

TITLE 3 CHAPTER 6
ALCOHOL BEVERAGE CATERING PERMIT

SECTION:

3-6-1:	DEFINITIONS
3-6-2:	EXCEPTIONS TO REGULATIONS
3-6-3:	LICENSE REQUIRED
3-6-4:	PERMIT FILING FEES
3-6-5:	APPLICATION
3-6-6:	DISQUALIFYING CIRCUMSTANCES
3-6-7:	SHERIFF'S APPLICATION REVIEW
3-6-8:	APPLICATION; APPROVAL OR DENIAL
3-6-9:	REGULATIONS AND RESTRICTIONS
3-6-10:	PENALTY

3-6-1: **DEFINITIONS:** The following words shall have the following specified meanings when used herein.

ALCOHOL BEVERAGE CATERING PERMIT: A permit issued pursuant to this Chapter that authorizes the permittee to serve and sell liquor by the drink, beer and wine, or beer, or wine, at a festival or convention, for a time period not to exceed five (5) consecutive days, with an option to request one (1) permit extension on the same terms and conditions as the original permit, which extension may be issued or denied at the sole and absolute discretion of the City Council or its designee, or at a party for a time period not to exceed two (2) consecutive days.

CONVENTION: A formal meeting of members, representatives or delegates, as of a political party, fraternal society, profession or industry.

FESTIVAL: A period or program of festive activities, cultural events or entertainment lasting three (3) or more consecutive days.

LICENSEE: A person to whom a license is issued under the provisions of law.

PARTY: A social gathering especially for pleasure or amusement and includes, but is not limited to, such social events as weddings, birthdays, and special holiday celebrations to include, but not be limited to, New Year's celebrations, Super Bowl Sunday, St. Patrick's Day, the Fourth of July and Labor Day.

All other words and phrases used in this chapter, the definitions of which are not herein given or are not otherwise provided in Idaho Code Section 23-902, or any successor statute thereof, shall be given their ordinary and commonly understood and acceptable meanings.

3-6-2: **EXCEPTIONS TO REGULATIONS:** Nothing contained in this article shall prohibit the state liquor dispensary from acting pursuant to its statutory authority.

3-6-3: **LICENSE REQUIRED:** No person, licensed by the State of Idaho to sell any alcoholic beverage shall do so within the City of Albion, Idaho unless said person is the holder of a valid license to carry on or conduct such business, issued to said licensee by the City of Albion. Furthermore, no person holding such license may conduct said business off of the licensed premises, within the municipal boundaries of the City of Albion, without a specifically identified catering permit issued by the City allowing for the retail sale of liquor by the drink, beer, or wine, or any combination thereof, in a specified limited place for a specified limited amount of time. A person who does not hold an alcohol beverage license under the laws of the State of Idaho is disqualified to be issued an alcohol beverage catering permit.

- A. An alcohol beverage catering permit issued pursuant to this Chapter will allow the applicant to sell or serve liquor by the drink, beer or wine, or any combination thereof, at a convention or festival or party, as by law allowed and as is allowed by the same terms and conditions as the original permit.
- B. An alcohol beverage catering permit shall be limited to authorization to sell liquor by the drink, beer or wine, or any combination thereof, based upon the type of alcoholic beverage license the applicant possesses.
- C. No alcohol beverage catering permit issued pursuant to this Article shall be used on any licensed premises and shall only be exercised by the licensee on record.

3-6-4: **PERMIT FILING FEES:** A filing fee in the amount of twenty dollars (\$20.00) for each day the permit is to be in effect shall be paid to the treasury of the City of Albion, which shall not be refunded in any event. An alcohol beverage catering permit shall be valid only within the issuing jurisdiction of incorporated City of Albion.

3-6-5: **APPLICATION:** Applications for such permits shall be made to the City Clerk of the City of Albion, on such form as prescribed by the City.

