IDAHO FALLS
City Clerk's Office

**NOTICE OF PUBLIC MEETING**
**Monday, June 22, 2026**
**City Council Chambers**
**680 Park Avenue, Idaho Falls, ID 83402**
**3:00 p.m.**

*The public is invited to attend in-person or watch via the livestream at https://www.idahofallsidaho.gov/429/Live-Stream. This meeting may be cancelled or recessed to a later time in accordance with law. If you need communication aids or other physical accommodation to attend or access this meeting, please contact Linda Lundquist, City Clerk, at (208) 612-8414 or Lisa Farris, ADA Coordinator, at (208) 612-8323 prior to the meeting.*

# CITY COUNCIL WORK SESSION

Times listed in parentheses are only estimates.

**Call to Order and Roll Call**

| | |
|---|---|
| **City Council, Mayor** | **Discussion:** Citywide updates, concerns, questions, reports (10)<br>*Action: Council Direction to Staff (or take other appropriate action)* |
| **Public Works** | **Discussion:** Traffic Mobility, Multi-Modal, Bike Lanes, Speed Limits, and Safe Streets for All (30)<br>*Action: Council Direction to Staff (or take other appropriate action)* |
| **Airport** | **Review:** 2026-2027 Airport Budget (30)<br>*Action: Council Direction to Staff (or take other appropriate action)* |
| **Parks & Recreation, Legal** | **Discussion:** Declaration of Intent to Value & Exchange Real Property at Sage Lakes Golf Course (20)<br>*Action: Council Direction to Staff (or take other appropriate action)* |
| **Legal, Police, City Clerk, CDS, Fire** | **Review:** Additional Updates to Draft Alcohol Ordinance (60)<br>*Action: Council Direction to Staff (or take other appropriate action)* |
| **Mayor** | Announcements, Events, Calendaring, Proclamations, Notes and/or Minutes from Boards and Commissions (10) |

Dated this 17th day of June 2026

Linda Lundquist, City Clerk

# Idaho Falls Regional Airport Fiscal Year 2026-2027 Budget Presentation

Ian Turner, A.A.E.

June 22, 2026

IDA
IDAHO FALLS
REGIONAL AIRPORT

# PFC & CFC Funds

| Passenger Facility Charge (Fund 013) | | | |
|---|---|---|---|
| Category | Budgeted Amount | | % Change |
| | FY 25-26 | FY 26-27 | |
| Charges | $ 1,393,070.00 | $ 1,662,100.00 | 119% |
| Investment Income | $ - | $ 75,000.00 | |
| Transfers | $ (2,186,547.00) | $ (3,438,638.00) | 157% |
| Total | $ (793,477.00) | $ (1,701,538.00) | 214% |

| Customer Facility Charge (Fund 021) | | | |
|---|---|---|---|
| Category | Budgeted Amount | | % Change |
| | FY 25-26 | FY 26-27 | |
| Charges | $ 593,371.00 | $ 1,197,728.00 | 202% |
| Investment Income | $ 10,000.00 | $ 23,461.00 | |
| Transfers | $ (225,000.00) | $ (1,600,000.00) | 711% |
| Total | $ 378,371.00 | $ (378,811.00) | -100% |

# Airport Fund (060) – Revenue

| SUMMARY: AIRPORT FUND | | 2025-2026 Budget | 2026-2027 Proposed | % Change |
|---|---|---|---|---|
| Intergovernmental Revenue | | $ 43,574,363 | $ 41,995,863 | -3.62% |
| Charges for Services | | $ 7,481,339 | $ 9,257,229 | 23.74% |
| Fines & Forfeits | | $ 10,550 | $ 10,000 | -5.21% |
| Investment Income | | $ - | $ 15,000 | - |
| Rentals & Leases | | $ 404,421 | $ 386,205 | -4.50% |
| Sale of Property | | $ - | $ 8,000 | - |
| Miscellaneous | | $ 2,000 | $ 2,000 | 0.00% |
| Non Revenue Transfer | | $ 2,411,547 | $ 4,988,347 | 106.85% |
| Debt Proceeds | | $ 17,000,000 | $ 5,000,000 | -70.59% |
| TOTAL REVENUES | | $ 70,884,220 | $ 61,662,644 | -13.01% |

# Expense – Airport Administration

| SUMMARY: Airport Administration | | 2025-2026 Budget | 2026-2027 Proposed | % Change |
|---|---|---|---|---|
| Salaries & Wages | | $ 719,533 | $ 683,225 | -5.05% |
| Benefits | | $ 438,230 | $ 324,934 | -25.85% |
| Current Operating Expense | | $ 32,538,750 | $ 2,204,513 | -93.22% |
| MERF Depreciation | | $ 15,000 | $ 11,215 | -25.23% |
| Debt Service | | $ 1,033,638 | $ 187,500 | -81.86% |
| NET BUDGET | | $ 34,745,151 | $ 3,411,387 | -90.18% |

# Expense – Airport Custodial

| SUMMARY: Airport Custodial | | 2025-2026 Budget | 2026-2027 Proposed | % Change |
|---|---|---|---|---|
| Salaries & Wages | | $ 375,252 | $ 400,152 | 6.64% |
| Benefits | | $ 185,093 | $ 192,198 | 3.84% |
| Current Operating Expense | | $ 95,928 | $ 116,673 | 21.63% |
| NET BUDGET | | $ 656,273 | $ 709,023 | 8.04% |

# Expense – Airport Airfield

| SUMMARY: Airport Airfield | | 2025-2026 Budget | 2026-2027 Proposed | % Change |
|---|---|---|---|---|
| Salaries & Wages | | $ 500,240 | $ 501,142 | 0.18% |
| Benefits | | $ 259,841 | $ 247,360 | -4.80% |
| Current Operating Expense | | $ 692,237 | $ 767,218 | 10.83% |
| Capital Outlay | | $ 90,000 | $ - | -100.00% |
| MERF Depreciation | | $ 138,000 | $ 103,178 | -25.23% |
| NET BUDGET | | $ 1,680,318 | $ 1,618,898 | -3.66% |

# Expense – Airport Security

| SUMMARY: Airport Security | | 2025-2026 Budget | 2026-2027 Proposed | % Change |
|---|---|---|---|---|
| Salaries & Wages | | $ 230,395 | $ 193,974 | -15.81% |
| Benefits | | $ 54,912 | $ 76,052 | 38.50% |
| Current Operating Expense | | $ 716,681 | $ 763,150 | 6.48% |
| NET BUDGET | | $ 1,001,988 | $ 1,033,176 | 3.11% |

# Expense – Airport Improvements

| SUMMARY: Airport Improvements | | 2025-2026 Budget | 2026-2027 Proposed | % Change |
|---|---|---|---|---|
| Capital Outlay | | $ 33,323,857 | $ 46,863,423 | 40.63% |
| | NET BUDGET | $ 33,323,857 | $ 46,863,423 | 40.63% |

Note: A review of upcoming capital projects is provided after the airport operating divisions.

# Expense – Airport Fire Protection

| SUMMARY: Airport Fire Protection | | 2025-2026 Budget | 2026-2027 Proposed | % Change |
|---|---|---|---|---|
| Current Operating Expense | | $ 852,794 | $ 1,092,064 | 28.06% |
| Capital Outlay | | $ - | $ 795,000 | - |
| NET BUDGET | | $ 852,794 | $ 1,887,064 | 121.28% |

# Expense – Airport Landside

| SUMMARY: Airport Landside | | 2025-2026 Budget | 2026-2027 Proposed | % Change |
|---|---|---|---|---|
| Salaries & Wages | | $ 186,023 | $ 256,923 | 38.11% |
| Benefits | | $ 71,195 | $ 104,953 | 47.42% |
| Current Operating Expense | | $ 34,109 | $ 89,165 | 161.41% |
| Capital Operating Outlay | | $ - | $ 291,637 | - |
| MERF Depreciation | | $ 7,500 | $ 5,607 | -25.24% |
| | NET BUDGET | $ 298,827 | $ 748,285 | 150.41% |

# Expense – Airport Building Maintenance

| SUMMARY: Airport Building Maintenance | | 2025-2026 Budget | 2026-2027 Proposed | % Change |
|---|---|---|---|---|
| Salaries & Wages | | $ 197,143 | $ 200,042 | 1.47% |
| Benefits | | $ 105,588 | $ 82,787 | -21.59% |
| Current Operating Expense | | $ 213,556 | $ 272,505 | 27.60% |
| NET BUDGET | | $ 516,287 | $ 555,334 | 7.56% |

# Summary Airport Operating Budget

| Category | Budgeted Amount FY 25-26 | FY 26-27 | % Change |
|---|---|---|---|
| Total Revenue | $ 70,884,220 | $ 61,662,644 | 87% |
| Total Expense | $ (73,075,495) | $ (56,826,590) | 78% |
| Net Change | $ (2,191,275) | $ 4,836,054 | 321% |

# 2027-2031
# Idaho Falls Regional Airport Capital Projects

# Capital Projects

| FY 2026-2032 Capital | | | | | |
|---|---|---|---|---|---|
| Project | FY 26-27 | FY 27-28 | FY 28-29 | FY 29-30 | FY 30-31 |
| Rehabilitate Terminal Apron | $ 12,216,859.00 | | | | |
| Terminal Building Expansion | $ 28,438,432.00 | $ 15,081,384.00 | | | |
| Taxiway Pavement Maintenance | $ 14,596.00 | | | | |
| ATCT Siting Study | $ 592,919.00 | | | | |
| VOR and Tower Design | $ 700,000.00 | | | | |
| Terminal Concept Budget Report | $ 2,657.00 | | | | |
| Peterson Property Acquisition | $ 3,297,960.00 | | | | |
| Terminal Apron - Deice Pad | | $ 1,000,000.00 | | | |
| Air Traffic Control Tower Construction | | $ 21,605,000.00 | | | |
| VOR Relocation | | $ 3,336,800.00 | | | |
| Terminal Apron - North | | | $ 3,500,000.00 | | |
| Reed Property Acquisition | | | $ 666,660.00 | | |
| Rehabilitate Runway 3/21 | | | | $ 750,000.00 | $ 15,600,000.00 |
| Runway 3/21 - Blast Pads | | | | | $ 1,266,660.00 |
| Runway 3/21 - Lighting & Signs | | | | | $ 2,000,000.00 |
| Runway 3/21 - Weather System | | | | | $ 533,340.00 |
| **Fiscal Year Total** | $ 45,263,423.00 | $ 41,023,184.00 | $ 4,166,660.00 | $ 750,000.00 | $ 19,400,000.00 |

**ORDINANCE NO. _____**

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, AMENDING TITLE 4, CHAPTER 2, AND TITLE 8, CHAPTER 3, SECTIONS 4 AND 5, AND REPEALING TITLE 4, CHAPTERS 3 AND 4, TO COMBINE THREE CHAPTERS INTO A UNIFIED CHAPTER REGULATING ALCOHOL; TO RESTRICT THE SALE OR CONSUMPTION OF ALCOHOL AT COMMERCIAL ESTABLISHMENTS UNLESS LICENSED OR PERMITTED BY LAW; TO PROVIDE FOR THE COMPELLING OF DOCUMENTS, VIDEO, OR OTHER ITEMS TO INVESTIGATE COMPLIANCE; TO DIMINISH OVER TIME THE NUMBER OF ALCOHOL CATERING PERMITS AT CERTAIN LOCATIONS; TO ESTABLISH AN APPROVED SERVER TRAINING PROGRAM AND REQUIRE COMPLIANCE WITH HOLDING CURRENT CERTIFICATES; TO ADD GROUNDS FOR SUSPENSIONS OR REVOCATIONS OF ALCOHOL LICENSES AND PERMITS; TO PROVIDE A PROCESS AND APPEAL FOR SUSPENSIONS AND REVOCATIONS; TO MAKE OTHER CHANGES; AND PROVIDE PENALTIES FOR VIOLATIONS; CODIFICATION; PUBLICATION BY SUMMARY; AND ESTABLISHING EFFECTIVE DATE.

WHEREAS, the City Council desires to promote an environment and culture of enjoyable, safe, and responsible drinking at establishments providing alcoholic beverages; and

WHEREAS, according to the Centers for Disease Control and Prevention, the annual average alcohol-attributable deaths due to excessive alcohol use for Idaho from 2020–2021 was 986 deaths per year; and

WHEREAS, according to the Idaho Transportation Department, in 2024 there were 1,487 alcohol-related vehicle crashes in the State of Idaho, leading to 61 fatalities; and

WHEREAS, the overconsumption of alcohol at establishments serving alcoholic beverages can lead to public intoxication, increase the number of persons driving under the influence, and endanger the health and safety of the residents and guests of the City of Idaho Falls; and

WHEREAS, providing training to servers of alcohol and security personnel can reduce public intoxication and can enhance the overall enjoyment and experience for patrons at establishments where alcohol is served; and

WHEREAS, public safety requires establishments serving alcoholic beverages to operate within structures that comply with the appropriate occupancy classifications and approved design occupancy loads established by the Building Official, establish adequate emergency egress access, and ensure that minimally required fire protection systems are in place; and

WHEREAS, Council desires to provide consistency and accessibility in its alcohol ordinances and articulate the additional grounds and processes for suspension or revocation of alcohol licenses.

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

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

4-2-1: DEFINITIONS: Whenever the following words or terms are used in this Chapter and are capitalized, they shall have the meanings ascribed below:

ALCOHOL: Liquor, Beer, or Wine.

ALCOHOLIC BEVERAGE: Any beverage containing Liquor, Beer, or Wine.

ALCOHOL CATERING PERMIT: A permit issued pursuant to Section 4-2-16 of this Chapter.

ALCOHOL LICENSE: Any City license issued pursuant to this Chapter for Liquor, Beer, or Wine.

APPROVED SERVER TRAINING PROGRAM: All programs approved by the Chief of Police pursuant to Section 4-2-19(A) that are designed to educate Servers of Alcohol on laws and rules regarding the sale and service of Alcoholic Beverages, the effects of Alcohol on the human body, methods of identifying intoxicated persons and refusing to sell or serve Alcohol to those persons, and methods for checking and identifying legal identification.

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. A Bartender does not include a person who pours, mixes or prepares solely Beer or Wine by the drink at retail.

BEER: Any beverage obtained by the alcoholic fermentation of an infusion or decoction of barley, malt or other ingredients in drinkable water and which contains alcohol, as defined and regulated by the Idaho Code.

CHARITABLE EVENT PERMIT: A permit issued pursuant to Section 4-2-18 of this Chapter.

COMMERCIAL ESTABLISHMENT: Any location upon which any business is conducted that provides, extends, offers, sells, or otherwise makes available goods, services, or facilities to the public, not including a person's place of residence that is not made available to the public and not including the temporary living space of a hotel, motel, or other establishment that provides temporary living space for individuals.

DIRECTOR: The Director of the Idaho State Police.

DRAFT

DISTRIBUTOR: A person who is employed by or is an agent of a retailer to sell, serve or dispense Alcohol.

INTERDICTED PERSON: A person who, as a condition of probation or parole in a criminal case, is prohibited from consuming Alcohol.

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

LICENSEE: Any person who has obtained an Alcohol License under this Chapter for Liquor, Beer, or Wine.

LICENSED PREMISES: The building, room, or place in which the retail sale of Liquor by the drink, Beer, or Wine by a Licensee is authorized under the relevant provisions of the Idaho Code and under this Chapter.

QUALIFIED ORGANIZATION: Any person to whom a permit for a benevolent, charitable, or public purpose has been issued by the State pursuant to the provisions of Title 23 of the Idaho Code.

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

RETAIL WINE LICENSE: An Alcohol License issued by the City authorizing a person to sell Wine at retail for consumption off the Licensed Premises only.

SECURITY PERSON: Any person who, as a requirement of his or her employment, provides security services at Licensed Premises or at any location where Alcohol is allowed pursuant to an Alcohol Catering Permit and any person who is the immediate manager of those employees. Providing security services includes verifying the identification of people who enter or are within Licensed Premises or the location where Alcohol is allowed pursuant to an Alcohol Catering Permit. A Security Person does not include a person employed solely at locations where Alcohol is allowed pursuant to a Charitable Event Permit.

SERVER OF ALCOHOL: Any person who, as a requirement of his or her employment, pours, mixes, serves, or sells any Alcoholic Beverages for consumption on Licensed Premises or on any location where Alcohol is allowed pursuant to an Alcohol Catering Permit, and any person who is the immediate manager of those employees. Servers of Alcohol include waiters, waitresses, Bartenders and immediate managers of waiters, waitresses, and Bartenders. A Server of Alcohol does not include a person who pours, mixes, serves, or sells Alcohol solely at locations where Alcohol is allowed pursuant to a Charitable Event Permit.

WINE: Any alcoholic beverage containing not more than sixteen percent (16%) alcohol by volume obtained by the fermentation of the natural sugar content of fruits or other agricultural products containing sugar whether or not other ingredients are added.

WINE BY THE DRINK LICENSE: An Alcohol License to sell wine by the individual glass or open bottle at retail for consumption on the premises.

