENEVOLENT, CHARITABLE OR PUBLIC PURPOSES - PERMIT REQUIRED:

- (A) Notwithstanding the provisions of this Chapter, nothing shall prevent any licensed dealer, wholesaler or retailer from selling or donating unbroken packages of wine to a person which has not been issued any license for the sale of alcoholic beverages in this state, for benevolent, charitable or public purposes if a permit has been issued to the person or nonprofit entity as provided in subsection (B) of this Section.
- (B) Upon delivery to the Clerk of a properly completed application in accordance with the provisions of this Chapter and following receipt of an affirmative recommendation from the Chief of the Police Department and the Chief of the Fire Department, the Clerk may issue to a Qualified Organization a permit authorizing the sale or dispensing of wine at an event sponsored by such qualified organization if the Clerk is satisfied that the proceeds, after deducting reasonable expenses incurred, will be donated for a benevolent, charitable or public purpose.
- (C) Any permit issued to an applicant who desires to conduct a charitable event within the City shall be subject to the following conditions:

(1) (1) — Except as otherwise provided in subsections (2) and (3) of this Section, all events shall be conducted within a confined area constructed and operated in accordance with the terms and provisions of this subsection. The applicant shall designate in their application, ~~an the area not to exceed one thousand two hundred fifty square feet (1250 ft²)~~ in which all wine will be sold, dispensed, possessed and consumed. The sale, dispensing, and consumption area shall be approved by the Chiefs of the Police and Fire Departments, or their designee. Such sale, dispensing, and consumption area shall be visually designated by either a physical barrier with signage or by signage alone. The signs shall state, with large letters no less than two (2) inches high: "No Open Container of Wine May Be Possessed or Transported Beyond this Area," or such other statement which adequately apprises customers of the prohibitions set forth in this Chapter.

Where a physical barrier to pedestrian traffic is erected, a sign shall be placed at every entrance to the sale, dispensing, and consumption area. Where no physical barricade is erected, individual signs shall visually warn that alcohol must be consumed within the sale, dispensing, and consumption area and must be placed within fifty (50) feet of each other, in order to create a visual boundary.

(1) ~~Such area shall be completely surrounded by a fence, barricade, or other physical barrier to pedestrian traffic, except for one (1) opening not to exceed six feet (6') in~~

~~width. Such defined premises shall be at such location as may be approved by the Chief of Police, which location shall be specified on the permit. Such The defined sale, dispensing, and consumption area shall be considered to be the "premises" for the purposes of this Chapter and the applicant shall not sell or dispense wine outside such area. The applicant shall also erect and maintain in a conspicuous location at all times, a sign with large letters no less than two inches (2") high bearing the following legend: "No Open Container of Wine May Be Possessed or Transported Beyond the Fenced Area," or such other legend which adequately appraises customers of the prohibitions set forth in this Chapter.~~

Failure to construct or maintain such fence, barrier or sign shall be grounds for summary revocation of such permit. The Chiefs of the Police and Fire Departments ~~Chief of Police~~ or the Clerk may establish additional conditions or restrictions as reasonably necessary to protect the public health and safety, or alternatively may waive or modify the conditions and restrictions herein provided such waiver or modification does not jeopardize the public health and safety.

- (2) Charitable events may, with the prior approval of the Chiefs of the Police and Fire Departments ~~Chief of Police~~, be conducted in or upon a public street, subject to the terms and conditions of this subsection. Wine may be dispensed at an event conducted in a public street and within an area comprised of no more than one (1) street on one (1) side of a City block, excluding any intersections thereof, ~~provided it is dispensed only between the hours of 5:00 o'clock p.m. and 9:00 o'clock p.m. on any permitted day of the week. Wine shall not be sold on Sundays or legal holidays at such events.~~ Such street area shall be considered to be the "premises" for the purposes of this Chapter and the applicant shall not sell or dispense wine outside such area. The applicant shall also erect and maintain at all times in a conspicuous location at each end of such street area, a sign with large letters no less than two inches (2") inches high bearing the following legend: "No Open Container of Wine May Be Possessed or Transported Beyond this Point," or such other legend which adequately appraises customers of the prohibitions set forth in this Chapter. Failure to construct or maintain such fence, barrier or sign, or failure to comply with such hours of operation, shall be grounds for summary revocation of such permit.

