

CHAPTER 4

WINE

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4-4-1: **DEFINITIONS:** Certain words and phrases used in this Chapter are defined as follows:

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

WINE: Any alcoholic beverage containing not more than fourteen percent (14%) 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.

RETAIL WINE LICENSE: A license issued by the Director authorizing a person to sell wine at retail for consumption off the licensed premises. The term also means a license issued by the City authorizing a person to sell wine at retail for consumption off the licensed premises only.

WINE-BY-THE-DRINK LICENSE: A license to sell wine by the individual glass or open bottle at retail for consumption on the premises.

RETAILER: A person to whom a retail wine license or wine-by-the-drink license has been issued.

DISTRIBUTOR: A person who is employed by or is an agent of, a retailer

to sell, serve or dispense wine.

4-4-2: LICENSE REQUIRED: Except as otherwise provided by this Chapter, no person shall sell wine at retail for consumption off the premises or by the individual glass or open bottle for consumption on the premises within the City, without first obtaining a license under this Chapter or a liquor by the drink license issued under Chapter 2 of this Title. 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.

4-4-3: LICENSE FEES: The fee for a retail wine license shall be two hundred dollars (\$200.00) per year. The fee for a wine-by-the-drink license shall be two hundred dollars (\$200.00) per year. License fees shall be paid in advance for each calendar year or any portion of a calendar year without proration.

4-4-4: APPLICATION FOR LICENSE: Each applicant for a retail wine license or wine-by-the drink license shall submit a written application on a form furnished by the Clerk.

4-4-5: QUALIFICATIONS: An applicant for a retail wine license or wine-by-the-drink license shall possess all qualifications necessary to obtain a license from the Director. Licensees shall maintain qualifications throughout the period for which their license is issued. Possession of licenses regularly issued by the Director and Bonneville County shall be prima facie evidence of the applicant's qualifications to receive a license under this Chapter.

4-4-6: ISSUANCE OF LICENSE: When the applicant for a retail wine license or wine-by-the-drink license has produced evidence as required by Section 4-4-5 above and paid the required license fee, the City Clerk shall submit the application to the City Council within thirty (30) days after the application is filed. Upon approval of the Council, the Clerk shall issue the license to the applicant.

4-4-7: EXPIRATION AND TRANSFER OF LICENSE: Licenses issued under this Chapter shall expire at midnight on December 31 of the calendar year for which they are issued. The procedure for the transfer of a retail wine license or a wine-by-the-drink license shall be the same as provided in Idaho Code Section 23-1317, as amended, upon application to the City Clerk. The fee for transfer of a retail wine license or wine-by-the-drink license shall be one hundred dollars (\$100.00). The license of the transferring licensee shall be surrendered to the City Clerk before such transfer may be made.

4-4-8: CONSUMPTION ON PREMISES: Retailers who do not possess a valid City license for the retail sale of liquor by the drink or wine-by-the-drink shall not permit consumption of wine on the licensed premises.

4-4-9: LOCATION RESTRICTIONS: No wine-by-the-drink license shall be issued to any person to operate at any place that is within three hundred (300) feet of any public school, church or any other place of worship. Such distance shall be measured in a straight line between the nearest entrance to the licensed premises and the nearest property line of such school, church or place of worship. No person shall sell or dispense wine for consumption on the premises at any place within three hundred (300) feet of any public school, church or other place of worship, similarly measured in a straight line. This restriction 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 such first licensing came therein because of the construction or commencement of use of such public facility or place of worship subsequent to such first licensing.

4-4-10: AGE RESTRICTION ON SALE OR PURCHASE:

- (A) No person under twenty-one (21) years of age shall sell, purchase, possess or consume any wine.
- (B) No person shall give, sell or deliver wine to any person under the age of twenty-one (21) years.
- (C) No person under the age of twenty-one (21) shall represent to any retailer or distributor that he or she is twenty-one (21) years or more of age, when in fact he or she is under such age for the purpose of inducing the retailer or distributor, to sell, serve or dispense wine to such person.
- (D) No person shall represent to any retailer or distributor that any other person is twenty-one (21) years or more of age, when in fact that other person is under such age for the purpose of inducing such retailer or distributor to sell, serve or dispense wine to such other person.

4-4-11: HOURS OF SALE: No person who is licensed to sell or dispense wine for consumption on the premises shall sell or dispense wine for consumption on the premises during any time when beer cannot be lawfully sold for consumption on the premises.