- A. The application for a catering permit shall contain a minimum, but not limited to, the following information:
 - 1. The name and address of the applicant and the number of the applicant's state liquor, beer or wine license.
 - 2. The dates and hours during which the original catering permit is to be effective, not to exceed five (5) consecutive days.
 - 3. The names of the organizations, groups or persons sponsoring the event.
 - 4. The address at which the liquor, beer or wine is to be served, and if a public building, the room(s) in which the liquor, beer or wine is to be served.
 - 5. Any additional information that may be requested by the Cassia County Sheriff's office.
 - 6. Signature of an authorized representative of the Cassia County Sheriff's Office, that upon review, Applicant is recommended for approval of a catering permit at the address and premises designated in the application.
 - 7. Any additional information requested by the governing body or its designee in considering the approval or denial of such application.
 - 8. The application shall be verified by the applicant and shall be filed with the City Clerk's Office.

- B. Upon receipt of the application for a catering permit, the City Clerk's Office will cause an investigation to be made to the extent necessary to determine whether the applicant is qualified to receive a catering permit.

- C. The application must be filed with the City of Albion Clerk's Office no less than fourteen (14) business days before the event for which the catering permit is sought.

3-6-6: **DISQUALIFYING CIRCUMSTANCES:** No person or entity shall be issued a catering permit if the person or entity:

- A. Does not possess a valid liquor, beer or wine license, or permit issued pursuant to Idaho Code Section 23-1007A, from the State of Idaho;

- B. Does not meet the necessary qualifications to be licensed, or becomes disqualified to hold a license under the provisions of Title 23, Idaho Code; or
- C. Has requested a catering permit for more than five (5) consecutive days for a festival or convention; or more than two (2) consecutive days for a party; or
- D. Has their application be recommended for a denial by the Cassia County Sheriff's Office.

3-6-7: **SHERIFF'S APPLICATION REVIEW:** Upon the receipt of an application from the City Clerk's Office, the Cassia County Sheriff or the Sheriff's Designee, may recommend approval of the application, approval of the application with conditions, or denial of the application, for any of the following reasons:

- A. To carry out the policies of the City, including to protect the health, safety and general welfare of the public; or
- B. To prevent an unlawful disturbance or nuisance.
- C. The Sheriff may consider such factors as the anticipated number of participants, the location of the venue, pedestrian and vehicular traffic, the occurrence of other events in the area at the same time, and any other relevant factors.
- D. Conditions that may be imposed, but are not limited to: posting signs, hiring additional security personnel at the applicant's expense, hiring trained alcohol servers, reducing the number of days or times of the event, or maintenance of the event venue in a specified manner, including restricted area and access points.

3-6-8: **APPLICATION - APPROVAL OR DENIAL:**

- A. Upon the filing of an application for an alcohol beverage catering permit, the City Clerk, as is hereby designated by the City Council to act for and in behalf of the City under this Chapter, after receiving the application shall, upon the advice and recommendation of the sheriff, approve or disapprove the application and indicate the determination on the face of the application by endorsement signed by the City Clerk.
- B. The sheriff is authorized to endorse an application for a catering permit with sufficient conditions to ensure public safety.

- C. Copies of the application with signed endorsements thereon shall be mailed, delivered by electronic mail or delivered immediately to the sheriff, the director of the Idaho State Police and a signed copy retained by the City Clerk.
- D. An application approved in this manner shall constitute an alcoholic beverage catering permit.
- E. If the catering permit granted hereunder is for an event to be held at either the City Civic Center or the City Park, Applicant shall be required, as a condition of approval, to post notice at the event venue that alcoholic beverages are being served at the event. Such notice shall include the name and contact information of the catering permit holder and also the date(s) and hours during which alcoholic beverages will be served at the event.

3-6-9: **REGULATIONS AND RESTRICTIONS:** All rules and regulations governing the conditions and use of a validly issued alcohol beverage license shall apply to the issued catering permit. At no time will the alcohol beverage catering permit substitute for an alcoholic beverage license and, upon expiration of the permit, may not be recycled or reused in any capacity.

3-6-10: **PENALTY:** Any person, firm, corporation, or individual, whether as principal, agent, employee, or other person in any way acting in behalf of the licensee, or otherwise who shall violate the terms of this Chapter shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than a sum of One Hundred dollars (\$100.00), nor more than a sum of Three Hundred dollars (\$300.00), or be imprisoned in the county jail for not less than Thirty (30) days, nor more than six (6) months, or by both such fine and imprisonment. Any court in which a judgment of conviction against any licensee shall be entered shall forthwith certify a copy thereof to the director of the Idaho State Police and the director shall thereupon give intended notice of revocation of any license to such convicted person.