~~(3) Charitable events that are held at Sandy Downs or Noise Park and which also have been issued a Permitted Event permit under this Code may allow wine to be sold, dispensed, possessed, and consumed in an area that exceeds one thousand two hundred fifty (1,250) square feet, provided that wine is dispensed only between the hours of 12:00 o'clock p.m. and 5:00 o'clock p.m. and within the Permitted Event's dispensing area indicated on the approved site map. (Ord. 3570, 05-23-24)~~

- (D) Permits issued under the subsections above shall not exceed a period of greater than three (3) consecutive days. ~~No Qualified Organization shall conduct more than two (2) events within the Green in any calendar year.~~ Nothing herein shall authorize or allow the issuance of any permit to sell or dispense wine in any park in violation of this Code.

- (E) The form of the application shall require the following information:

- (1) The names, mailing addresses and telephone numbers of the sponsors of the event, the tax identification number of the sponsor or sponsors and satisfactory evidence that the sponsor is a Qualified Organization;
 - (2) Quantities and types of wine products to be used at the event;
 - (3) Names of the dealer or wholesaler from whom the wine is to be received;
 - (4) The retailer, if any, designated by such person or nonprofit entity to receive, store or dispense wine on behalf of the permittee;
 - (5) Dates and hours of operation for which the permit is desired;
 - (6) The location of the event and a description of the premises where wine will be sold, dispensed or conveyed; and
 - (7) Such other information directly related to the event and the applicant that the Clerk or Chief of Police may require.
- (F) For the purposes hereof, a "Qualified Organization" shall mean any benevolent, charitable, or public organization or person to whom a permit has been issued by the Director of the Idaho Department of Law Enforcement pursuant to the provisions of the Idaho Code.
- (G) Within ninety (90) days after the conclusion of the event, the permittee shall submit an accurate and complete report to the Clerk showing the disposition of funds from the event in accordance with the provisions of this Chapter.
- (H) The Clerk shall collect a fee in an amount set from time to time by Resolution of the Council for each permit issued, provided however permits issued for benevolent, charitable, or public purposes may be issued for multiple events conducted within a calendar year, provided that such events are separated by a period of at least six (6) days. Such multiple event permit fee shall be in an amount set from time to time by Resolution of the Council. In the event an applicant seeks a permit to sell beer and wine at the same location, the combined permit fee be in an amount set from time to time by Resolution of the Council.
- (I) Should the Chief of Police or City Council determine that an applicant, permittee or its representative is violating any provision of this Chapter, or has in the past violated any law pertaining to the dispensing or sale of wine by a licensed retailer relating to hours of sale, relating to restrictions concerning age provided in the Idaho Code or under this Chapter, or has failed in the past to submit such information as may have been requested by the Clerk such permit may be summarily suspended by the Chief of Police prior to hearing, or may be denied or canceled pending a hearing.
- (J) A licensed retailer may, on behalf of the permittee, receive or store wine to be used at

the event and may dispense such wine to attendees of the benevolent, charitable, or public purpose event for which the permit was issued.

(K) No City official may construe the application nor the issuance of a benevolent, charitable or public purpose wine permit as constituting a change in use of the location or property for the purposes of applying the City's fire, building, or zoning codes.

SECTION 12: Title 8, Chapter 3, Section 5 of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

8-3-5: PERMITTED EVENTS:

(A) **INTENT:** This Permitted Event process is intended to allow the sale and consumption alcoholic beverages, in certain designated locations within the City, pursuant to these Permitted Event regulations and is not intended to amend or expand this Code or any other applicable law or regulation beyond the scope of the particulars of this Section or beyond the hours of the Permitted Event. Sanitary, health, litter, police, fire, alcohol vending, and other laws and regulations shall be unaffected by this Section. This Section shall not act as a waiver of any State, County, or local requirement of a permit or licensure related to sales and/or distribution of alcohol, including a requirement for a catering permit; a beer and wine permit for benevolent, charitable, and public purpose events; or a winery sponsored event permit.

(B) **APPLICATION FOR PERMIT:** The applicant shall obtain an application for a permit from the Clerk. Once an application for a permit has been submitted and the fee has been paid in an amount set from time to time by Resolution of the Council, the Clerk shall review the application and determine whether or not the application is complete. If the Clerk deems that the application is complete, and the applicant has met all conditions of this Section, the Clerk shall issue a permit for the Event. If the application, in any respect, is incomplete, the City Clerk shall promptly notify the applicant and shall specify the items which the Clerk has determined are not complete or which have not been provided pursuant to this Section. An application shall be made to this Clerk in the form and manner prescribed by the Clerk.