4-2-2: LICENSE REQUIRED:

(A) No person shall sell or dispense Liquor by the drink, sell or dispense Beer at retail for consumption on or off the Licensed Premises, sell canned Beer at retail for consumption off the Licensed Premises, sell Wine at retail for consumption off the premises, sell or dispense Wine by the individual glass or open bottle for consumption on the Licensed Premises in the City without first obtaining the required Alcohol License(s) as required by this Chapter, applicable Bonneville County ordinances, and Title 23, Chapter 9, Idaho Code, as amended. A person who holds a valid current Wine by the Drink license issued by the City may sell on the Licensed Premises Wine at retail for consumption off the premises without obtaining a Retail Wine License from the City.

(B) Licensees who do not possess a valid City license for the retail sale of Liquor by the drink or Wine by the Drink License shall not permit consumption of Wine on the Licensed Premises.

(C) Licensees who do not possess a valid City license for the retail sale of Beer for consumption on the Licensed Premises shall not permit consumption of Beer on the Licensed Premises.

(D) A Restaurant must also have the appropriate Alcohol License to sell the type of Alcohol the Restaurant offers to the public, including an approved site plan as part of the Restaurant's State alcohol permit. If the Restaurant serves Alcohol in an area adjacent to the Restaurant that includes a public sidewalk, the size of any tables and seating must allow sufficient room for public ingress and egress and the area must be compliant with all ADA laws and regulations for sidewalk use under the City Code.

(E) No person owning or operating a Commercial Establishment shall sell, offer to sell, dispense, or knowingly permit the consumption of any Alcoholic Beverage upon the premises of the Commercial Establishment unless permitted by Idaho Code or an Alcohol License, Alcohol Catering Permit, or Charitable Event Permit.

(F) No person owning or operating a Commercial Establishment shall lease or rent the premises of the Commercial Establishment, or any part thereof, to any person knowing that such person will sell, offer for sale, dispense, or permit the consumption of any Alcoholic Beverage upon the leased or rented premises of the Commercial Establishment without being permitted by Idaho Code or an Alcohol License, Alcohol Catering Permit, or Charitable Event Permit.

(G) No person leasing or renting a Commercial Establishment, or any part thereof, shall sell, offer for sale, dispense, or knowingly permit the consumption of any Alcoholic Beverage on the leased or rented premises of the Commercial Establishment unless permitted by Idaho Code or an Alcohol License, Alcohol Catering Permit, or Charitable Event Permit.

(H) Any person violating any provision of this Section shall be guilty of a misdemeanor.

DRAFT

4-2-3: LICENSE FEE: Each applicant shall pay in advance an annual Alcohol License fee in an amount set from time to time by Resolution of the Council for the following:

(A) A license for the retail sale of Liquor by the drink.

(B) A license for the retail sale of Beer for consumption on or off the Licensed Premises.

(C) A license for the retail sale of canned Beer for consumption only off the Licensed Premises.

(D) A license for the retail sale of wine.

(E) A Wine by the Drink License.

4-2-4: APPLICATION FOR ALCOHOL LICENSE:

(A) Each applicant for an Alcohol License or renewal of an Alcohol License shall file with the Clerk an application in writing, verified under oath, stating the following:

(1) The type(s) of Alcohol License(s) the applicant seeks to obtain or renew.

(2) That the applicant lawfully holds a current, valid alcohol license issued by the County Commissioners of Bonneville County, Idaho, and a current, valid alcohol license issued by the State of Idaho pursuant to the provisions under the Idaho Code, for the corresponding type(s) of Alcohol License(s) for which the applicant is applying, and that the applicant is in compliance with all requirements for those licenses.

(3) A description and the location of the proposed premises for which the Alcohol License is sought and the name of the owner of the proposed premises.

(4) The names and addresses of the applicant and all persons who have or will have any ownership or equity interest in the applicant or in any other business to be carried on in the proposed 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. The applicant shall further provide the names and addresses of all officers, members of the governing board, members of a partnership or association, and stockholders for any corporation or any other entity identified pursuant to this Subsection.

(5) That the applicant is in compliance with Section 4-2-19(B)(3).

(6) Any other information reasonably necessary for the Clerk to determine the applicant's qualifications or disqualifications for an Alcohol License.

(B) Applications shall be processed as follows:

(1) All applications for an Alcohol License or any transfer or renewal of an Alcohol

DRAFT

License shall be granted or denied within sixty (60) days from the date the application was delivered to the Clerk, otherwise the application shall automatically be deemed denied and the applicant may appeal to Council as provided in this Section.

(2) Upon receipt of an application for an Alcohol License or for a transfer of an Alcohol License under this Chapter, accompanied by the necessary Alcohol License or transfer fee as set by Resolution of the Council, the Chief of Police, Fire Chief, and Director of the Community Development Services Department shall investigate the information stated in the application, perform any additional investigation, including a physical inspection, deemed necessary to determine whether the proposed licensed premises are suitable for carrying on the intended business; whether the intended business and proposed licensed premises are in compliance with the City's fire, building, and zoning codes; and whether the applicant has met the requirements of this Chapter, and report the results of the investigation to the Clerk and, if applicable, a recommendation to deny the application and the reasons therefor.

(3) If the Clerk receives a recommendation for denial, the Clerk shall deny the application.

(4) If there are no recommendations for denial and, based on the reports and the Clerk's own investigation of the information stated in the application, the Clerk determines that the contents of the application are true, that the applicant is qualified to receive an Alcohol License, that the proposed licensed premises are suitable for carrying on the intended business, that the intended business and proposed licensed premises are in compliance with the City's fire, building, and zoning codes, and that the requirements of this Chapter have been met, the Clerk shall issue or transfer the Alcohol License. Otherwise, the Clerk shall deny the application.

(5) In the event of a denial, the Alcohol License or transfer fee shall be refunded.

(6) The Clerk shall provide written notice of an approval or denial of the application to the applicant and, in the event of a denial, shall provide written reasons for the denial. Such written notice shall be mailed by certified mail to the applicant at the address listed in the application within seven (7) days of the decision to approve or deny the application.

(7) An applicant may appeal a denial to the Council by submitting a written notice of appeal within forty-two (42) days of the mailing date of the written notice of denial or the date the application is deemed denied and by paying an appeal fee in an amount set by Resolution of the Council. Council shall, within twenty-eight (28) days of submission of the notice of appeal, hold a hearing at which the applicant and the Clerk or other City staff shall be permitted to present evidence and argument. Council shall issue a written decision within twenty-eight (28) days of the hearing that shall either affirm the denial, reverse the Clerk's decision, or remand the matter to the Clerk for further factual inquiry and redetermination.

Council's review of the denial shall be limited to whether substantial evidence supports the factual determinations for the Clerk's decision; whether the factual determinations were, as a matter of law, sufficient for denial; and whether the applicant could take any actions to obtain the Alcohol License, transfer, or renewal. If Council holds in favor of the applicant, the City shall refund the appeal fee to the applicant. An applicant may appeal a denial or decision to remand the matter to the Clerk as provided by the Idaho Code.

(8) The Clerk shall keep a transcribable verbatim record of all proceedings concerning any appeal under this Section. If a denial of an Alcohol License, transfer or renewal is affirmed or remanded to the Clerk, the transcribable verbatim record shall be kept for a period of not less than six (6) months after Council issues the written decision. Upon request and within the time provided for retention of the record, any person may have the record transcribed at the person's expense.

(C) An application for a new or lapsed Alcohol License to sell or dispense Liquor by the drink, Beer, or Wine may trigger a change in use analysis of the location, building, or property for the purposes of applying the City's fire, building, or zoning codes.

(1) Applicants for a new or lapsed Alcohol License shall comply with the City's fire, building, and zoning codes as a condition for receiving an Alcohol License.

(2) An application to renew an Alcohol License that has not lapsed shall not trigger a change in use analysis.

(3) Nothing in this Section will be deemed to release an applicant from complying with the City's fire, building, or zoning codes for the construction, alteration, expansion, or structural improvement made to the applicant's building.

(D) If during the term of any Alcohol 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. If any change would have disqualified the Licensee from applying for and obtaining an Alcohol License under this Chapter, then the Clerk shall promptly revoke the Alcohol License and provide written notice of the revocation to the Licensee.

(E) If, after issuance of an Alcohol License, the Clerk discovers information indicating that the Licensee can no longer meet the requirements to obtain an Alcohol License under this Section, including but not limited to the loss of the corresponding type of alcohol license issued by the State of Idaho or Bonneville County, the Clerk shall provide written notice by certified mail to the Licensee of the intent to revoke the Alcohol License and the proposed reasons for revocation. The Licensee shall have twenty-eight (28) days from the mailing date of the Clerk's written notice to provide a written response to the Clerk. After receipt of a written response or the lapse of twenty-eight days with no response, the Clerk shall decide whether to revoke the Alcohol License. In the event of revocation, the Clerk shall provide written notice by certified mail of revocation to the Licensee.

DRAFT

(F) Any revocation under Subsections (D) or (E) shall be subject to the appeal procedure contained in Subsection (B)(7)–(8) with the words "revocation" and "Licensee" substituted for the words "denial" and "applicant," respectively.

4-2-5: FORM OF ALCOHOL LICENSE; DISPLAY: Every Alcohol License issued under this Chapter shall state the type(s) of Alcohol permitted under the Alcohol License, the name of the person or business entity to whom issued and the location by street and number or other definite designation of the Licensed Premises. If issued to a partnership, the names of the persons constituting the partnership shall be stated. If issued to a corporation or association, the names of the principal officers and the members of the governing board shall be stated. The Alcohol License shall be signed by the Licensee and shall be posted on the Licensed Premises in a place conspicuous to the public at all times when the premises are open for business. No person except the named Licensee shall exercise any of the privileges granted under the Alcohol License. An Alcohol License issued under this Chapter applies only to the Licensed Premises for which it has been issued. The location of the Licensed Premises for the Alcohol License shall not be changed or moved without the approval of the Clerk.

4-2-6: EXPIRATION OF LICENSES: Every Alcohol License issued pursuant to this Chapter shall expire at midnight on September 30 of the calendar year for which it is issued.

4-2-7: TRANSFER OF LICENSES: An Alcohol License may be transferred to another person pursuant to this Section. To apply for a transfer of an Alcohol License, the transferee must complete an application for an initial Alcohol License, which application shall be processed as provided in Section 4-2-4. The Clerk shall not approve a transfer if there are pending proceedings to suspend or revoke the Alcohol License proposed to be transferred. If the transfer is approved, the Clerk shall re-issue the Alcohol License in the name of the transferee. The originally-issued Alcohol License for the transferring Licensee shall be surrendered to the Clerk before such transfer may be made.

4-2-8: PERSONS NOT QUALIFIED TO BE LICENSED:

(A) No Alcohol License shall be issued or transferred to:

(1) Any person who is not at least nineteen (19) years old, if the applicant is an individual.

(2) Any person, or any partnership, corporation, trust, association or other legal entity, at least one of whose members, officers or governing board, who:

(a) Within three years prior to the date of making application, has been convicted of any violation of the laws of the United States, the State of Idaho or any other state of the United States relating to the importation, transportation, manufacture or sale of alcohol;

(b) Has been convicted of, paid any fine, been placed on probation, received a deferred sentence, received a withheld judgment, or completed any sentence of confinement for, any felony within five (5) years prior to the date of making application for an Alcohol License; or

(c) Is currently on probation or parole for any felony or for any violation of the laws of the United States, the State of Idaho or any other state of the United States relating to the importation, transportation, manufacture or sale of alcohol.

(3) A person whose Alcohol License issued under this Chapter has been revoked.

(4) Any person who had any ownership interest in an entity prior to the time that the entity's Alcohol License issued under this Chapter was revoked.

(5) Any officer or employee of the State of Idaho or of any of its counties or municipalities.

(B) If, after issuance of an Alcohol License, the Clerk discovers that the Licensee was or later became disqualified under this Section, then the Clerk shall immediately revoke the Alcohol License and provide written notice by certified mail of the revocation to the Licensee. Such revocation shall be subject to the appeal procedure contained in Section 4-2-4(B)(7)–(8) with the words "revocation" and "Licensee" substituted for the words "denial" and "applicant," respectively.

4-2-9: SANITARY REQUIREMENTS: All Licensed Premises shall be maintained in a sanitary condition according to the applicable laws of the State and ordinances of the City.

4-2-10: LOCATION RESTRICTIONS:

(A) No Alcohol License for retail sale of Liquor by the drink, Beer for consumption on premises, or Wine 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 as measured in a straight line between the nearest property line of such public building or place of worship and the nearest entrance to the proposed licensed premises. No Alcohol License shall be issued for a location where the operation of the proposed licensed premises would violate the City's zoning code or building code, including occupancy classification. The provisions of this Subsection shall not apply to any Licensed Premises that met the qualifications of this 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.

(B) No Alcohol License shall be issued or transferred to any person for any proposed licensed premises that were used by any occupant whose Alcohol License under this Chapter was revoked within one (1) year prior to the date of the new application for issuance or transfer of an Alcohol License.

(C) The Council may for good cause shown grant a variance to the provisions of Subsection (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.

4-2-11: BARTENDER'S IDENTIFICATION REQUIRED: No person shall act as a Bartender in any Licensed Premises licensed within the City to sell Liquor by the drink unless that person holds a valid State of Idaho Driver's License or State of Idaho Identification Card. Any person acting as a Bartender must have their valid State of Idaho Driver's License or State of Idaho Identification Card in their possession at all times when they are tending bar.

4-2-12: LAW ENFORCEMENT:

(A) Any duly authorized police officer shall have the right at any time to enter and examine the Licensed Premises of any Licensee to ascertain compliance with the laws of the State and the City, including to ascertain the alcoholic content of any Alcoholic Beverage by physical testing. It shall be unlawful to refuse any police officer admittance to the Licensed Premises for such purpose.

(B) Any police officer who shall find any Alcohol possessed, transported, purchased, sold or disposed of by any person in violation of the provisions of this Chapter may forthwith seize and remove the same and keep the same as evidence, and upon conviction of the person, the said Alcohol and all packages and receptacles containing the same shall be forfeited to the City.

(C) The Chief of Police and City Attorney, for the purposes contemplated by this Chapter, have power to issue subpoenas, compel the attendance of witnesses, administer oaths, certify to official acts, take depositions, compel the production of pertinent books, payrolls, accounts, papers, records, documents, video or other surveillance recordings, and testimony. If a person in attendance before the Chief of Police or City Attorney refuses, without reasonable cause, to be examined or to answer a legal and pertinent question, or to produce a book or paper or other evidence when ordered so to do by the Chief of Police or City Attorney, the Chief of Police or City Attorney may apply to the judge of the district court of the county where such person is in attendance, upon affidavit for an order returnable not less than two (2) or more than five (5) days, directing such person to show cause before such judge, or any other judge of such district, why the person should not be punished for contempt; upon the hearing of such order, if the judge determines that such person has refused, without reasonable cause or legal excuse, to be examined or to answer a legal or pertinent question, or to produce a book or paper which the person was ordered to bring or produce, that person shall be guilty of a misdemeanor punishable by up to thirty (30) days of jail, a fine of up to one-thousand dollars ($1000), or both.

(1) No person shall be excused from testifying or from producing any books or papers or documents in any investigation or inquiry by or upon any hearing before any officer so authorized upon the ground that the testimony or evidence, books, papers or documents required of the person may tend to incriminate the person or subject

the person to penalty or forfeiture; but no person shall be prosecuted, punished or subjected to any penalty or forfeiture for or on account of any act, transaction, matter or thing concerning which the person shall, under oath, have, by order of the said officer, testified to or produced documentary evidence of; provided, however, that no person so testifying shall be exempt from prosecution or punishment for any perjury testified by the person.

(2) Subpoenas shall be served and witness fees and mileage paid as allowed in civil cases in the district courts of the State.

4-2-13: HOURS OF SALE:

(A) Liquor shall not be sold, offered for sale, dispensed, or given away upon any Licensed Premises during the following hours:

(1) Between two o'clock (2:00) a.m. and ten o'clock (10:00) a.m. of any day.

(2) Between twelve o'clock (12:00) a.m. on December 25 and ten o'clock (10:00) a.m., of the following day.

(B) Beer, Wine, or both shall not be sold, offered for sale, dispensed, or given away upon any Licensed Premises during the following hours:

(1) Between two o'clock (2:00) a.m. and seven o'clock (7:00) a.m. of any day.

(C) Any person violating any provision of this Section shall be guilty of a misdemeanor.

4-2-14: RESTRICTION ON SALES BY LICENSEE: No Distributor or Licensee or its employed agents, servants or Bartenders shall sell, deliver or give away, or cause or permit to be sold, delivered, or given away, any Alcoholic Beverage to:

(A) Any person under the age of twenty-one (21) years, proof of which, for every resident of this State, shall be a valid driver's license, military identification card or an identification card issued by the Idaho Department of Transportation. This restriction shall not apply to persons at least nineteen (19) years old who sell, dispense, deliver, or possess Alcohol in the course of their employment by a Licensee under this Chapter.

(B) Any person visibly or obviously intoxicated.

(C) An Interdicted Person.

Any person violating this Section shall be guilty of a misdemeanor.