(C) **LOCATION AND DURATION OF PERMITTED EVENTS:**

(1) A Permitted Event, for beer and wine consumption only, shall be allowed exclusively within the following locations and maximum consumption hours, within the designated service times indicated below, within the City:

- a. The Pier at Snake River Landing – 12:00 p.m. to 2:00 a.m. local time.
- b. Civitan Plaza – 12:00 p.m. to 10:00 p.m. local time.
- c. Sportsman's Park at the shelters and bandshell at Freeman Park, provided that the consumption areas do not extend beyond two hundred feet (200') from the park structures – 12:00 p.m. to 10:00 p.m. local time.

- d. Idaho Falls Park Zoo at Tautphaus Park – 12:00 p.m. to 10:00 p.m. local time.
 - e. Tautphaus Park Multi-Use Shelter, including grassy area to the east of the shelter, which shall not include the fenced baseball fields or Rodgers Street, extending four hundred fifty (450) feet east from the shelter – 12:00 p.m. to 10:00 p.m. local time.
 - f. Funland Amusement Park at Tautphaus Park – 12:00 p.m. to 10:00 p.m. local time.
 - g. Skyline Activity Center – 12:00 p.m. to 2:00 a.m. local time.
 - h. The public plaza located at 330 Memorial Drive – 12:00 p.m. to 10:00 p.m. local time.
 - i. Melaleuca Field – 12:00 p.m. to 10:00 p.m. local time.
 - j. Idaho Falls Public Library and adjacent property – 12:00 p.m. to 10:00 p.m. local time.
 - k. Gem Lake Bike Park – 12:00 p.m. to 10:00 p.m. local time.
 - l. The River Walk Stage, provided that the consumption areas do not extend into the Riverwalk path or extends beyond three hundred feet ~~one hundred fifty feet (150'300')~~ from the River Walk Stage – 12:00 p.m. to 10:00 p.m. local time.
 - m. A closed public street, provided that the City Police Chief has approved the street closure for an event – 12:00 p.m. to 10:00 p.m. local time.
- (2) A permitted event, for any alcoholic beverage, shall be allowed only in the following locations and for the maximum consumption hours, within the designated service times indicated below, within the City:
- a. Sandy Downs – 12:00 p.m. to 12:00 a.m. local time.
 - b. Noise Park – 12:00 p.m. to 2:00 a.m. local time.
- (3) No Permitted Event shall be allowed:
- a. Where the outdoor alcohol sales and consumption area of the Permitted Event is within three hundred feet (300') of an outdoor location reserved with the Parks and Recreation Department prior to an application for a Permitted Event where children are likely to be present, unless the alcohol sales and consumption area of the Permitted Event is either entirely screened from view or the person reserving the relevant location has no objection to the location of the alcohol sales and consumption area.

- b. Within two (2) hours of the termination of another Permitted Event held at the same location.
 - c. Where, in the reasonable judgment of the Chief of Police or the City Fire Marshall, a Permitted Event is likely to become a public nuisance.
- (D) TERM OF EVENT PERMIT: A permit is valid only for the time period approved and shall expire immediately upon the completion of the Permitted Event. A permit, if issued, shall be for one (1) Permitted Event only. Appeal, denial, or revocation of a permit shall be made to the Council.
- (E) EVENT PERMIT REQUIREMENTS: Each of the following shall be required for every Permitted Event:
- (1) LIABILITY AND INSURANCE:
 - a. Not less than ten (10) days prior to the Permitted Event at which a licensed vendor will sell or dispense alcohol the following shall be done:
 - 1. The Event Sponsor(s) shall deliver to the Clerk one (1) copy of written proof that the licensed vendor has current, paid up, off-premise liquor liability insurance in an amount not less than one million dollars (\$1,000,000) combined single limits. Every off-premises liquor liability insurance policy provided shall include assault and battery coverage and defense costs coverage. The City shall be named as an additional insured on the insurance policy of every licensed vendor.
 - 2. The Event Sponsor(s) shall deliver to the Clerk one (1) copy of written proof that the Event Sponsor(s) has obtained current, paid up, general liability insurance or special event insurance in an amount not less than one million dollars (\$1,000,000) combined single limits. Such general liability insurance or special event insurance policy shall be primary to any other insurance related to the Permitted Event and to that of any potential party subject to a claim related to the Permitted Event.
 - 3. The Event Sponsor(s) shall deliver to the Clerk the signed original of an agreement, with City to defend, hold harmless and indemnify the City, its agents, servants, employees, officers, and contractors from any and all claims, causes of action, or damages which may arise from the Permitted Event.
 - (2) LICENSED ALCOHOL VENDORS:
 - a. Unless otherwise specifically authorized in writing by the City Parks and Recreation Director at least ten (10) days prior to a Permitted Event, there shall be only one (1) licensed vendor or Event Sponsor that shall sell or dispense

alcohol at a Permitted Event. The City shall play no role in determining which vendor(s) shall be selected to sell or dispense alcoholic beverages during the Permitted Event.

- b. All alcoholic beverages sold or dispensed at a Permitted Event shall only be sold or dispensed by a licensed alcohol vendor. When the Event Sponsor has a benevolent, charitable, or public purposes alcohol permit, the Event Sponsor, its employees, volunteers, or agents may directly sell or dispense at a Permitted Event.
- c. Every licensed alcohol vendor or Event Sponsor at a Permitted Event shall obtain and comply with all alcohol-related laws and regulations, including, but not limited to, the City requirement of a City catering permit; a State beer and wine permit for benevolent, charitable, or public purpose events; or a winery sponsored event permit.
- d. The Event Sponsor shall:

- 1. For events under 100 persons

Provide at least one (1) persons at the Permitted Event to check proper identification for those who shall purchase, receive, or consume alcohol during the Permitted Event. These persons shall be clearly identified and shall be stationed not less than ten feet (10') from the vendor's sales or dispensing location

- 2. For events over 100 but less than 500 persons

- i. Provide at least two (2) persons at the Permitted Event to check proper identification for those who shall purchase, receive, or consume alcohol during the Permitted Event. These persons shall be clearly identified and shall be stationed not less than ten feet (10') from the vendor's sales or dispensing location, and
- ii. Provide at least two (2) Professional Security. The Professional Security Guards shall be clearly identified as such and shall be on duty at all times alcohol is being sold, served, or consumed during a Permitted Event. The Event Sponsor(s) shall have sole discretion on who will provide security at the Permitted Event and shall be responsible for all payment and costs associated with such security services.

- 3. For events over 500 persons

- i. Provide at least two (2) persons at the Permitted Event to check proper identification for those who shall purchase, receive, or consume alcohol during the Permitted Event. These persons shall be clearly identified and

shall be stationed not less than ten feet (10') from the vendor's sales or dispensing location, and

- ii. Provide at least two (2) Professional Security and an additional Professional Security Guard for every additional 500 persons the event host anticipates. After reviewing the event's security plan, the Park and Rec Director and Police Chief may require additional security if the event poses a reasonable concern for public safety that can be addressed with additional security. In evaluating risk, the Park and Rec Director and Police Chief may consider past event history, similar events, and external factors that may affect the event.

4. For events over 1000 persons

- i. The event sponsor must meet the same identification checking and security requirements as events over 500 persons, and
 - ii. The event sponsor must also comply with the International Fire Code's requirement to provide one (1) Crowd Manager per every 250 persons. If approved by the Idaho Falls Fire Marshal, a Professional Security Guard may be used to satisfy the International Fire Code's Crowd Manager Requirements.
5. The Professional Security Guards required under this section shall be clearly identified as such and shall be on duty at all times alcohol is being sold, served, or consumed during a Permitted Event. The Event Sponsor(s) shall have sole discretion on who will provide security at the Permitted Event and shall be responsible for all payment and costs associated with such security services

(3) SALES AND CONSUMPTION OF ALCOHOL:

- a. Not less than ten (10) days prior to the Permitted Event at which the licensed vendor will sell or dispense alcohol, the Event Sponsor(s) shall deliver to the Clerk three (3) copies of a site map which shall be drawn to show the locations of:
 - 1. the licensed vendor within the Permitted Event;
 - 2. the Permitted Event boundary barricade, sales and alcohol dispensing area, entry and exit points;
 - 3. identification checking station; and
 - 4. food and products sales and service areas.

Said site design and any subsequent alterations shall be approved in writing by the City Parks and Recreation Director and by the Chief of Police prior to the Permitted Event.

- b. All alcohol sales, dispensing, and consumption shall only take place inside the approved alcohol sales, dispensing, and consumption area(s) designated by the Event Sponsor(s) and as shown on the approved site map required. Alcohol shall only be sold or dispensed for not more than a total of six (6) hours during a Permitted Event during the park's service times, as designated by this Chapter.