4-2-15: RESTRICTIONS REGARDING PERSONS UNDER AGE 21:

(A) Any person under the age of twenty-one (21) years who shall purchase, attempt to purchase, possess, serve, dispense, or consume Alcohol shall be guilty of a misdemeanor.

(1) This restriction shall not apply to any persons who are nineteen (19) years of age or older who sell, serve, possess and dispense Alcohol in the course of their employment in any place, as defined in Idaho Code Section 23-942, or other place where Alcohol is lawfully present so long as such place is the place of employment for such person under twenty-one (21) years of age.

(2) This restriction shall not apply to any person under twenty-one (21) years of age who possesses Beer or Wine pursuant to an order of the person's parent, in pursuance of the person's employment, or when such person under the age of twenty-one (21) years is in a private residence accompanied by the person's parent or guardian and with such parent's or guardian's consent.

(3) The limited use immunity protections contained in Idaho Code Section 23-604A shall apply to Subsection (A).

(B) No person shall represent to any Licensee, to any agent or employee of a Licensee, or to any Bartender or Distributor that any other person is twenty-one (21) years or more of age, when in fact the other person is under the age of twenty-one (21) years, for the purpose of inducing such Licensee, or the Licensee's agent or employee, or a Bartender or Distributor to sell, deliver or give away any Alcohol to such other person.

(C) No person shall purchase any Alcoholic Beverage for the purpose of delivering the same to any person under the age of twenty-one (21) years.

(D) It is unlawful for an employer to knowingly employ a person in violation of this Chapter. It shall be unlawful for any person to conspire with or abet any person to violate any provision of this Chapter.

4-2-16: ALCOHOL CATERING PERMIT: Any person holding a current, valid alcohol license issued by the State of Idaho pursuant to Idaho Code Title 23, Chapter 9, 10, or 13 and, if required, a current, valid alcohol license issued by the County Commissioners of Bonneville County, Idaho, may serve and sell by the drink the type(s) of Alcohol permitted by the held alcohol license(s) at an event at a location other than at Licensed Premises for a period not to exceed three (3) consecutive days, upon obtaining an Alcohol Catering Permit. If any part of the event is located at a park or other location listed in City Code 8-3-5(C), then the period for the Alcohol Catering Permit shall not exceed the duration and hours allowed for such permit.

(A) Applications for an Alcohol Catering Permit shall be made to the Clerk on such form as prescribed by the Clerk, which form shall contain the following information:

(1) The name and address of the applicant and the number of the applicant's State and, if applicable, Bonneville County liquor, beer, or wine license.

(2) The dates and hours during which the Alcohol Catering Permit is to be effective.

(3) The names and addresses of the organizations, groups, or persons sponsoring the

event.

(4) The address or other description of the location at which the Alcohol is to be served, and if a Commercial Establishment, the room(s) in which the Alcohol is to be served, if applicable.

(a) If any part of the location is at a park or other location listed in City Code 8-3-5(C), then the applicant shall indicate that the required permit under City Code 8-3-5 either has been obtained or will be obtained prior to the commencement of the event for which an Alcohol Catering Permit is sought.

(5) The type of Alcoholic Beverages to be served.

(6) The estimated number of attendees for the event.

(7) Any other information reasonable necessary for the Clerk, Chief of Police, Fire Chief, or Director of the Community Development Services Department to determine the applicant's qualifications for an Alcohol Catering Permit.

(B) An application for an Alcohol Catering Permit must be filed with the Clerk at least two (2) business days before the event.

(C) The number of Alcohol Catering Permits issued for any single given location shall be limited as indicated below during the following periods of time:

(1) From October 1, 2026, to September 30, 2027: No more than fifty-two (52) Alcohol Catering Permits per location.

(2) From October 1, 2027, to September 30, 2028: No more than fifty-two (52) Alcohol Catering Permits per location.

(3) From October 1, 2028, to September 30, 2029: No more than fifty-two (52) Alcohol Catering Permits per location.

(4) From October 1, 2029, to September 30, 2030: No more than twenty-six (26) Alcohol Catering Permits per location.

(5) From October 1, 2030, to September 30, 2031, and for each one-year period occurring after September 30, 2031: No more than twelve (12) Alcohol Catering Permits per location.

(6) The restrictions in this Subsection regarding the number of Alcohol Catering Permits per period shall not apply to any building or fire area that has an occupancy classification of an Assembly Group A-2 under the International Building Code as adopted by this Code.

DRAFT

(D) 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 event is held.

(E) No Alcohol Catering Permit shall be issued for any location containing a building, structure, or portion thereof for which a certificate of occupancy is required but has not been issued or for which a stop work notice or "Do Not Occupy" order has been issued.

(F) The Clerk, Chief of Police, Fire Chief, and Director of the Community Development Services Department shall review the application for an Alcohol Catering Permit and investigate the information contained thereon and whether the application should be granted, which investigation may include a physical inspection of the location for which an Alcohol Catering Permit is sought. If the Chief of Police, Fire Chief, and Director of the Community Development Services Department recommend approval of the application, and the Clerk determines that the application satisfies the requirements of this Chapter, then the Clerk shall approve the application; if not, the Clerk shall deny the application and provide written notice by certified mail to the applicant of the denial. A denial shall be subject to the appeal procedure contained in Section 4-2-4(B)(7)–(8) with the phrase "Alcohol Catering Permit" substituted for "Alcohol License."

(G) If the application is approved, copies of the Alcohol Catering Permit signed by the Clerk and the application shall be delivered immediately to the Chief of Police, Fire Chief, Director of the Community Development Services Department, the Director, and the applicant. An application approved in this manner shall constitute an Alcohol Catering Permit, unless disapproved by the Director by notice served upon the applicant.

(H) The application for or issuance of an Alcohol Catering Permit shall not be construed as constituting a change in use of the location or property for the purposes of applying the City's fire, building, or zoning codes.

(I) The number of individuals at a location for which an Alcohol Catering Permit is in effect shall not exceed the maximum occupancy load shown on the issued Alcohol Catering Permit while Alcohol is being served, sold, offered for sale, dispensed, or consumed.

(J) Should the Chief of Police, Fire Chief, Director of the Community Development Services Department, or Clerk determine that a permittee or its employee or representative is violating any provision of this Chapter or has failed to submit accurate information to obtain an Alcohol Catering Permit as may have been requested by the Clerk, the Alcohol Catering Permit may be summarily suspended or revoked by the Clerk. Any such suspension or revocation may be appealed to the Council by written notice of appeal submitted within fourteen (14) days from the beginning of the suspension or revocation and by paying an appeal fee in an amount set by Resolution of the Council.

(1) Council shall, within twenty-eight (28) days of submission of the notice of appeal, hold a hearing at which the permittee and the Clerk or other City staff shall be permitted to present evidence and argument. Council shall issue a written decision

within twenty-eight (28) days of the hearing that shall either affirm the suspension or revocation, reverse the Clerk's decision, or remand the matter to the Clerk for further factual inquiry and redetermination. Council's review of the suspension or revocation shall be limited to whether substantial evidence supports the factual determinations for the Clerk's decision and whether the factual determinations were, as a matter of law, sufficient for suspension or revocation. If Council holds in favor of the permittee, the City shall refund the appeal fee to the permittee.

(2) The Clerk shall keep a transcribable verbatim record of all proceedings concerning any appeal under this Section. If a suspension or revocation of an Alcohol Catering Permit is affirmed or remanded to the Clerk, the transcribable verbatim record shall be kept for a period of not less than six (6) months after Council issues the written decision. Upon request and within the time provided for retention of the record, any person may have the record transcribed at the person's expense.

4-2-17: POSSESSION OF OPEN CONTAINERS PROHIBITED:

(A) Any person who is in possession of an open container of Alcohol within the geographic limits of the City shall be guilty of a misdemeanor.

(B) Notwithstanding the foregoing, nothing herein shall prohibit the possession of an open container of Alcohol:

(1) Within a fully enclosed, privately-owned building or upon a private parking lot adjacent or appurtenant to such building provided such parking lot is located more than two hundred (200) feet away from any State liquor store as defined in Idaho Code Section 23-902. Such distance shall be measured at the shortest distance between the exterior boundaries of such parking lot and State liquor store.

(2) Within any private residence or upon the yard thereabout, or within any apartment, duplex, condominium, boarding house or other structure lawfully used as a permanent residence, or within any common area or area designated exclusively for and appurtenant to such residential occupancy.

(3) Within any area for which an Alcohol Catering Permit or Charitable Event Permit authorizing the sale, dispensing, or consumption of Alcohol has been issued.

(4) Within any area for which a permit under City Code 8-3-5 has been issued for the sale, dispensing, or consumption of Alcohol.

(5) Within any area included within or being a part of any Licensed Premises at which a Licensee is authorized to sell or dispense Liquor by the drink, Beer, or Wine for consumption on the Licensed Premises.

(6) Within an area directly adjacent to a Restaurant, at tables provided for dining, between the hours of 10:00 a.m. and 11:00 p.m. local time. All consumption of Alcohol in this adjacent area must be done at the table, and the customer cannot

carry the Alcohol away from the table.

4-2-18: BEER OR WINE SOLD OR DONATED FOR BENEVOLENT, CHARITABLE OR PUBLIC PURPOSES - PERMIT REQUIRED:

(A) Upon delivery to the Clerk of a Qualified Organization's properly completed application in accordance with the provisions of this Section and, following receipt of recommendations from the Chief of the Police Department, Fire Chief and Director of the Community Development Services Department, the Clerk shall approve and issue a Charitable Event Permit authorizing the sale or dispensing of Wine, Beer, or both at an event sponsored by a Qualified Organization if the Clerk is satisfied that all applicable requirements for a Charitable Event Permit have been met and that the proceeds, after deducting reasonable expenses incurred, will be donated for a benevolent, charitable or public purpose. The Chief of the Police Department, Fire Chief and Director of the Community Development Services Department may conduct a physical inspection of the location for which a Charitable Event Permit is sought to ascertain whether the application should be granted. If the Clerk denies the application, the Clerk shall provide written notice by certified mail to the applicant of the denial. A denial shall be subject to the appeal procedure contained in Section 4-2-4(B)(7)–(8) with the phrase "Charitable Event Permit" substituted for "Alcohol License."

(B) 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 and/or Wine products to be used at the event;

(3) Names of the dealer or wholesaler from whom the Beer and/or Wine is to be received;

(4) The retailer, if any, designated by such person or nonprofit entity to receive, store or dispense Beer and/or Wine on behalf of the permittee;

(5) Dates and hours of operation for which the Charitable Event Permit is desired, including the hours of serving Beer, Wine, or both for each day of the event.

(6) The location of the event and a description of the proposed premises where Beer, Wine, or both will be sold, dispensed or conveyed;

(a) If any part of the location is at a park or other location listed in City Code 8-3-5(C), then the applicant shall indicate that the required permit under City Code 8-3-5 either has been obtained or will be obtained prior to the commencement of the event for which an Alcohol Catering Permit is sought

(7) For events where Beer, Wine, or both will be served for more than two (2) hours

in a single day, the name of each person who will be present at the event during the entire time the permitted Alcohol is served and who has a current certificate from an Approved Server Training Program; and

(8) Such other information directly related to the event and the applicant that the Clerk or Chief of Police may require.

(C) The Clerk shall collect a fee in an amount set from time to time by Resolution of the Council for each Charitable Event Permit issued, provided however Charitable Event Permits 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. The fee for multiple events 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 Charitable Event Permit fee shall be in an amount set from time to time by Resolution of the Council.

(D) Charitable Event Permits issued under this Section shall not exceed a period of greater than three (3) consecutive days. If any part of the event is located at a park or other location listed in City Code 8-3-5(C), then the period for the Charitable Event Permit shall not exceed the duration and hours allowed for such permit. Nothing herein shall authorize or allow the issuance of any Charitable Event Permit to sell or dispense Beer or Wine in any park in violation of this Code.

(E) A Qualified Organization who obtains a Charitable Event Permit shall observe the following conditions:

(1) Except as otherwise provided in 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 the area in which all Beer, Wine, or both 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/Wine/Beer or 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.

(2) 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.

(3) The defined sale, dispensing, and consumption area shall be considered to be the "licensed premises" for the purposes of this Section and the applicant shall not sell or dispense Beer or Wine outside such area.

DRAFT

(4) Failure to construct or maintain such fence, barrier or sign, or failure to comply with such hours of operation as required by this Section shall be grounds for summary revocation of the Charitable Event Permit. The Chiefs of the Police and Fire departments 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.

(5) If any part of the event for which a Charitable Event Permit is obtained is located is at a park, public street, or other location listed in City Code 8-3-5(C), then the Qualified Organization shall obtain a permit under City Code 8-3-5 and comply with all conditions of that permit.

(6) For any event held after October 1, 2026, where Beer, Wine, or both is served for more than two (2) hours in a single day, the applicant shall ensure that at least one (1) person is present who has a current certificate from an Approved Server Training Program for the first one hundred people present at the event and an additional person who has a current certificate from an Approved Server Training Program for each additional hundred people present at the event. A person keeps his or her certification current for purposes of this Subsection by completing an Approved Server Training Program within three (3) years of the date the Server of Alcohol or Security Person last obtained a certificate from an Approved Server Training Program. Failure to comply with this Subsection shall be grounds for summary revocation of the Charitable Event Permit.

(a) Penalties:

(i) Any applicant violating the provision of Subsection (E)(6) shall be guilty of an infraction and:

a. Upon a first conviction thereof within a period of eighteen (18) months, shall be punishable by a fine set from time to time by resolution of the Council.

b. Upon a second conviction thereof within a period of eighteen (18) months, shall be punishable by a fine set from time to time by resolution of the Council.

c. Upon a third or subsequent conviction thereof within a period of eighteen (18) months, shall be punishable by a fine set from time to time by resolution of the Council.

(ii) Any applicant who is found guilty of three (3) violations of Subsection (E)(6) within a period of eighteen (18) months shall not be eligible to apply for a Charitable Event Permit for a period of one (1) year.

DRAFT

(F) The number of individuals at a location for which a Charitable Event Permit is in effect shall not exceed the maximum occupancy load shown on the issued Charitable Event Permit while Alcohol is being served, sold, offered for sale, dispensed, or consumed.

(G) The application for or the issuance of a Charitable Event Permit shall not be construed as constituting a change in use of the location or property for the purposes of applying the City's fire, building, or zoning codes.

(H) Notwithstanding the provisions of Section 4-2-2 of this Chapter, nothing shall prevent any licensed dealer, wholesaler or retailer from selling or donating unbroken packages of Wine or Beer or kegs of Beer to a person which has not been issued any alcohol license for the sale of alcoholic beverages in this state, for benevolent, charitable or public purposes if a Charitable Event Permit has been issued to the person or nonprofit entity as provided in this Section.

(I) A licensed retailer may, on behalf of the permittee, receive or store the permitted Alcohol to be used at the event and may dispense such permitted Alcohol to attendees of the event for which the Charitable Event Permit was issued.

(J) 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.

(K) Should the Chief of Police, Fire Chief, Director of the Community Development Services Department, or Clerk determine that an applicant, Qualified Organization, 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 or 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 to submit accurate information to obtain an Charitable Event Permit as may have been requested by the Clerk, the Charitable Event Permit may be summarily suspended or revoked by the Clerk. Any such suspension or revocation may be appealed to the Council by written notice of appeal submitted within fourteen (14) days from the beginning of the suspension or revocation and by paying an appeal fee in an amount set by Resolution of the Council. Such revocation or suspension shall be subject to the appeal procedure contained in Section 4-2-16(J)(1)–(2) with the phrases "Charitable Event Permit" and "Qualified Organization" substituted for the words "Alcohol Catering Permit" and "permittee," respectively.

4-2-19: SERVER TRAINING:

(A) Approved Server Training:

(1) All Approved Server Training Programs must include an examination component that shall include, but not be limited to, the following topics:

(a) Monitoring a patron's behavior;

(b) Recognizing intoxicated patrons;

(c) Checking patrons' photo identifications for relevant information;

(d) Recognizing false and altered photo identifications;

(e) Providing alternatives to Alcoholic Beverages;

(f) Problem solving when interacting with intoxicated and belligerent patrons; and

(g) Understanding and applying Idaho laws and rules pertaining to Alcoholic Beverages.

(2) The Approved Server Training Programs shall be set forth on a list maintained by the Police Department and available through either the Police Department or the office of the City Clerk. The Chief of Police may change the list of Approved Server Training Programs from time to time as deemed appropriate.

(B) Server Training Requirements:

(1) Unless already certified under an Approved Server Training Program, a Server of Alcohol must complete an Approved Server Training Program by October 1, 2026, or within sixty (60) days of the date the Server of Alcohol begins employment as a Server of Alcohol, whichever is later, and must keep that certification current throughout his or her employment as a Server of Alcohol.

(2) Unless already certified under an Approved Server Training Program, a Security Person must complete an Approved Server Training Program by October 1, 2026, or within sixty (60) days of the date the Security Person begins employment as a Security Person, whichever is later, and must keep that certification current throughout his or her employment as a Security Person.

(3) Any Licensee under this Chapter serving or providing Alcoholic Beverages must ensure that each Server of Alcohol and Security Person employed on the Licensed Premises or at any location where Alcohol is allowed pursuant to an Alcohol Catering Permit is either already certified or completes an Approved Server Training Program by October 1, 2026, or within sixty (60) days of the date the Server of Alcohol or Security Person begins employment as a Server of Alcohol or Security Person for the Licensee, whichever is later, and that each Server of Alcohol and Security Person keeps his or her certification current throughout his or her employment as a Server of Alcohol or Security Person.

(4) A Server of Alcohol or Security Person keeps his or her certification current for purposes of this Subsection by completing an Approved Server Training Program within three (3) years of the date the Server of Alcohol or Security Person last

obtained a certificate from an Approved Server Training Program.

(5) Records Maintained:

(a) Every Server of Alcohol shall maintain records of any certificates received from an Approved Server Training Program and show proof of current certification from an Approved Server Training Program within four business days of a request from any law enforcement officer.

(b) Every Security Person shall maintain records of any certificates received from an Approved Server Training Program and show proof of current certification from an Approved Server Training Program within four business days of a request from any law enforcement officer.

(c) Every Licensee under this Chapter shall maintain certificates or other training verification records from an Approved Server Training Program for each Server of Alcohol and Security Person employed and shall present such certificates or records within four business days of a request from any law enforcement officer.

(C) Penalties:

(1) Any Server of Alcohol or Security Personnel who violates any provision of Subsection (B) shall be guilty of an infraction and:

(a) Upon a first conviction thereof within a period of eighteen (18) months, shall be punishable by a fine set from time to time by resolution of the Council.

(b) Upon a second conviction thereof within a period of eighteen (18) months, shall be punishable by a fine set from time to time by resolution of the Council.

(c) Upon a third or subsequent conviction thereof within a period of eighteen (18) months, shall be punishable by a fine set from time to time by resolution of the Council.

(2) Any Server of Alcohol who is found guilty of four (4) violations of Subsection (B) within a period of eighteen (18) months shall be prohibited for a period of (1) year from serving Alcohol at any Licensed Premises or at any location where Alcohol is allowed pursuant to an Alcohol Catering Permit within the City. Any person violating the prohibition in this Subsection shall be guilty of a misdemeanor.

(3) Any Licensee violating any provision of Subsection (B) of shall be guilty of an infraction and:

(a) Upon a first conviction thereof within a period of eighteen (18) months,

shall be punishable by a fine set from time to time by resolution of the Council.

(b) Upon a second conviction thereof within a period of eighteen (18) months, shall be punishable by a fine set from time to time by resolution of the Council.

(c) Upon a third or subsequent conviction thereof within a period of eighteen (18) months, shall be punishable by a fine set from time to time by resolution of the Council.

(4) Any Licensee who is found guilty of twelve (12) violations of Subsection (B) within a period of eighteen (18) months shall be subject to the process for suspending or revoking an Alcohol License in accordance with Section 4-2-20.

4-2-20: SUSPENSION AND REVOCATION OF ALCOHOL LICENSE:

(A) A Licensee shall be subject to the process and penalties of this Section if the Clerk determines that the Licensee has failed to comply with any of the following:

(1) Any of the following Sections of this Chapter: 4-2-2, 4-2-3, 4-2-5, 4-2-9, 4-2-12, 4-2-13, 4-2-14, 4-2-15, 4-2-16, 4-2-18, or 4-2-19(C)(4);

(2) Any applicable statute under Title 23 of the Idaho Code;

(3) Any rule or regulation promulgated by the Director or the State Tax Commission pursuant to the terms and conditions of Title 23 of the Idaho Code; or

(4) Any other law of the state of Idaho or of the United States regulating, governing or prohibiting the sale, manufacture, transportation or possession of alcoholic beverages or intoxicating liquor.

(B) Should the Clerk find a Licensee in violation under Subsection (A), then the following penalties shall apply:

(1) If the Clerk has not found the Licensee to be in violation under Subsection (A) within the last five years, then the Clerk shall suspend the Licensee's Alcohol License for seven (7) consecutive days.

(2) If the Clerk has found the Licensee to be in violation under Subsection (A) on one (1) prior occasion within the last five years, then the Clerk shall suspend the Licensee's Alcohol License for ten (10) consecutive days.

(3) If the Clerk has found the Licensee to be in violation under Subsection (A) on two (2) prior occasions within the last five years, then the Clerk shall suspend the Licensee's Alcohol License for fourteen (14) consecutive days and issue a fine of one-thousand dollars ($1000) to the Licensee.

(4) If the Clerk has found the Licensee to be in violation under Subsection (A) on three (3) prior occasions within the last five years, then the Clerk shall revoke the Licensee's Alcohol License.

(C) A Licensee's failure to pay any fine issued under this Section within thirty (30) days of the effective date of the fine shall be grounds for suspension of the Licensee's Alcohol License by the Clerk for a period of seven (7) consecutive days.

(D) If a Licensee sells, offers for sale, or dispenses any Alcohol from the Licensed Premises during a period of suspension pursuant to this Section, then the Clerk shall revoke the Licensee's Alcohol License.

(E) Any suspension under this Section of a Licensee's Alcohol License shall result in the automatic suspension of any other Alcohol License held by the same Licensee for the same Licensed Premises.

(F) Any revocation under this Section of a Licensee's Alcohol License shall result in the automatic revocation of any other Alcohol License held by the same Licensee for the same Licensed Premises.

(G) The Clerk shall provide written notice via certified mail to the Licensee of any fine, suspension, or revocation issued under this Section. Any fine, suspension, or revocation issued by the Clerk under this Section shall take effect fourteen days (14) after the date the Clerk mails the written notice or, if the Licensee appeals the Clerk's decision, then any penalty affirmed by Council shall take effect twenty-eight (28) days after the date that Council's written decision is mailed to the Licensee.

(H) A Licensee may appeal any fine, suspension, or revocation issued by the Clerk under this Section by submitting a written notice of appeal with the Clerk within fourteen (14) days of the mailing date of the Clerk's written notice to the Licensee and paying an appeal fee in an amount set by Resolution of the Council. Such written notice of appeal shall set forth the Licensee's reasons for why the Clerk's decision was in error.

(1) Council shall, within twenty-eight (28) days of submission of the notice of appeal, hold a hearing at which the Licensee and the Clerk or other City staff shall be permitted to present evidence and argument. Council shall issue a written decision within twenty-eight (28) days of the hearing that shall either affirm the fine, suspension, or revocation; reverse the Clerk's decision; or remand the matter to the Clerk for further factual inquiry and redetermination. Council's review of the Clerk's decision shall be limited to whether substantial evidence supports the factual determinations for the Clerk's decision and whether the factual determinations were, as a matter of law, sufficient for denial. If Council holds in favor of the Licensee, the City shall refund the appeal fee to the Licensee

(2) The Clerk shall keep a transcribable verbatim record of all proceedings concerning any appeal under this Section. If a fine, suspension, or revocation is affirmed or

Council remands the matter to the Clerk, the transcribable verbatim record shall be kept for a period of not less than six (6) months after Council issues the written decision. Upon request and within the time provided for retention of the record, any person may have the record transcribed at the person's expense.

(I) The Clerk shall provide written notice to the Director and Bonneville County of any suspensions or revocations of an Alcohol License under this Chapter.

(J) A pending proceeding to revoke or suspend an Alcohol License under this Section shall not be grounds for the Clerk to deny an application to renew the Alcohol License, but any such renewed Alcohol License may be revoked or suspended without a hearing if and when the prior Alcohol License is revoked or suspended under this Section.

**SECTION 2**: Title 4, Chapter 3 of the City Code of the City of Idaho Falls, Idaho, is hereby REPEALED.

**SECTION 3**: Title 4, Chapter 4 of the City Code of the City of Idaho Falls, Idaho, is hereby REPEALED.

**SECTION 4**: Title 8, Chapter 3, Sections 4 and 5 of the City Code of the City of Idaho Falls, Idaho, are hereby amended as follows:

8-3-4: ALCOHOLIC BEVERAGES ON CITY PROPERTY:

(A) Whenever the following words or terms are used in Sections 8-3-4 and 8-3-5, they shall have the meanings ascribed below:

ALCOHOLIC BEVERAGE: Beer, Wine or Liquor.

ALCOHOL CATERING PERMIT: A permit issued pursuant to City Code 4-2-16.

BEER: Any beverage obtained by the alcoholic fermentation of an infusion or decoction of barley, malt or other ingredients in drinkable water and which contains alcohol, as defined and regulated by the Idaho State Code.

CHARITABLE EVENT PERMIT: A permit issued pursuant to City Code 4-2-18.

CROWD MANAGER: A person who has been approved by the City Fire Marshal as a person with training or experience in fire prevention, evacuation methods, and other duties.

EVENT SPONSOR: An individual, partnership, association, corporation, limited liability company, or private organization of any kind who is an applicant for a Permitted Event.

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

LICENSED VENDOR: A person or business in possession of a current Idaho State and Bonneville County license permitting the person or business to sell, distribute, and serve or supply Beer,

Wine, or Liquor.

PERMITTED EVENT: An occurrence, festival, concert, sporting event, gathering, performance, or the like in or at a City owned property, or any public parking lot adjacent thereto, where alcoholic and non-alcoholic beverages, food, candy, and other goods are permitted to be served pursuant to this Chapter.

PROFESSIONAL SECURITY GUARD: A law enforcement officer or a guard employed by recognized private security firm.

SPECIAL EVENT: An occurrence, festival, concert, sporting event, gathering, performance, or the like in or at a public park, outdoor recreation area or facility, or any public parking lot adjacent thereto, where non-alcoholic beverages, food, candy, or other goods may be served and which is specifically approved of, for a limited duration, by the Director of Parks and Recreation.

STATE LIQUOR STORE: Any liquor store or distributor established under and pursuant to the laws of the State of Idaho for the package sale of liquor at retail.

WINE: Any alcoholic beverage containing not more than sixteen percent (16%) alcohol by volume obtained by the fermentation of the natural sugar content of fruits or other agricultural products containing sugar whether or not other ingredients are added.

(B) Any person who possesses any Alcoholic Beverage while in any public park, outdoor recreation area or facility or any public parking lot adjacent thereto, unless otherwise authorized by this Code or the Idaho Code, is guilty of a misdemeanor.

(C) Notwithstanding Section (B) hereof, Alcoholic Beverages may be possessed and consumed in or on any City owned property, or any public parking lot adjacent thereto pursuant to the following:

(1) within the premises designated for any person holding a retail Alcoholic Beverage license to sell or dispense Alcoholic Beverages within such public park, outdoor recreation area or facility, or any other public parking lot adjacent thereto. The boundaries of such premises shall be conspicuously posted by such licensee or by the City upon or near such premises. Nothing in this Section shall prohibit such retail licensee or their agents, employees or suppliers from transporting Alcoholic Beverages to the premises for sale or disposition, or

(2) during a Permitted Event authorized by this Chapter.

8-3-5: PERMITTED EVENTS:

(A) INTENT: This Permitted Event process is intended to allow the sale and consumption of 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 an Alcohol Catering Permit; a Charitable Event Permit; a winery sponsored event permit; or the applicable requirements under City Code 4-2-18 and 4-2-19 regarding alcohol server training and certificates.

(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/or 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:

b. The Pier at Snake River Landing – 12:00 p.m. to 2:00 a.m. local time.

c. Civitan Plaza – 12:00 p.m. to 10:00 p.m. local time.

d. 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.

e. Idaho Falls Park Zoo at Tautphaus Park – 12:00 p.m. to 10:00 p.m. local time.

f. 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.

g. Funland Amusement Park at Tautphaus Park – 12:00 p.m. to 10:00 p.m. local time.

h. Skyline Activity Center – 12:00 p.m. to 2:00 a.m. local time.

i. Melaleuca Field – 12:00 p.m. to 10:00 p.m. local time.

DRAFT

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 – 12:00 p.m. to 10:00 p.m. local time, provided that the consumption area does not extend:

1. into the Riverwalk path;

2. onto Riverside Drive, Memorial Drive, the roundabout at the intersection of Riverside Drive and Memorial Drive, the intersection of Memorial Drive and D Street, or sidewalks adjacent to those streets and intersections,

3. or beyond three hundred feet (300') from the River Walk Stage.

(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.

c. The public plaza located at 330 Memorial Drive – 12:00 p.m. to 10:00 p.m. local time.

d. A closed public street, provided that the Chief of Police and the City Fire Marshall have approved the street closure for an event –12:00 p.m. to 10:00 p.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, which period shall not exceed one (1) day, and shall expire immediately upon the completion of the Permitted Event. A permit, if issued, shall be for one (1) Permitted Event only.

(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, or the amount of the monetary limits set forth in Idaho Tort Claims Act under Idaho Code § 6-926, whichever is greater. 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, or the amount of the monetary limits set forth in Idaho Tort Claims Act under Idaho Code § 6-926, whichever is greater. 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 Director of Parks and Recreation 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.

DRAFT

b. All Alcoholic Beverages sold or dispensed at a Permitted Event shall only be sold or dispensed by a Licensed Vendor. When the Event Sponsor has a Charitable Event Permit, the Event Sponsor, its employees, volunteers, or agents may directly sell or dispense at a Permitted Event.

c. Every Licensed Vendor or Event Sponsor at a Permitted Event shall obtain and comply with all alcohol-related laws and regulations.

d. The Event Sponsor shall:

1. <u>For events under 100 persons</u>

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

2. <u>For events over 100 but less than 500 persons</u>

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 Guards. 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. <u>For events over 500 persons</u>

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 Guards and an additional Professional Security Guard for every additional

DRAFT

500 persons the event host anticipates. After reviewing the event's security plan, the Director of Parks and Recreation and the 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 Director of Parks and Recreation and the 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 Subsection 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 Permitted Event boundary barricade, sales and alcohol dispensing area, entry and exit points;

   2. identification checking station(s); and

   3. food and products sales and service areas.

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

DRAFT

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 Director of Parks and Recreation 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 Director of Parks and Recreation 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.

DRAFT

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 Director of Parks and Recreation 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 Director of Parks and Recreation'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 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.

(G) APPEALS:

(1) Unless indicated otherwise, the denial or revocation of a permit under this Section may be appealed by submitting a written notice of appeal within forty-two (42) days of receiving the notice of denial or revocation and by paying an appeal fee in an amount set by Resolution of the Council. Council shall, within twenty-eight (28) days of submission of the notice of appeal, hold a hearing at which the appellant and City staff shall be permitted to present evidence and argument. Council shall issue a written decision within twenty-eight (28) days of the hearing that shall either affirm the denial or revocation, reverse the decision, or remand the matter to the City staff for further factual inquiry and redetermination. Council's review of the denial or revocation shall be limited to whether substantial evidence supports the factual determinations for the decision; whether the factual determinations were, as a matter of law, sufficient for denial or revocation; and, in the case of a denial, whether the appellant could take any actions to obtain the permit. If Council holds in favor of the appellant, the City shall refund the appeal fee to the appellant.

(2) The Clerk shall keep a transcribable verbatim record of all proceedings concerning any appeal under this Section. If a denial or revocation of a permit under this Section is affirmed or remanded to City staff, the transcribable verbatim record shall be kept for a period of not less than six (6) months after Council issues the written decision. Upon request and within the time provided for retention of the record, any person may have the record transcribed at the person's expense

**SECTION 5.** 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.

DRAFT

**SECTION 6.** 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 7.** 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 upon its passage, approval, and publication in accordance with law.

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

ATTEST: CITY OF IDAHO FALLS, IDAHO

_____ _____

LINDA LUNDQUIST, CITY CLERK LISA M. BURTENSHAW, MAYOR

(SEAL)

DRAFT

STATE OF IDAHO )

) ss:

COUNTY OF BONNEVILLE )

I, LINDA LUNDQUIST, CITY CLERK OF THE CITY OF IDAHO FALLS, IDAHO, DO HEREBY CERTIFY:

That the above and foregoing is a full, true and correct copy of the Ordinance entitled, "AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, AMENDING TITLE 4, CHAPTER 2, AND TITLE 8, CHAPTER 3, SECTIONS 4 AND 5, AND REPEALING TITLE 4, CHAPTERS 3 AND 4, TO COMBINE THREE CHAPTERS INTO A UNIFIED CHAPTER REGULATING ALCOHOL; TO RESTRICT THE SALE OR CONSUMPTION OF ALCOHOL AT COMMERCIAL ESTABLISHMENTS UNLESS LICENSED OR PERMITTED BY LAW; TO PROVIDE FOR THE COMPELLING OF DOCUMENTS, VIDEO, OR OTHER ITEMS TO INVESTIGATE COMPLIANCE; TO DIMINISH OVER TIME THE NUMBER OF ALCOHOL CATERING PERMITS AT CERTAIN LOCATIONS; TO ESTABLISH AN APPROVED SERVER TRAINING PROGRAM AND REQUIRE COMPLIANCE WITH HOLDING CURRENT CERTIFICATES; TO ADD GROUNDS FOR SUSPENSIONS OR REVOCATIONS OF ALCOHOL LICENSES AND PERMITS; TO PROVIDE A PROCESS AND APPEAL FOR SUSPENSIONS AND REVOCATIONS; TO MAKE OTHER CHANGES; AND PROVIDE PENALTIES FOR VIOLATIONS; CODIFICATION; PUBLICATION BY SUMMARY; AND ESTABLISHING EFFECTIVE DATE."