An Event Sponsor may apply for extended hours to sell and dispense alcoholic beverages for longer than a total of six (6) hours by submitting an extended alcohol service application. The Park and Recreation Director and Police Chief shall review and approve the extended alcohol service application. The application must include:

1. a satisfactory and specified plan to mitigate public nuisances, such as noise and traffic, associated with the extended service,
 2. provide for additional security in an amount satisfactory to Chief of Police, and
 3. an administrative fee in an amount set from time to time by Resolution by the Council.
- c. The Event Sponsor shall issue a tamper and fraud-resistant wristband to persons who shall purchase, receive, or consume alcohol during the Permitted Event after verifying that person's proper identification. The City Park and Recreation Director shall issue guidelines and approve an Event Sponsor's wristbands as tamper and fraud-resistant.
 - d. No person shall carry or consume an alcoholic beverage within the location of the Permitted Event which is not purchased or dispensed from a licensed vendor at the Permitted Event. Consumption of alcohol outside of the approved sales and consumption area(s) shall be considered a violation of the City's open container ordinance.
 - e. The designated alcohol sale, dispensing, and consumption area(s) shall be designated physically from the rest of the Permitted Event location by signage which shall visually indicate the sale, dispensing, and consumption area. Individual signs shall visually warn that alcohol must be consumed within the consumption area and must be approved by the Special Event Coordinator. Signs must be placed within fifty (50) feet of each other where there is no physical barricade separating the consumption area from the rest of the Permitted Event, in order to create a visual boundary.
 - f. Food and non-alcoholic sales and service may be located inside and/or outside of the approved barricade within the Permitted Event location.

- g. All alcohol shall be dispensed in and consumed from its original container. Such a container shall be a readily identifiable container not more than sixteen ounces (16 oz.) in size and shall not bear a logo for a non-alcoholic beverage.
- h. The City Police Chief, City Fire Marshall, and City Park and Recreation Director are hereby empowered to order the immediate cessation of all or part of the activities associated with a Permitted Event at any time it is determined that there is a violation of this Code or the Idaho Code. There shall be no appeal from a determination by the Police Chief, City Fire Marshall, or City Park and Recreation Director's decision to terminate all or part of the activities associated with a Permitted Event.

(F) **FAILURE TO COMPLY:** Any person, firm, or corporation, whether as principal, agent, or employee or otherwise that shall fail to comply with this Section shall be guilty of a misdemeanor and upon conviction thereof shall be punished as set forth in this Codee ~~Idaho Falls City Code~~. Failure to comply with this Section may also result in denial of subsequent Permitted Events for a period of not less than five (5) years.

SECTION 8. Savings and Severability Clause. The provisions and parts of this Ordinance are intended to be severable. If any section, sentence, clause, or phrase of this Ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause, or phrase of this Ordinance.

SECTION 9. Codification Clause. The Clerk is instructed to immediately forward this Ordinance to the codifier of the official municipal code for proper revision of the Code.

SECTION 10. Publication and Effective Date. This Ordinance, or a summary thereof in compliance with Idaho Code, shall be published once in the official newspaper of the City, and shall take effect immediately upon its passage, approval, and publication.

PASSED by the City Council and APPROVED by the Mayor of the City of Idaho Falls, Idaho, this _____ day of _____, 2025.

ATTEST:

CITY OF IDAHO FALLS, IDAHO

EMILY GEISLER, CITY CLERK

REBECCA L. NOAH CASPER, Ph.D., MAYOR

(SEAL)



PROCLAMATION

- WHEREAS,** since 2014, the month of May has been recognized by the Department of Defense, and other military support organizations, as the *Month of the Military Caregiver*; and
- WHEREAS,** the month of May is dedicated to honoring and recognizing the individuals who provide care and support to the wounded, ill, and injured service members; and
- WHEREAS,** the daily tasks of these military and veteran caregivers can include bathing, feeding, dressing, and caring for the injuries of wounded warriors, administering medications, providing emotional support, caring for the family and the home, and working outside the home to earn essential income; and
- WHEREAS,** most military and veteran caregivers consider the challenging work they do as simply carrying out their civic and patriotic duty, without realizing they are, in fact, caregivers, and do not identify themselves as such; and
- WHEREAS,** though the nation provides multi-faceted support to our wounded, ill, and injured veterans and service members through public, private, and philanthropic resources, their caregivers often receive little support or acknowledgement; and
- WHEREAS,** a growing number of military and veteran caregivers, according to research, are suffering numerous debilitating mental, physical and emotional effects as a result of their caregiving duties; and
- WHEREAS,** the wars and conflicts in which our nation has been engaged since World War II have resulted in 14.3 million military and veteran caregivers who are parents, spouses, siblings and friends, caring for the wounded, ill, or injured, as documented by the 2023 RAND caregiving survey commissioned by the Elizabeth Dole Foundation; and
- WHEREAS,** the Idaho State Regent of the Daughter's of the American Revolution (DAR), in partnership with the Elizabeth Dole Foundation's Hidden Heroes program, embarked on an initiative to bolster community understanding and support of the military caregiver's journey and also to designate 2025 as the "Year of the Military Caregiver in Idaho"; and
- WHEREAS,** the City of Idaho Falls wants to acknowledge, commend, honor, and show its appreciation to the many individuals serving in these vital caregiving roles in our own communities – recognizing that they are our true "Hidden Heroes."