A copy of the full text of the ordinance is available at City Hall.

_____

LINDA LUNDQUIST, CITY CLERK

(SEAL)

DRAFT

**ORDINANCE NO. _____**

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, AMENDING TITLE 4, CHAPTER 2, AND TITLE 8, CHAPTER 3, SECTIONS 4 AND 5, AND REPEALING TITLE 4, CHAPTERS 3 AND 4, TO COMBINE THREE CHAPTERS INTO A UNIFIED CHAPTER REGULATING ALCOHOL; TO RESTRICT THE SALE OR CONSUMPTION OF ALCOHOL AT COMMERCIAL ESTABLISHMENTS UNLESS LICENSED OR PERMITTED BY LAW; TO PROVIDE FOR THE COMPELLING OF DOCUMENTS, VIDEO, OR OTHER ITEMS TO INVESTIGATE COMPLIANCE; TO DIMINISH OVER TIME THE NUMBER OF ALCOHOL CATERING PERMITS AT CERTAIN LOCATIONS; TO ESTABLISH AN APPROVED SERVER TRAINING PROGRAM AND REQUIRE COMPLIANCE WITH HOLDING CURRENT CERTIFICATES; TO ADD GROUNDS FOR SUSPENSIONS OR REVOCATIONS OF ALCOHOL LICENSES AND PERMITS; TO PROVIDE A PROCESS AND APPEAL FOR SUSPENSIONS AND REVOCATIONS; TO MAKE OTHER CHANGES; AND PROVIDE PENALTIES FOR VIOLATIONS; CODIFICATION; PUBLICATION BY SUMMARY; AND ESTABLISHING EFFECTIVE DATE.

WHEREAS, the City Council desires to promote an environment and culture of enjoyable, safe, and responsible drinking at establishments providing alcoholic beverages; and

WHEREAS, according to the Centers for Disease Control and Prevention, the annual average alcohol-attributable deaths due to excessive alcohol use for Idaho from 2020–2021 was 986 deaths per year; and

WHEREAS, according to the Idaho Transportation Department, in 2024 there were 1,487 alcohol-related vehicle crashes in the State of Idaho, leading to 61 fatalities; and

WHEREAS, the overconsumption of alcohol at establishments serving alcoholic beverages can lead to public intoxication, increase the number of persons driving under the influence, and endanger the health and safety of the residents and guests of the City of Idaho Falls; and

WHEREAS, providing training to servers of alcohol and security personnel can reduce public intoxication and can enhance the overall enjoyment and experience for patrons at establishments where alcohol is served; and

WHEREAS, public safety requires establishments serving alcoholic beverages to operate within structures that comply with the appropriate occupancy classifications and approved design occupancy loads established by the Building Official, establish adequate emergency egress access, and ensure that minimally required fire protection systems are in place; and

WHEREAS, Council desires to provide consistency and accessibility in its alcohol ordinances and articulate the additional grounds and processes for suspension or revocation of alcohol licenses.

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

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

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

ALCOHOL: Liquor, Beer, or Wine.

ALCOHOLIC BEVERAGE: Any beverage containing Liquor, Beer, or Wine.

ALCOHOL CATERING PERMIT: A permit issued pursuant to Section 4-2-16 of this Chapter.

ALCOHOL LICENSE: Any City license issued pursuant to this Chapter for Liquor, Beer, or Wine.

APPROVED SERVER TRAINING PROGRAM: All programs approved by the Chief of Police pursuant to Section 4-2-19(A) that are designed to educate Servers of Alcohol on laws and rules regarding the sale and service of Alcoholic Beverages, the effects of Alcohol on the human body, methods of identifying intoxicated persons and refusing to sell or serve Alcohol to those persons, and methods for checking and identifying legal identification.

BARTENDER: ~~-~~Any person, whether agent, servant, employee, or person acting in any other capacity, who pours, mixes, or prepares any L~~l~~iquor by the drink upon any L~~l~~icensed ~~p~~Premises. ~~This~~ A Bartender does not include~~shall not apply to any~~ a person who ~~solely~~ pours, mixes or prepares solely Beer or W~~w~~ine by the drink at retail ~~as defined by this Code~~.

BEER: Any beverage obtained by the alcoholic fermentation of an infusion or decoction of barley, malt or other ingredients in drinkable water and which contains alcohol, as defined and regulated by the Idaho Code.

CHARITABLE EVENT PERMIT: A permit issued pursuant to Section 4-2-18 of this Chapter.

COMMERCIAL ESTABLISHMENT: Any location upon which any business is conducted that provides, extends, offers, sells, or otherwise makes available goods, services, or facilities to the public, not including a person's place of residence that is not made available to the public and not including the temporary living space of a hotel, motel, or other establishment that provides temporary living space for individuals.

DIRECTOR: The Director of the Idaho ~~Department of Law Enforcement~~State Police.

DISTRIBUTOR: A person who is employed by or is an agent of a retailer to sell, serve or dispense Alcohol.

INTERDICTED PERSON: A person ~~to whom the sale of liquor is prohibited under the laws of the State~~who, as a condition of probation or parole in a criminal case, is prohibited from consuming Alcohol.

LIQUOR: All kinds of liquor sold by and in a S~~s~~tate liquor store of the State of Idaho

LICENSEE: Any person who has obtained an Alcohol License under this Chapter for Liquor, Beer, or Wine.

LICENSED PREMISES: The building, room, or place in which the retail sale of L~~l~~iquor by the drink ~~at retail~~, Beer, or Wine by a ~~l~~Licensee is authorized under the relevant provisions of the Idaho Code and under this Chapter.

QUALIFIED ORGANIZATION: Any person to whom a permit for a benevolent, charitable, or public purpose has been issued by the State pursuant to the provisions of Title 23 of the Idaho Code.

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

RETAIL WINE LICENSE: An Alcohol License issued by the City authorizing a person to sell Wine at retail for consumption off the Licensed Premises only.

SECURITY PERSON: Any person who, as a requirement of his or her employment, provides security services at Licensed Premises or at any location where Alcohol is allowed pursuant to an Alcohol Catering Permit and any person who is the immediate manager of those employees. Providing security services includes verifying the identification of people who enter or are within Licensed Premises or the location where Alcohol is allowed pursuant to an Alcohol Catering Permit. A Security Person does not include a person employed solely at locations where Alcohol is allowed pursuant to a Charitable Event Permit.

SERVER OF ALCOHOL: Any person who, as a requirement of his or her employment, pours, mixes, serves, or sells any Alcoholic Beverages for consumption on Licensed Premises or on any location where Alcohol is allowed pursuant to an Alcohol Catering Permit, and any person who is the immediate manager of those employees. Servers of Alcohol include waiters, waitresses, Bartenders and immediate managers of waiters, waitresses, and Bartenders. A Server of Alcohol does not include a person who pours, mixes, serves, or sells Alcohol solely at locations where Alcohol is allowed pursuant to a Charitable Event Permit.

WINE: Any alcoholic beverage containing not more than sixteen percent (16%) alcohol by volume obtained by the fermentation of the natural sugar content of fruits or other agricultural products containing sugar whether or not other ingredients are added.

WINE BY THE DRINK LICENSE: An Alcohol License to sell wine by the individual glass or

open bottle at retail for consumption on the premises.

4-2-2: LICENSE REQUIRED:

(A) No person shall sell or dispense Lliquor by the drink, sell or dispense Beer at retail for consumption on or off the Licensed Premises, sell canned Beer at retail for consumption off the Licensed Premises, sell Wine at retail for consumption off the premises, sell or dispense Wine by the individual glass or open bottle for consumption on the Licensed Premises ~~at retail on any premises~~ in the City without first obtaining the required Alcohol ~~l~~License(s)~~s~~ as required by this Chapter, applicable Bonneville County ordinances, and Title 23, Chapter 9, Idaho Code, as amended. A person who holds a valid current Wine by the Drink license issued by the City may sell on the Licensed Premises Wine at retail for consumption off the premises without obtaining a Retail Wine License from the City.

(B) Licensees who do not possess a valid City license for the retail sale of Liquor by the drink or Wine by the Drink License shall not permit consumption of Wine on the Licensed Premises.

(C) Licensees who do not possess a valid City license for the retail sale of Beer for consumption on the Licensed Premises shall not permit consumption of Beer on the Licensed Premises.

(D) A Restaurant must also have the appropriate Alcohol License to sell the type of Alcohol the Restaurant offers to the public, including an approved site plan as part of the Restaurant's State alcohol permit. If the Restaurant serves Alcohol in an area adjacent to the Restaurant that includes a public sidewalk, the size of any tables and seating must allow sufficient room for public ingress and egress and the area must be compliant with all ADA laws and regulations for sidewalk use under the City Code.

(E) No person owning or operating a Commercial Establishment shall sell, offer to sell, dispense, or knowingly permit the consumption of any Alcoholic Beverage upon the premises of the Commercial Establishment unless permitted by Idaho Code or an Alcohol License, Alcohol Catering Permit, or Charitable Event Permit.

(F) No person owning or operating a Commercial Establishment shall lease or rent the premises of the Commercial Establishment, or any part thereof, to any person knowing that such person will sell, offer for sale, dispense, or permit the consumption of any Alcoholic Beverage upon the leased or rented premises of the Commercial Establishment without being permitted by Idaho Code or an Alcohol License, Alcohol Catering Permit, or Charitable Event Permit.

(G) No person leasing or renting a Commercial Establishment, or any part thereof, shall sell, offer for sale, dispense, or knowingly permit the consumption of any Alcoholic Beverage on the leased or rented premises of the Commercial Establishment unless permitted by Idaho Code or an Alcohol License, Alcohol Catering Permit, or Charitable Event Permit.

(H) Any person violating any provision of this Section shall be guilty of a misdemeanor.

4-2-3: LICENSE FEE: Each ~~licensee~~ applicant shall pay in advance an annual Alcohol L~~l~~icense fee in an amount set from time to time by Resolution of the Council~~.~~ for the following:

(A) A license for the retail sale of Liquor by the drink.

(B) A license for the retail sale of Beer for consumption on or off the Licensed Premises.

(C) A license for the retail sale of canned Beer for consumption only off the Licensed Premises.

(D) A license for the retail sale of wine.

(E) A Wine by the Drink License.

4-2-4: APPLICATION FOR ALCOHOL LICENSE:

(A) Each applicant for an Alcohol ~~l~~License or renewal of an Alcohol License shall file with the Clerk an application in writing, verified under oath, stating the following:

(1) The type(s) of Alcohol License(s) the applicant seeks to obtain or renew.

~~(1)~~(2) That the applicant lawfully holds a current, valid alcohol license issued by the County Commissioners of Bonneville County, Idaho, and a current, valid alcohol license issued by the State of Idaho pursuant to the provisions under the Idaho Code, for the corresponding type(s) of Alcohol License(s) for which the applicant is applying, and that the applicant is in compliance with all requirements for those licenses.

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

(3) A description and the location of ~~of~~ the proposed premises for which the Alcohol L~~l~~icense is sought~~,~~ ~~their location~~ and the name of the owner of the proposed 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 the applicant and all persons who have or will have any ownership or equity interest in the applicant or in any other business to be carried on in the proposed ~~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. The applicant shall further provide the names and addresses of all officers, members of the governing board, members of a partnership or association, and stockholders for any corporation or any other entity identified pursuant to this Subsection.

~~(6) 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.~~

~~(6)~~(5) That the applicant is in compliance with Section 4-2-19(B)(3).

~~(7)~~(6) Any other information reasonably necessary for the Clerk to determine the applicant's qualifications or disqualifications for an Alcohol ~~l~~License.

(B) Applications shall be processed as follows:

(1) All applications for an Alcohol License or any transfer or renewal of an Alcohol License shall be granted or denied within sixty (60) days from the date the application was delivered to the Clerk, otherwise the application shall automatically be deemed denied and the applicant may appeal to Council as provided in this Section.

(2) Upon receipt of an application for an Alcohol License or for a transfer of an Alcohol License under this Chapter, accompanied by the necessary Alcohol License or transfer fee as set by Resolution of the Council, the Chief of Police, Fire Chief, and Director of the Community Development Services Department shall investigate the information stated in the application, perform any additional investigation, including a physical inspection, deemed necessary to determine whether the proposed licensed premises are suitable for carrying on the intended business; whether the intended business and proposed licensed premises are in compliance with the City's fire, building, and zoning codes; and whether the applicant has met the requirements of this Chapter, and report the results of the investigation to the Clerk and, if applicable, a recommendation to deny the application and the reasons therefor.

(3) If the Clerk receives a recommendation for denial, the Clerk shall deny the application.

(4) If there are no recommendations for denial and, based on the reports and the Clerk's own investigation of the information stated in the application, the Clerk determines that the contents of the application are true, that the applicant is qualified to receive an Alcohol License, that the proposed licensed premises are suitable for carrying on the intended business, that the intended business and proposed licensed premises are in compliance with the City's fire, building, and zoning codes, and that the requirements of this Chapter have been met, the Clerk shall issue or transfer the Alcohol License. Otherwise, the Clerk shall deny the application.

(5) In the event of a denial, the Alcohol License or transfer fee shall be refunded.

(6) The Clerk shall provide written notice of an approval or denial of the application to the applicant and, in the event of a denial, shall provide written reasons for the denial. Such written notice shall be mailed by certified mail to the applicant at the

address listed in the application within seven (7) days of the decision to approve or deny the application.

(7) An applicant may appeal a denial to the Council by submitting a written notice of appeal within forty-two (42) days of the mailing date of the written notice of denial or the date the application is deemed denied and by paying an appeal fee in an amount set by Resolution of the Council. Council shall, within twenty-eight (28) days of submission of the notice of appeal, hold a hearing at which the applicant and the Clerk or other City staff shall be permitted to present evidence and argument. Council shall issue a written decision within twenty-eight (28) days of the hearing that shall either affirm the denial, reverse the Clerk's decision, or remand the matter to the Clerk for further factual inquiry and redetermination. Council's review of the denial shall be limited to whether substantial evidence supports the factual determinations for the Clerk's decision; whether the factual determinations were, as a matter of law, sufficient for denial; and whether the applicant could take any actions to obtain the Alcohol License, transfer, or renewal. If Council holds in favor of the applicant, the City shall refund the appeal fee to the applicant. An applicant may appeal a denial or decision to remand the matter to the Clerk as provided by the Idaho Code.

(8) The Clerk shall keep a transcribable verbatim record of all proceedings concerning any appeal under this Section. If a denial of an Alcohol License, transfer or renewal is affirmed or remanded to the Clerk, the transcribable verbatim record shall be kept for a period of not less than six (6) months after Council issues the written decision. Upon request and within the time provided for retention of the record, any person may have the record transcribed at the person's expense.

~~(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.~~

(C) ~~The~~An application for a new or lapsed Alcohol ~~l~~License to sell or dispense L~~l~~iquor by the drink, Beer, or Wine ~~at retail~~ may trigger a change in use analysis of the location, building, or property for the purposes of applying the City's fire, building, or zoning codes.

(1) Applicants for a new or lapsed Alcohol ~~l~~License ~~to sell or dispense liquor by the drink at retail~~ shall ~~ensure compliance~~ comply with the City's fire, building, and

zoning codes as a condition for receiving an Alcohol ~~l~~License.

(2) ~~Applying~~ An application to renew an~~for a renewed~~ Alcohol ~~l~~License that has not lapsed shall not trigger a change in use analysis.

(3) Nothing in this Section will be deemed to release an applicant from complying with the City's fire, building, or zoning codes for the construction, alteration, expansion, or structural improvement made to the applicant's building.

(D) If during the term of any Alcohol 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. If any change would have disqualified the Licensee from applying for and obtaining an Alcohol License under this Chapter, then the Clerk shall promptly revoke the Alcohol License and provide written notice of the revocation to the Licensee.

(E) If, after issuance of an Alcohol License, the Clerk discovers information indicating that the Licensee can no longer meet the requirements to obtain an Alcohol License under this Section, including but not limited to the loss of the corresponding type of alcohol license issued by the State of Idaho or Bonneville County, the Clerk shall provide written notice by certified mail to the Licensee of the intent to revoke the Alcohol License and the proposed reasons for revocation. The Licensee shall have twenty-eight (28) days from the mailing date of the Clerk's written notice to provide a written response to the Clerk. After receipt of a written response or the lapse of twenty-eight days with no response, the Clerk shall decide whether to revoke the Alcohol License. In the event of revocation, the Clerk shall provide written notice by certified mail of revocation to the Licensee.

(F) Any revocation under Subsections (D) or (E) shall be subject to the appeal procedure contained in Subsection (B)(7)–(8) with the words "revocation" and "Licensee" substituted for the words "denial" and "applicant," respectively.

~~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.~~

4-2-5~~6~~: FORM OF ALCOHOL LICENSE; DISPLAY: Every Alcohol ~~l~~License issued under this Chapter shall state the type(s) of Alcohol permitted under the Alcohol License, the name of the person or business entity to whom issued and the location by street and number or other definite designation of the Licensed ~~p~~Premises. If issued to a partnership, the names of the persons constituting the partnership shall be stated. If issued to a corporation or association, the names of the principal officers and the members of the governing board shall be stated. The Alcohol

lLicense shall be signed by the Llicensee and shall be posted on the Llicensed pPremises in a place conspicuous to the public at all times when the premises are open for business. No person except the named Llicensee shall exercise any of the privileges granted under the Alcohol lLicense. An Alcohol License issued under this Chapter applies only to the Licensed pPremises for which it has been issued. The location of the Licensed Premises for the Alcohol License shall not be changed or moved without the approval of the Clerk.

4-2-76: EXPIRATION OF LICENSES: Every Alcohol lLicense issued pursuant to this Chapter shall expire at midnight on September 30 of the calendar year for which it is issued.

~~4-2-8: MULTIPLE LICENSES PROHIBITED: No person shall be granted more than one license in any calendar year. No partnership, association or corporation holding a license under this Chapter shall have as a member, officer or stockholder any person who has financial interest of any kind in, or is a member of, another partnership or association or an officer or shareholder of another corporation holding a license under this Chapter.~~

4-2-97: TRANSFER OF LICENSES: An Alcohol License may be transferred to another person pursuant to this Section. To apply for a transfer of an Alcohol License, the transferee must complete an application for an initial Alcohol License, which application shall be processed as provided in Section 4-2-4. The Clerk shall not approve a transfer if there are pending proceedings to suspend or revoke the Alcohol License proposed to be transferred. If the transfer is approved, the Clerk shall re-issue the Alcohol License in the name of the transferee. The originally-issued Alcohol License for the transferring Licensee shall be surrendered to the Clerk before such transfer may be made. ~~No license may be transferred to another person, unless the transferee first obtains approval of the Clerk, upon application containing substantially the same information as required for an application for an initial liquor by the drink license. If the proposed transferee is qualified for the license, the Council shall approve the transfer and the Clerk shall reissue the license in the name of the transferee. The fee for each license transfer shall be in an amount set from time to time by Resolution of the Council. The fee shall accompany the application for transfer.~~

4-2-108: PERSONS NOT QUALIFIED TO BE LICENSED:

(A) No Alcohol lLicense shall be issued or transferred to:

(1) Any person who is not at least nineteen (19) years old, if the applicant is an individual.

(2) Any person, or any partnership, corporation, trust, association or other legal entity, at least one of whose members, officers or governing board, who:

(a) ~~w~~Within three years prior to the date of making application, has been convicted of any violation of the laws of the United States, the State of Idaho or any other state of the United States relating to the importation, transportation, manufacture or sale of ~~liquor~~alcohol;

(b) ~~or who~~ H~~h~~as been convicted of, paid any fine, been placed on probation, received a deferred sentence, received a withheld judgment, or completed

any sentence of confinement for, any felony within five (5) years prior to the date of making application for an Alcohol ~~l~~License; or

(c) Is currently on probation or parole for any felony or for any violation of the laws of the United States, the State of Idaho or any other state of the United States relating to the importation, transportation, manufacture or sale of alcohol.

~~A person who is engaged in the operation, or interested therein, of any house or place for the purpose of prostitution or who has been convicted of any crime or misdemeanor opposed to decency and morality.~~

(3) A person ~~-~~whose Alcohol ~~l~~License issued under this Chapter has been revoked~~; an individual who was a member of a partnership or association which was a licensee under this Chapter and whose license has been revoked; an individual who was an officer, member of the governing board or one (1) of the ten (10) principal stockholders of a corporation which was a licensee under this Chapter and whose license has been revoked; a partnership or association one (1) of whose members was a licensee under this Chapter and whose license was revoked; a corporation one (1) of whose principal stockholders was a licensee under this Chapter and whose license has been revoked; an association or partnership, one (1) of whose members was a member of a partnership or association licensed under the provisions of this Chapter and whose license has been revoked; a partnership or association, one (1)of whose members was an officer, a member of the governing board or one (1) of the ten (10) principal stockholders of a corporation which was a licensee under this Chapter and whose license has been revoked; a corporation, one (1) of whose officers, members of the governing board, or ten (10) principal stockholders was a member of a partnership or association licensed under this Chapter and whose license has been revoked; a corporation, one (1) of whose officers, members of the governing board or ten (10) principal stockholders was an officer, member of the governing board, or one (1) of the ten (10) principal stockholders of a corporation which was a licensee under this Chapter and whose license has been revoked~~.

(4) Any person who had any ownership interest in an entity prior to the time that the entity's Alcohol License issued under this Chapter was revoked.

(5) Any officer or employee of the State of Idaho or of any of its counties or municipalities.

~~Any officer, agent or employee of any distillery, winery, brewery, or any wholesaler or jobber of liquor or malt beverages, except as provided by Section 23-912, Idaho Code.~~

~~A person who does not hold a retail beer license issued by the State.~~

(B) If, after issuance of an Alcohol License, the Clerk discovers that the Licensee was or later

became disqualified under this Section, then the Clerk shall immediately revoke the Alcohol License and provide written notice by certified mail of the revocation to the Licensee. Such revocation shall be subject to the appeal procedure contained in Section 4-2-4(B)(7)–(8) with the words "revocation" and "Licensee" substituted for the words "denial" and "applicant," respectively.

~~Any license, held by any person who later becomes disqualified under the provisions of this Section, shall be promptly revoked by the Clerk.~~

4-2-9~~11~~: SANITARY REQUIREMENTS: All L~~l~~icensed ~~p~~Premises shall be maintained in a sanitary condition according to the applicable laws of the State and ordinances of the City.

4-2-1~~2~~0: LOCATION RESTRICTIONS:

(A) No Alcohol ~~l~~License for retail sale of Liquor by the drink, Beer for consumption on premises, or Wine for consumption on premises shall be issued for any premises ~~in any residential zone or~~that is within three hundred (300) feet of any public school, church or any other place of worship as measured in a straight line between the nearest property line of such public building or place of worship and the nearest entrance to the proposed licensed premises. No Alcohol ~~l~~License shall be issued for a location where the operation of the proposed licensed premises would violate the City's zoning code or building code, including occupancy classification. ~~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.~~ The provisions of this Subsection shall not apply to any Licensed Premises that met the qualifications of this 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.

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

(C) The Council may for good cause shown grant a variance to the provisions of Subsection~~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.

4-2-1~~3~~1: BARTENDER'S IDENTIFICATION REQUIRED: No person shall act as a B~~b~~artender in any Licensed ~~p~~Premises licensed within the City to sell ~~l~~Liquor by the drink unless that person holds a valid State of Idaho Driver's License or State of Idaho Identification Card.

DRAFT

Any person acting as a B~~b~~artender must have their valid State of Idaho Driver's License or State of Idaho Identification Card in their possession at all times when they are tending bar.

4-2-1~~2~~4: LAW ENFORCEMENT~~RIGHT OF ENTRY~~:

(A) Any duly authorized police officer shall have the right at any time to enter and examine the Licensed ~~p~~Premises of any L~~l~~icensee to ascertain compliance with the laws of the State and the City, including to ascertain the alcoholic content of any Alcoholic Beverage by physical testing. It shall be unlawful to refuse any police officer admittance to the Licensed ~~p~~Premises for such purpose.

(B) Any police officer who shall find any Alcohol possessed, transported, purchased, sold or disposed of by any person in violation of the provisions of this Chapter may forthwith seize and remove the same and keep the same as evidence, and upon conviction of the person, the said Alcohol and all packages and receptacles containing the same shall be forfeited to the City.

(C) The Chief of Police and City Attorney, for the purposes contemplated by this Chapter, have power to issue subpoenas, compel the attendance of witnesses, administer oaths, certify to official acts, take depositions, compel the production of pertinent books, payrolls, accounts, papers, records, documents, video or other surveillance recordings, and testimony. If a person in attendance before the Chief of Police or City Attorney refuses, without reasonable cause, to be examined or to answer a legal and pertinent question, or to produce a book or paper or other evidence when ordered so to do by the Chief of Police or City Attorney, the Chief of Police or City Attorney may apply to the judge of the district court of the county where such person is in attendance, upon affidavit for an order returnable not less than two (2) or more than five (5) days, directing such person to show cause before such judge, or any other judge of such district, why the person should not be punished for contempt; upon the hearing of such order, if the judge determines that such person has refused, without reasonable cause or legal excuse, to be examined or to answer a legal or pertinent question, or to produce a book or paper which the person was ordered to bring or produce, that person shall be guilty of a misdemeanor punishable by up to thirty (30) days of jail, a fine of up to one-thousand dollars ($1000), or both.

(1) No person shall be excused from testifying or from producing any books or papers or documents in any investigation or inquiry by or upon any hearing before any officer so authorized upon the ground that the testimony or evidence, books, papers or documents required of the person may tend to incriminate the person or subject the person to penalty or forfeiture; but no person shall be prosecuted, punished or subjected to any penalty or forfeiture for or on account of any act, transaction, matter or thing concerning which the person shall, under oath, have, by order of the said officer, testified to or produced documentary evidence of; provided, however, that no person so testifying shall be exempt from prosecution or punishment for any perjury testified by the person.

(2) Subpoenas shall be served and witness fees and mileage paid as allowed in civil cases in the district courts of the State.

4-2-135: HOURS OF SALE: ~~No liquor shall be sold, offered for sale or given away upon any licensed premises during the following hours:~~

(A) Liquor shall not be sold, offered for sale, dispensed, or given away upon any Licensed Premises during the following hours:

(1) Between two o'clock (2:00) a.m. and ten o'clock (10:00) a.m. of any day.

(2) Between ~~two~~ twelve o'clock (~~2:00~~12:00) a.m. on ~~Christmas~~ December 25 and ten o'clock (10:00) a.m., of the following day.

~~(1) Between two o'clock (2:00) a.m. and ten o'clock (10:00) a.m. of any day.~~

(B) Beer, Wine, or both shall not be sold, offered for sale, dispensed, or given away upon any Licensed Premises during the following hours:

(1) Between two o'clock (2:00) a.m. and seven o'clock (7:00) a.m. of any day.

(C) Any person violating any provision of this Section shall be guilty of a misdemeanor.

4-2-146: RESTRICTION ON SALES BY LICENSEE: No Distributor or L~~l~~icensee or its employed agents, servants or B~~b~~artenders shall sell, deliver or give away, or cause or permit to be sold, delivered, or given away, any ~~liquor~~Alcoholic Beverage to:

(A) Any person under the age of twenty-one (21) years, proof of which, for every resident of this State, shall be a valid driver's license, military identification card or an identification card issued by the Idaho Department of Transportation. This restriction shall not apply to persons at least nineteen (19) years old who sell, dispense, deliver, or possess Alcohol in the course of their employment by a Licensee under this Chapter.

(B) Any person ~~actually~~ visibly or obviously intoxicated.

~~(C) A habitual drunkard.~~

~~(D)~~(C) An ~~i~~Interdicted ~~p~~Person.

Any person violating this Section shall be guilty of a misdemeanor.

4-2-157: ~~SALES TO DISQUALIFIED~~RESTRICTIONS REGARDING PERSONS UNDER AGE 21:

(A) Any person under the age of twenty-one (21) years who shall purchase, attempt to purchase, possess, serve, dispense, or consume ~~a~~Alcohol shall be guilty of a misdemeanor.

(1) ~~provided, however, that~~ This restriction shall not apply to any persons who are nineteen (19) years of age or older ~~may~~ who sell, serve, possess and dispense

~~a~~Alcohol in the course of their employment in any place, as defined ~~by the~~ in Idaho Code Section 23-942~~-~~, or other place where ~~a~~Alcohol is lawfully present so long as such place is the place of employment for such person under twenty-one (21) years of age.

(2) This restriction shall not apply to any person under twenty-one (21) years of age who possesses Beer or Wine pursuant to an order of the person's parent, in pursuance of the person's employment, or when such person under the age of twenty-one (21) years is in a private residence accompanied by the person's parent or guardian and with such parent's or guardian's consent.

(3) The limited use immunity protections contained in Idaho Code Section 23-604A shall apply to Subsection (A).

~~. No person under twenty-one (21) years of age may serve alcoholic beverages in an establishment that sells liquor by the drink or beer or wine to be consumed on the premises, unless that establishment is also a bona fide restaurant.~~

~~(A) Any person who knowingly misrepresents their age or qualifications for the purpose of obtaining liquor from a licensee shall be guilty of a misdemeanor.~~

(B) No person shall represent to any L~~l~~icensee, to any agent or employee of a ~~l~~Licensee, or to any B~~b~~artender or Distributor that any other person is twenty-one (21) years or more of age, when in fact the other person is under the age of twenty-one (21) years, for the purpose of inducing such ~~l~~Licensee, or the ~~l~~Licensee's agent or employee, or a ~~b~~Bartender or Distributor to sell, deliver or give away any ~~liquor~~Alcohol to such other person.

(C) No person shall purchase ~~liquor~~ any Alcoholic Beverage for the purpose of delivering the same to any person under the age of twenty-one (21) years~~, nor shall such person sell, give away or deliver liquor to any person under the age of twenty-one (21) years~~.

(D) It is unlawful for an employer to knowingly employ a person in violation of this Chapter. It shall be unlawful for any person to conspire with or abet any person to violate any provision of this Chapter.

4-2-1~~8~~6: ALCOHOL CATERING PERMIT: Any person holding a current, valid alcohol license issued by the State of Idaho pursuant to Idaho Code~~retail liquor, beer, or wine license~~ Title 23, Chapter 9, 10, or 13 and, if required, a current, valid alcohol license issued by the County Commissioners of Bonneville County, Idaho, may serve and sell by the drink the type(s) of Alcohol permitted by the held alcohol license(s)~~liquor, beer, or wine retail by the drink~~ at an event ~~party or convention~~ at a location other than at ~~the~~ L~~l~~icensed ~~p~~Premises for a period not to exceed three (3) consecutive days, upon obtaining an Alcohol Catering Permit ~~liquor catering permit~~. If any part of the event is located at a park or other location listed in City Code 8-3-5(C), then the period for the Alcohol Catering Permit shall not exceed the duration and hours allowed for such 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) Applications for ~~such~~an ~~permit~~Alcohol Catering Permit shall be made to the Clerk on such form as prescribed by the Clerk, which form shall contain the following information:

(1) The name and address of the applicant and the number of ~~their~~ the applicant's S~~s~~tate and, if applicable, Bonneville County liquor, beer, or wine license.

(2) The dates and hours during which the ~~permit~~Alcohol Catering Permit is to be effective~~, not to exceed three (3) consecutive days~~.

(3) The names and addresses of the organizations, groups, or persons sponsoring the event.

(4) The address or other description of the location at which the ~~liquor, beer, or wine~~Alcohol is to be served, and if a ~~public building~~Commercial Establishment, the room(s)~~s~~ in which the ~~liquor~~Alcohol is to be served, if applicable.

(a) If any part of the location is at a park or other location listed in City Code 8-3-5(C), then the applicant shall indicate that the required permit under City Code 8-3-5 either has been obtained or will be obtained prior to the commencement of the event for which an Alcohol Catering Permit is sought.

(5) The type of Alcoholic~~alcohol~~ ~~b~~Beverages ~~(i.e. liquor, beer, and/or wine)~~ to be served.

(6) The estimated number of attendees for the event.

(7) Any other information reasonable necessary for the Clerk, Chief of Police, Fire Chief, or Director of the Community Development Services Department to determine the applicant's qualifications for an Alcohol Catering Permit.

(B) An application for an Alcohol Catering Permit must be filed with the Clerk at least two (2) business days before the event.

(C) The number of Alcohol Catering Permits issued for any single given location shall be limited as indicated below during the following periods of time:

(1) From October 1, 2026, to September 30, 2027: No more than fifty-two (52) Alcohol Catering Permits per location.

(2) From October 1, 2027, to September 30, 2028: No more than fifty-two (52) Alcohol Catering Permits per location.

(3) From October 1, 2028, to September 30, 2029: No more than fifty-two (52) Alcohol Catering Permits per location.

(4) From October 1, 2029, to September 30, 2030: No more than twenty-six (26)

Alcohol Catering Permits per location.

(5) From October 1, 2030, to September 30, 2031, and for each one-year period occurring after September 30, 2031: No more than twelve (12) Alcohol Catering Permits per location.

(6) The restrictions in this Subsection regarding the number of Alcohol Catering Permits per period shall not apply to any building or fire area that has an occupancy classification of an Assembly Group A-2 under the International Building Code as adopted by this Code.

(D) 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~~event is held.

~~The application or issuance of an alcohol 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.~~

(E) No Alcohol Catering Permit shall be issued for any location containing a building, structure, or portion thereof for which a certificate of occupancy is required but has not been issued or for which a stop work notice or "Do Not Occupy" order has been issued.