NOW THEREFORE, I, REBECCA CASPER, MAYOR of the City of Idaho Falls, do hereby proclaim the month of May 2025, as

Military and Veteran Caregiver Month

in the City of Idaho Falls and urge citizens to show support for the military and veteran caregivers in our community and recognize the hard work of the Idaho State Society Daughters of the American Revolution (ISSDAR) as they ensure Idaho's military caregivers are identified and acknowledged for their service.



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Idaho Falls to be affixed on this 9th day of May, Two Thousand and Twenty-five.


Rebecca L. Noah Casper, Mayor
City of Idaho Falls



MEMORANDUM

TO: Honorable Mayor and Council

FROM: Wade Sanner, Community Development Services Director

DATE: May 7, 2025

RE: May 6, 2025, Planning Commission Action

Planning Commission took the following action during the May 6, 2025, meeting.

1. **PLT24-061: PRELIMINARY PLAT for Creekside Townhomes. SE ¼ of Section 6, Township 2 North, Range 38 East. Located north of E 33rd North, east of N Boulevard, south of Recycle Road, west of N 5th East.** On May 6, 2025, the Planning and Zoning Commission unanimously voted to approve the preliminary plat as presented.
2. **PLT25-004: FINAL PLAT for Pacific Steel Commercial Plaza. SE ¼ of Section 7, Township 2 North, Range 38 East. Located north of E Anderson Street, east of N Boulevard, south of Technology Drive, west of Boge Avenue.** On May 6, 2025, the Planning and Zoning Commission unanimously voted to recommend approval of the final plat to the Mayor and City Council as presented.
3. **PLT25-005: FINAL PLAT Jenkins Commercial Park. SE ¼ of Section 6, Township 2 North, Range 38 East. Located north of US Hwy 20, south and east of E 33rd North, west of N 5th E.** On May 6, 2025, the Planning and Zoning Commission unanimously voted to recommend approval of the final plat to the Mayor and City Council as presented.
4. **PLT25-007: FINAL PLAT for Faraday Properties Division No. 1. NE ¼ of Section 5, Township 1 North, Range 38 East. Located north of E 65th South, east of S 11th East, south of E 49th South, west of S 15th E.** On May 6, 2025, the Planning and Zoning Commission unanimously voted to recommend approval of the final plat to the Mayor and City Council as presented.
5. **RZN25-004: Amendment to Sections 11-2-6 Standards for allowed Land Uses; (L) Day Care, Center and Day Care, Group and (R) Home Occupation; 11-7-1, Definitions of Title 11, Comprehensive Zoning Code.** On May 6, 2025, the Planning and Zoning Commission unanimously voted to recommend approval of the amendment change to the Mayor and City Council as presented.
6. **RZN25-005: Amendment to Sections 11-4-5 Off-Street Parking and Loading; (F) Parking and Parking Lot Design of Title 11, Comprehensive Zoning Code.** On May 6, 2025, the Planning and Zoning Commission unanimously voted to recommend approval of the amendment change to the Mayor and City Council as presented.

7. **RZN25-006: Amendment to Section 10-1-5 General Subdivision Standards; (F) Lot Improvements; (4)(i) residential corner lots of the Subdivision Ordinance.** On May 6, 2025, the Planning and Zoning Commission unanimously voted to recommend approval of the amendment change to the Mayor and City Council as presented.
8. **RZN25-007: Amendment to Sections 11-2-6 Standards for allowed Land Uses; (O) Dwelling, Multi-Unit of Title 11, Comprehensive Zoning Code.** On May 6, 2025, the Planning and Zoning Commission unanimously voted to recommend approval of the amendment change to the Mayor and City Council as presented.

RECOMMENDED COUNCIL ACTION: To receive recommendation(s) from the Planning and Zoning Commission pursuant to the Local Land Use Planning Act (LLUPA).