(F) The Clerk, Chief of Police, Fire Chief, and Director of the Community Development Services Department shall review the application for an Alcohol Catering Permit and investigate the information contained thereon and whether the application should be granted, which investigation may include a physical inspection of the location for which an Alcohol Catering Permit is sought. If the Chief of Police, Fire Chief, and Director of the Community Development Services Department recommend approval of the application, and the Clerk determines that the application satisfies the requirements of this Chapter, then the Clerk shall approve the application; if not, the Clerk shall deny the application and provide written notice by certified mail to the applicant of the denial. A denial shall be subject to the appeal procedure contained in Section 4-2-4(B)(7)–(8) with the phrase "Alcohol Catering Permit" substituted for "Alcohol License."

~~4-2-19: APPROVAL OF ALCOHOL CATERING PERMIT: Upon the filing of an application for an alcohol 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.~~

(G) If the application is approved, ~~Copies~~copies of the ~~application~~ Alcohol Catering Permit signed by the Clerk and the application ~~with signed endorsements thereon~~ shall be ~~mailed or~~ delivered immediately to the Chief of Police, Fire Chief, Director of the Community Development Services Department, 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 an ~~permit~~Alcohol Catering Permit,

unless disapproved by the Director by notice served upon the applicant ~~for the retail sale of liquor, beer, or wine by the drink for the period authorized by the permit~~.

(H) The application for or issuance of an ~~alcohol catering permit~~Alcohol 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.

(I) The number of individuals at a location for which an Alcohol Catering Permit is in effect shall not exceed the maximum occupancy load shown on the issued Alcohol Catering Permit while Alcohol is being served, sold, offered for sale, dispensed, or consumed.

(J) Should the Chief of Police, Fire Chief, Director of the Community Development Services Department, or Clerk determine that a permittee or its employee or representative is violating any provision of this Chapter or has failed to submit accurate information to obtain an Alcohol Catering Permit as may have been requested by the Clerk, the Alcohol Catering Permit may be summarily suspended or revoked by the Clerk. Any such suspension or revocation may be appealed to the Council by written notice of appeal submitted within fourteen (14) days from the beginning of the suspension or revocation and by paying an appeal fee in an amount set by Resolution of the Council.

(1) Council shall, within twenty-eight (28) days of submission of the notice of appeal, hold a hearing at which the permittee and the Clerk or other City staff shall be permitted to present evidence and argument. Council shall issue a written decision within twenty-eight (28) days of the hearing that shall either affirm the suspension or revocation, reverse the Clerk's decision, or remand the matter to the Clerk for further factual inquiry and redetermination. Council's review of the suspension or revocation shall be limited to whether substantial evidence supports the factual determinations for the Clerk's decision and whether the factual determinations were, as a matter of law, sufficient for suspension or revocation. If Council holds in favor of the permittee, the City shall refund the appeal fee to the permittee.

(2) The Clerk shall keep a transcribable verbatim record of all proceedings concerning any appeal under this Section. If a suspension or revocation of an Alcohol Catering Permit is affirmed or remanded to the Clerk, the transcribable verbatim record shall be kept for a period of not less than six (6) months after Council issues the written decision. Upon request and within the time provided for retention of the record, any person may have the record transcribed at the person's expense.

~~4-2-20: PERSONS UNDER SPECIFIED AGES PROHIBITED TO BE AT LICENSED PLACES: No person under the age of twenty-one (21) years shall enter, remain in or loiter in or about any premises licensed for the sale of liquor by the drink at retail, or sale of beer for consumption on the premises, nor shall any licensee of either such place, or any person in charge of a licensed premises or on duty while employed by the licensee therein, permit or allow any person under such age to remain in or loiter in or about such place. Provided, however, it is lawful for persons who are musicians and singers eighteen (18) years of age or older, to enter and to remain in any place, as defined by the Idaho Code, but only during and in the course of their~~

~~employment as musicians and singers. Provided further, that it is lawful for persons who are nineteen (19) years of age or older to sell, serve, possess or dispense liquor, beer or wine in the course of their employment in any place as defined by the Idaho Code, or in any other place where liquor, beer or wine are lawfully present, so long as such place is the place of employment for such person. However, the foregoing shall not permit the sale or distribution of any alcoholic beverages to any person under the ages specified for sale of alcoholic beverages.~~

~~4-2-21: EXCEPTIONS: Notwithstanding the preceding section, any person under the age of twenty-one (21) years may enter or be upon or within:~~

~~(A) Any railroad observation or club car or any airplane of a commercial airline, notwithstanding that such premises may also be licensed for the sale of liquor by the drink or for the sale of beer for consumption on the premises or that alcoholic beverages, or beer, or both, are prepared, mixed or dispensed and served and consumed therein.~~

~~(B) Any building, a part or portions of which are used as a licensed premises, provided such premises are separate or partitioned from the remainder of said building and access to such place through a doorway or doorways or other means of ingress can be controlled to prevent persons under twenty-one (21) years of age from entering therein.~~

~~(C) Any baseball park, sports arena or fairgrounds, notwithstanding that such premises or any portion thereof may be licensed for the sale of beer for consumption on the premises or that beer is dispensed and served and consumed therein.~~

~~(D) The premises of any licensed winery notwithstanding that such premise or any portion thereof may also be licensed for the sale of beer or wine for consumption on the premises or that wine is dispensed and served and consumed therein.~~

~~(E) The licensed premises of a wine retailer, wholly owned and operated by a licensed winery which retails exclusively the products of that winery.~~

4-2-~~2~~17~~2~~: POSSESSION OF OPEN CONTAINERS PROHIBITED:

(A) Any person who is in possession of an open container of ~~liquor~~ Alcohol within the geographic limits of the City shall be guilty of a misdemeanor.

(B) Notwithstanding the foregoing, nothing herein shall prohibit the possession of an open container of ~~liquor~~Alcohol:

(1) Within a fully enclosed, privately-owned building or upon a private parking lot adjacent or appurtenant to such building provided such parking lot is located more than two hundred (200) feet away from any State liquor store as defined in Idaho Code Section 23-902~~the premises of any licensed liquor vendor~~. Such distance shall be measured at the shortest distance between the exterior boundaries of such parking lot and State liquor store~~licensed premises~~.

(2) Within any private residence or upon the yard thereabout, or within any apartment,

duplex, condominium, boarding house or other structure lawfully used as a permanent residence, or within any common area or area designated exclusively for and appurtenant to such residential occupancy.

(3) Within any area for which an ~~alcohol catering permit~~Alcohol Catering Permit or Charitable Event Permit authorizing the ~~retail~~ sale ~~or~~, dispensing, or consumption of ~~liquor~~ Alcohol~~by the drink~~ has been ~~lawfully~~ issued ~~under the provisions of this Chapter~~.

~~(3)~~(4) Within any area for which a permit under City Code 8-3-5 has been issued for the sale, dispensing, or consumption of Alcohol.

~~(4)~~(5) Within any area included within or being a part of any Licensed Premises ~~the premises~~ at which a L~~l~~icensee is authorized to sell or dispense L~~l~~iquor by the drink, Beer, or Wine for consumption on the Licensed Premises ~~under the provisions of this Chapter~~.

~~(5)~~(6) Within an area directly adjacent to a R~~r~~estaurant, at tables provided for dining, between the hours of 10:00 a.m. and 11:00 p.m. local time. ~~"Restaurant" is defined as an eating establishment which offers for sale food to the public. A restaurant must also have the appropriate license to sell the type of alcohol they offer to the public, including an approved site plan as part of its State alcohol permit. If the adjacent area includes a public sidewalk, the size of the tables and seating must allow sufficient room for public ingress and egress, including being compliant with all ADA laws and regulations for sidewalk use under the City Code.~~ All consumption of A~~a~~lcohol in this adjacent area must be done at the table, and the customer cannot carry the A~~a~~lcohol away from the table.

4-2-~~23~~18: ~~(Repealed):~~ BEER OR WINE SOLD OR DONATED FOR BENEVOLENT, CHARITABLE OR PUBLIC PURPOSES - PERMIT REQUIRED:

(A) Upon delivery to the Clerk of a Qualified Organization's properly completed application in accordance with the provisions of this Section and, following receipt of recommendations from the Chief of the Police Department, Fire Chief and Director of the Community Development Services Department, the Clerk shall approve and issue a Charitable Event Permit authorizing the sale or dispensing of Wine, Beer, or both at an event sponsored by a Qualified Organization if the Clerk is satisfied that all applicable requirements for a Charitable Event Permit have been met and that the proceeds, after deducting reasonable expenses incurred, will be donated for a benevolent, charitable or public purpose. The Chief of the Police Department, Fire Chief and Director of the Community Development Services Department may conduct a physical inspection of the location for which a Charitable Event Permit is sought to ascertain whether the application should be granted. If the Clerk denies the application, the Clerk shall provide written notice by certified mail to the applicant of the denial. A denial shall be subject to the appeal procedure contained in Section 4-2-4(B)(7)–(8) with the phrase "Charitable Event Permit" substituted for "Alcohol License."

(B) 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 and/or Wine products to be used at the event;

(3) Names of the dealer or wholesaler from whom the Beer and/or Wine is to be received;

(4) The retailer, if any, designated by such person or nonprofit entity to receive, store or dispense Beer and/or Wine on behalf of the permittee;

(5) Dates and hours of operation for which the Charitable Event Permit is desired, including the hours of serving Beer, Wine, or both for each day of the event.

(6) The location of the event and a description of the proposed premises where Beer, Wine, or both will be sold, dispensed or conveyed;

(a) If any part of the location is at a park or other location listed in City Code 8-3-5(C), then the applicant shall indicate that the required permit under City Code 8-3-5 either has been obtained or will be obtained prior to the commencement of the event for which an Alcohol Catering Permit is sought

(7) For events where Beer, Wine, or both will be served for more than two (2) hours in a single day, the name of each person who will be present at the event during the entire time the permitted Alcohol is served and who has a current certificate from an Approved Server Training Program; and

(8) Such other information directly related to the event and the applicant that the Clerk or Chief of Police may require.

(C) The Clerk shall collect a fee in an amount set from time to time by Resolution of the Council for each Charitable Event Permit issued, provided however Charitable Event Permits 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. The fee for multiple events 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 Charitable Event Permit fee shall be in an amount set from time to time by Resolution of the Council.

(D) Charitable Event Permits issued under this Section shall not exceed a period of greater than three (3) consecutive days. If any part of the event is located at a park or other location listed in City Code 8-3-5(C), then the period for the Charitable Event Permit shall not exceed the duration and hours allowed for such permit. Nothing herein shall authorize or allow the issuance of any Charitable Event Permit to sell or dispense Beer or Wine in any

park in violation of this Code.

(E) A Qualified Organization who obtains a Charitable Event Permit shall observe the following conditions:

(1) Except as otherwise provided in 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 the area in which all Beer, Wine, or both 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/Wine/Beer or 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.

(2) 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.

(3) The defined sale, dispensing, and consumption area shall be considered to be the "licensed premises" for the purposes of this Section and the applicant shall not sell or dispense Beer or Wine outside such area.

(4) Failure to construct or maintain such fence, barrier or sign, or failure to comply with such hours of operation as required by this Section shall be grounds for summary revocation of the Charitable Event Permit. The Chiefs of the Police and Fire departments 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.

(5) If any part of the event for which a Charitable Event Permit is obtained is located is at a park, public street, or other location listed in City Code 8-3-5(C), then the Qualified Organization shall obtain a permit under City Code 8-3-5 and comply with all conditions of that permit.

(6) For any event held after October 1, 2026, where Beer, Wine, or both is served for more than two (2) hours in a single day, the applicant shall ensure that at least one (1) person is present who has a current certificate from an Approved Server Training Program for the first one hundred people present at the event and an additional person who has a current certificate from an Approved Server Training Program for each additional hundred people present at the event. A person keeps his or her certification current for purposes of this Subsection by completing an

Approved Server Training Program within three (3) years of the date the Server of Alcohol or Security Person last obtained a certificate from an Approved Server Training Program. Failure to comply with this Subsection shall be grounds for summary revocation of the Charitable Event Permit.

(a) Penalties:

(i) Any applicant violating the provision of Subsection (E)(6) shall be guilty of an infraction and:

a. Upon a first conviction thereof within a period of eighteen (18) months, shall be punishable by a fine set from time to time by resolution of the Council.

b. Upon a second conviction thereof within a period of eighteen (18) months, shall be punishable by a fine set from time to time by resolution of the Council.

c. Upon a third or subsequent conviction thereof within a period of eighteen (18) months, shall be punishable by a fine set from time to time by resolution of the Council.

(ii) Any applicant who is found guilty of three (3) violations of Subsection (E)(6) within a period of eighteen (18) months shall not be eligible to apply for a Charitable Event Permit for a period of one (1) year.

(F) The number of individuals at a location for which a Charitable Event Permit is in effect shall not exceed the maximum occupancy load shown on the issued Charitable Event Permit while Alcohol is being served, sold, offered for sale, dispensed, or consumed.

(G) The application for or the issuance of a Charitable Event Permit shall not be construed as constituting a change in use of the location or property for the purposes of applying the City's fire, building, or zoning codes.

(H) Notwithstanding the provisions of Section 4-2-2 of this Chapter, nothing shall prevent any licensed dealer, wholesaler or retailer from selling or donating unbroken packages of Wine or Beer or kegs of Beer to a person which has not been issued any alcohol license for the sale of alcoholic beverages in this state, for benevolent, charitable or public purposes if a Charitable Event Permit has been issued to the person or nonprofit entity as provided in this Section.

(I) A licensed retailer may, on behalf of the permittee, receive or store the permitted Alcohol to be used at the event and may dispense such permitted Alcohol to attendees of the event for which the Charitable Event Permit was issued.

(J) 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.

(K) Should the Chief of Police, Fire Chief, Director of the Community Development Services Department, or Clerk determine that an applicant, Qualified Organization, 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 or 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 to submit accurate information to obtain an Charitable Event Permit as may have been requested by the Clerk, the Charitable Event Permit may be summarily suspended or revoked by the Clerk. Any such suspension or revocation may be appealed to the Council by written notice of appeal submitted within fourteen (14) days from the beginning of the suspension or revocation and by paying an appeal fee in an amount set by Resolution of the Council. Such revocation or suspension shall be subject to the appeal procedure contained in Section 4-2-16(J)(1)–(2) with the phrases "Charitable Event Permit" and "Qualified Organization" substituted for the words "Alcohol Catering Permit" and "permittee," respectively.

4-2-19: SERVER TRAINING:

(A) Approved Server Training:

(1) All Approved Server Training Programs must include an examination component that shall include, but not be limited to, the following topics:

(a) Monitoring a patron's behavior;

(b) Recognizing intoxicated patrons;

(c) Checking patrons' photo identifications for relevant information;

(d) Recognizing false and altered photo identifications;

(e) Providing alternatives to Alcoholic Beverages;

(f) Problem solving when interacting with intoxicated and belligerent patrons; and

(g) Understanding and applying Idaho laws and rules pertaining to Alcoholic Beverages.

(2) The Approved Server Training Programs shall be set forth on a list maintained by the Police Department and available through either the Police Department or the office of the City Clerk. The Chief of Police may change the list of Approved Server Training Programs from time to time as deemed appropriate.

(B) Server Training Requirements:

(1) Unless already certified under an Approved Server Training Program, a Server of Alcohol must complete an Approved Server Training Program by October 1, 2026, or within sixty (60) days of the date the Server of Alcohol begins employment as a Server of Alcohol, whichever is later, and must keep that certification current throughout his or her employment as a Server of Alcohol.

(2) Unless already certified under an Approved Server Training Program, a Security Person must complete an Approved Server Training Program by October 1, 2026, or within sixty (60) days of the date the Security Person begins employment as a Security Person, whichever is later, and must keep that certification current throughout his or her employment as a Security Person.

(3) Any Licensee under this Chapter serving or providing Alcoholic Beverages must ensure that each Server of Alcohol and Security Person employed on the Licensed Premises or at any location where Alcohol is allowed pursuant to an Alcohol Catering Permit is either already certified or completes an Approved Server Training Program by October 1, 2026, or within sixty (60) days of the date the Server of Alcohol or Security Person begins employment as a Server of Alcohol or Security Person for the Licensee, whichever is later, and that each Server of Alcohol and Security Person keeps his or her certification current throughout his or her employment as a Server of Alcohol or Security Person.

(4) A Server of Alcohol or Security Person keeps his or her certification current for purposes of this Subsection by completing an Approved Server Training Program within three (3) years of the date the Server of Alcohol or Security Person last obtained a certificate from an Approved Server Training Program.

(5) Records Maintained:

(a) Every Server of Alcohol shall maintain records of any certificates received from an Approved Server Training Program and show proof of current certification from an Approved Server Training Program within four business days of a request from any law enforcement officer.

(b) Every Security Person shall maintain records of any certificates received from an Approved Server Training Program and show proof of current certification from an Approved Server Training Program within four business days of a request from any law enforcement officer.

(c) Every Licensee under this Chapter shall maintain certificates or other training verification records from an Approved Server Training Program for each Server of Alcohol and Security Person employed and shall present such certificates or records within four business days of a request from any law enforcement officer.

(C) Penalties:

(1) Any Server of Alcohol or Security Personnel who violates any provision of Subsection (B) shall be guilty of an infraction and:

(a) Upon a first conviction thereof within a period of eighteen (18) months, shall be punishable by a fine set from time to time by resolution of the Council.

(b) Upon a second conviction thereof within a period of eighteen (18) months, shall be punishable by a fine set from time to time by resolution of the Council.

(c) Upon a third or subsequent conviction thereof within a period of eighteen (18) months, shall be punishable by a fine set from time to time by resolution of the Council.

(2) Any Server of Alcohol who is found guilty of four (4) violations of Subsection (B) within a period of eighteen (18) months shall be prohibited for a period of (1) year from serving Alcohol at any Licensed Premises or at any location where Alcohol is allowed pursuant to an Alcohol Catering Permit within the City. Any person violating the prohibition in this Subsection shall be guilty of a misdemeanor.

(3) Any Licensee violating any provision of Subsection (B) of shall be guilty of an infraction and:

(a) Upon a first conviction thereof within a period of eighteen (18) months, shall be punishable by a fine set from time to time by resolution of the Council.

(b) Upon a second conviction thereof within a period of eighteen (18) months, shall be punishable by a fine set from time to time by resolution of the Council.

(c) Upon a third or subsequent conviction thereof within a period of eighteen (18) months, shall be punishable by a fine set from time to time by resolution of the Council.

(4) Any Licensee who is found guilty of twelve (12) violations of Subsection (B) within a period of eighteen (18) months shall be subject to the process for suspending or revoking an Alcohol License in accordance with Section 4-2-20.

4-2-20: SUSPENSION AND REVOCATION OF ALCOHOL LICENSE:

(A) A Licensee shall be subject to the process and penalties of this Section if the Clerk determines that the Licensee has failed to comply with any of the following:

(1) Any of the following Sections of this Chapter: 4-2-2, 4-2-3, 4-2-5, 4-2-9, 4-2-12,

4-2-13, 4-2-14, 4-2-15, 4-2-16, 4-2-18, or 4-2-19(C)(4);

(2) Any applicable statute under Title 23 of the Idaho Code;

(3) Any rule or regulation promulgated by the Director or the State Tax Commission pursuant to the terms and conditions of Title 23 of the Idaho Code; or

(4) Any other law of the state of Idaho or of the United States regulating, governing or prohibiting the sale, manufacture, transportation or possession of alcoholic beverages or intoxicating liquor.

(B) Should the Clerk find a Licensee in violation under Subsection (A), then the following penalties shall apply:

(1) If the Clerk has not found the Licensee to be in violation under Subsection (A) within the last five years, then the Clerk shall suspend the Licensee's Alcohol License for seven (7) consecutive days.

(2) If the Clerk has found the Licensee to be in violation under Subsection (A) on one (1) prior occasion within the last five years, then the Clerk shall suspend the Licensee's Alcohol License for ten (10) consecutive days.

(3) If the Clerk has found the Licensee to be in violation under Subsection (A) on two (2) prior occasions within the last five years, then the Clerk shall suspend the Licensee's Alcohol License for fourteen (14) consecutive days and issue a fine of one-thousand dollars ($1000) to the Licensee.

(4) If the Clerk has found the Licensee to be in violation under Subsection (A) on three (3) prior occasions within the last five years, then the Clerk shall revoke the Licensee's Alcohol License.

(C) A Licensee's failure to pay any fine issued under this Section within thirty (30) days of the effective date of the fine shall be grounds for suspension of the Licensee's Alcohol License by the Clerk for a period of seven (7) consecutive days.

(D) If a Licensee sells, offers for sale, or dispenses any Alcohol from the Licensed Premises during a period of suspension pursuant to this Section, then the Clerk shall revoke the Licensee's Alcohol License.

(E) Any suspension under this Section of a Licensee's Alcohol License shall result in the automatic suspension of any other Alcohol License held by the same Licensee for the same Licensed Premises.

(F) Any revocation under this Section of a Licensee's Alcohol License shall result in the automatic revocation of any other Alcohol License held by the same Licensee for the same Licensed Premises.

(G) The Clerk shall provide written notice via certified mail to the Licensee of any fine, suspension, or revocation issued under this Section. Any fine, suspension, or revocation issued by the Clerk under this Section shall take effect fourteen days (14) after the date the Clerk mails the written notice or, if the Licensee appeals the Clerk's decision, then any penalty affirmed by Council shall take effect twenty-eight (28) days after the date that Council's written decision is mailed to the Licensee.

(H) A Licensee may appeal any fine, suspension, or revocation issued by the Clerk under this Section by submitting a written notice of appeal with the Clerk within fourteen (14) days of the mailing date of the Clerk's written notice to the Licensee and paying an appeal fee in an amount set by Resolution of the Council. Such written notice of appeal shall set forth the Licensee's reasons for why the Clerk's decision was in error.

(1) Council shall, within twenty-eight (28) days of submission of the notice of appeal, hold a hearing at which the Licensee and the Clerk or other City staff shall be permitted to present evidence and argument. Council shall issue a written decision within twenty-eight (28) days of the hearing that shall either affirm the fine, suspension, or revocation; reverse the Clerk's decision; or remand the matter to the Clerk for further factual inquiry and redetermination. Council's review of the Clerk's decision shall be limited to whether substantial evidence supports the factual determinations for the Clerk's decision and whether the factual determinations were, as a matter of law, sufficient for denial. If Council holds in favor of the Licensee, the City shall refund the appeal fee to the Licensee

(2) The Clerk shall keep a transcribable verbatim record of all proceedings concerning any appeal under this Section. If a fine, suspension, or revocation is affirmed or Council remands the matter to the Clerk, the transcribable verbatim record shall be kept for a period of not less than six (6) months after Council issues the written decision. Upon request and within the time provided for retention of the record, any person may have the record transcribed at the person's expense.

(I) The Clerk shall provide written notice to the Director and Bonneville County of any suspensions or revocations of an Alcohol License under this Chapter.

(J) A pending proceeding to revoke or suspend an Alcohol License under this Section shall not be grounds for the Clerk to deny an application to renew the Alcohol License, but any such renewed Alcohol License may be revoked or suspended without a hearing if and when the prior Alcohol License is revoked or suspended under this Section.

**SECTION 2**: Title 4, Chapter 3 of the City Code of the City of Idaho Falls, Idaho, is hereby REPEALED.

**SECTION 3**: Title 4, Chapter 4 of the City Code of the City of Idaho Falls, Idaho, is hereby REPEALED.

**SECTION 4**: Title 8, Chapter 3, Sections 4 and 5 of the City Code of the City of Idaho Falls, Idaho, are hereby amended as follows:

8-3-4: ALCOHOLIC BEVERAGES ON CITY PROPERTY:

(A) Whenever the following words or terms are used in Sections 8-3-4 and 8-3-5~~this Code~~, they shall have the meanings ascribed below:

ALCOHOLIC BEVERAGE: Beer, W~~w~~ine or L~~l~~iquor.

ALCOHOL CATERING PERMIT: A permit issued pursuant to City Code 4-2-16.

BEER: Any beverage obtained by the alcoholic fermentation of an infusion or decoction of barley, malt or other ingredients in drinkable water and which contains alcohol, as defined and regulated by the Idaho State Code.

CHARITABLE EVENT PERMIT: A permit issued pursuant to City Code 4-2-18.

CROWD MANAGER: A person who has been approved by the ~~Idaho Falls~~City Fire Marshal as a person with training or experience in fire prevention, evacuation methods, and other duties.

EVENT SPONSOR: An individual, partnership, association, corporation, limited liability company, or private organization of any kind who is an applicant for a Permitted Event.

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

LICENSED VENDOR: A person or business in possession of a current Idaho State and~~,~~ Bonneville County~~, and City License~~ license permitting the person or business to sell, distribute, and serve or supply B~~b~~eer, ~~or~~ W~~w~~ine, or Liquor.

PERMITTED EVENT: An occurrence, festival, concert, sporting event, gathering, performance, or the like in or at a City owned property, or any public parking lot adjacent thereto, where alcoholic and non-alcoholic beverages, food, candy, and other goods are permitted to be served pursuant to this Chapter.

PROFESSIONAL SECURITY GUARD: A law enforcement officer or a guard employed by recognized private security firm.

SPECIAL EVENT: An occurrence, festival, concert, sporting event, gathering, performance, or the like in or at a public park, outdoor recreation area or facility, or any public parking lot adjacent thereto, where non-alcoholic beverages, food, candy, or other goods may be served and which is specifically approved of, for a limited duration, by the Director of Parks and Recreation.

STATE LIQUOR STORE: Any liquor store or distributor established under and pursuant to the laws of the State of Idaho for the package sale of liquor at retail.

WINE: Any alcoholic beverage containing not more than sixteen percent (16%) alcohol by volume obtained by the fermentation of the natural sugar content of fruits or other agricultural products containing sugar whether or not other ingredients are added.

DRAFT

(B) Any person who possesses any Aalcoholic bBeverage while in any public park, outdoor recreation area or facility or any public parking lot adjacent thereto, unless otherwise authorized by this Code or the Idaho Code, is guilty of a misdemeanor.

(C) Notwithstanding Section (B) hereof, Aalcoholic bBeverages may be possessed and consumed in or on any City owned property, or any public parking lot adjacent thereto pursuant to the following:

(1) within the premises designated for any person holding a retail Aalcoholic bBeverage license to sell or dispense aAlcoholic bBeverages within such public park, outdoor recreation area or facility, or any other public parking lot adjacent thereto. The boundaries of such premises shall be conspicuously posted by such licensee or by the City upon or near such premises. Nothing in this Section shall prohibit such retail licensee or their agents, employees or suppliers from transporting Aalcoholic bBeverages to the premises for sale or disposition, or

(2) during a Permitted Event authorized by this Chapter.

8-3-5: PERMITTED EVENTS:

(A) INTENT: This Permitted Event process is intended to allow the sale and consumption of Aalcoholic bBeverages, 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 an Alcohol Catering Permita catering permit; a beer and wine Charitable Event Permitpermit for benevolent, charitable, and public purpose events; or a winery sponsored event permit; or the applicable requirements under City Code 4-2-18 and 4-2-19 regarding alcohol server training and certificates.

(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 B~~b~~beer and/or W~~w~~ine 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.~~b. The Pier at Snake River Landing – 12:00 p.m. to 2:00 a.m. local time.

~~b.~~c. Civitan Plaza – 12:00 p.m. to 10:00 p.m. local time.

~~c.~~d. 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.~~e. Idaho Falls Park Zoo at Tautphaus Park – 12:00 p.m. to 10:00 p.m. local time.

~~e.~~f. 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.~~g. Funland Amusement Park at Tautphaus Park – 12:00 p.m. to 10:00 p.m. local time.

~~g.~~h. 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 – 12:00 p.m. to 10:00 p.m. local time, provided that the consumption area does not extend:

1. into the Riverwalk path;

2. onto Riverside Drive, Memorial Drive, the roundabout at the intersection of Riverside Drive and Memorial Drive, the intersection of Memorial Drive and D Street, or sidewalks adjacent to those streets and intersections,

3. or beyond three hundred feet (300') from the River Walk Stage.

DRAFT

~~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 A~~a~~lcoholic ~~b~~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.

c. The public plaza located at 330 Memorial Drive – 12:00 p.m. to 10:00 p.m. local time.

d. A closed public street, provided that the Chief of Police and the City Fire Marshall have approved the street closure for an event –12:00 p.m. to 10:00 p.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, which period shall not exceed one (1) day, 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 ~~l~~Licensed ~~v~~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 ~~l~~Licensed ~~v~~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, or the amount of the monetary limits set forth in Idaho Tort Claims Act under Idaho Code § 6-926, whichever is greater. 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 L~~l~~icensed ~~v~~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, or the amount of the monetary limits set forth in Idaho Tort Claims Act under Idaho Code § 6-926, whichever is greater. 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~~ Director of Parks and Recreation ~~Director~~ at least ten (10) days prior to a Permitted Event, there shall be only one (1) L~~l~~icensed ~~v~~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 ~~a~~Alcoholic ~~b~~Beverages during the Permitted Event.

b. All ~~a~~Alcoholic ~~b~~Beverages sold or dispensed at a Permitted Event shall only be sold or dispensed by a ~~licensed alcohol vendor~~Licensed Vendor. When the Event Sponsor has a Charitable Event Permit~~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~~Licensed 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) person~~s~~ at the Permitted Event to check proper identification for those who shall purchase, receive, or consume alcohol during the Permitted Event. ~~These persons~~Any such person 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 Guards. 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 Guards and an additional Professional Security Guard for every additional 500 persons the event host anticipates. After reviewing the event's security plan, the Director of Parks and Recreation ~~Director~~ and the 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 Director of Parks and Recreation ~~Director~~ and the Police Chief may consider past event history, similar events, and external factors that may affect

DRAFT

the event

4. For events over 1000 persons

i. The E~~e~~vent ~~s~~Sponsor must meet the same identification checking and security requirements as events over 500 persons, and

ii. The E~~e~~vent ~~s~~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 Subsection 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 L~~l~~icensed ~~v~~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.~~1. the Permitted Event boundary barricade, sales and alcohol dispensing area, entry and exit points;

~~3.~~2. identification checking station(s); and

~~4.~~3. food and products sales and service areas.

Said site design and any subsequent alterations shall be approved in writing by the ~~City~~ Director of 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 Aalcoholic bBeverages for longer than a total of six (6) hours by submitting an extended alcohol service application. The Director of Parks 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 Director of Parks 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 Aalcoholic bBeverage within the location of the Permitted Event which is not purchased or dispensed from a Llicensed vVendor 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 Director of Parks 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~~ Director of Parks and Recreation's ~~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 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.

(G) APPEALS:

(1) Unless indicated otherwise, the denial or revocation of a permit under this Section may be appealed by submitting a written notice of appeal within forty-two (42) days of receiving the notice of denial or revocation and by paying an appeal fee in an amount set by Resolution of the Council. Council shall, within twenty-eight (28) days of submission of the notice of appeal, hold a hearing at which the appellant and City staff shall be permitted to present evidence and argument. Council shall issue a written decision within twenty-eight (28) days of the hearing that shall either affirm the denial or revocation, reverse the decision, or remand the matter to the City staff for further factual inquiry and redetermination. Council's review of the denial or revocation shall be limited to whether substantial evidence supports the factual determinations for the decision; whether the factual determinations were, as a matter of law, sufficient for denial or revocation; and, in the case of a denial, whether the appellant could take any actions to obtain the permit. If Council holds in favor of the appellant, the City shall refund the appeal fee to the appellant.

(2) The Clerk shall keep a transcribable verbatim record of all proceedings concerning any appeal under this Section. If a denial or revocation of a permit under this Section is affirmed or remanded to City staff, the transcribable verbatim record shall be kept for a period of not less than six (6) months after Council issues the written decision. Upon request and within the time provided for retention of the record, any person may have the record transcribed at the person's expense

**SECTION 5.** 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 6.** 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 7.** 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 upon its passage, approval, and publication in accordance with law.

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

ATTEST: CITY OF IDAHO FALLS, IDAHO

_____ _____

LINDA LUNDQUIST, CITY CLERK LISA M. BURTENSHAW, MAYOR

(SEAL)

DRAFT

STATE OF IDAHO )

) ss:

COUNTY OF BONNEVILLE )

I, LINDA LUNDQUIST, CITY CLERK OF THE CITY OF IDAHO FALLS, IDAHO, DO HEREBY CERTIFY:

That the above and foregoing is a full, true and correct copy of the Ordinance entitled, "AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, AMENDING TITLE 4, CHAPTER 2, AND TITLE 8, CHAPTER 3, SECTIONS 4 AND 5, AND REPEALING TITLE 4, CHAPTERS 3 AND 4, TO COMBINE THREE CHAPTERS INTO A UNIFIED CHAPTER REGULATING ALCOHOL; TO RESTRICT THE SALE OR CONSUMPTION OF ALCOHOL AT COMMERCIAL ESTABLISHMENTS UNLESS LICENSED OR PERMITTED BY LAW; TO PROVIDE FOR THE COMPELLING OF DOCUMENTS, VIDEO, OR OTHER ITEMS TO INVESTIGATE COMPLIANCE; TO DIMINISH OVER TIME THE NUMBER OF ALCOHOL CATERING PERMITS AT CERTAIN LOCATIONS; TO ESTABLISH AN APPROVED SERVER TRAINING PROGRAM AND REQUIRE COMPLIANCE WITH HOLDING CURRENT CERTIFICATES; TO ADD GROUNDS FOR SUSPENSIONS OR REVOCATIONS OF ALCOHOL LICENSES AND PERMITS; TO PROVIDE A PROCESS AND APPEAL FOR SUSPENSIONS AND REVOCATIONS; TO MAKE OTHER CHANGES; AND PROVIDE PENALTIES FOR VIOLATIONS; CODIFICATION; PUBLICATION BY SUMMARY; AND ESTABLISHING EFFECTIVE DATE."

A copy of the full text of the ordinance is available at City Hall.

_____

LINDA LUNDQUIST, CITY CLERK

(SEAL)

DRAFT