

ORDINANCE NO. 1157

AN ORDINANCE OF THE CITY OF KETCHUM, BLAINE COUNTY, IDAHO, AMENDING TITLE 5, CHAPTER 04, ALCOHOLIC BEVERAGE SALES, OF THE KETCHUM CITY CODE, BY AMENDING SECTION 5.04.010 TO ADD DEFINITIONS; ADDING A NEW SECTION 5.04.140, ALCOHOLIC BEVERAGE CATERING PERMIT; AMENDING SECTION 12.32.020, SPECIAL EVENT LICENSE, BY ADDING REQUIREMENTS FOR ALCOHOLIC BEVERAGE CATERING PERMITS; PROVIDING A REPEALER CLAUSE; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Idaho Code §§23-934A through 23-934C provide for the issuance of alcoholic beverage catering permits by municipalities; and

WHEREAS, the Mayor and City Council of the City of Ketchum find that it is in the interest of the public health, safety and welfare to adopt regulations for the issuance of alcoholic beverage catering permits consistent with Idaho law.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF KETCHUM, Blaine County, Idaho, as follows:

Section 1: That section 5.04.010, Ketchum City Code, be amended by adding the following definitions:

5.04.010: DEFINITIONS:

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.

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.

Section 2: That a new section 5.04.140, Alcoholic Beverage Catering Permit, be added to Ketchum City Code as follows:

5.04.140: ALCOHOLIC BEVERAGE CATERING PERMIT:

A. Purpose: The purpose of this section is to provide a procedure and guidelines for obtaining an alcoholic beverage catering license pursuant to Title 23, Chapter 9, Idaho Code.

B. Permit Determination by the City Clerk: The city council has determined that the city clerk shall be delegated the authority to process, grant or deny all alcohol beverage catering permit applications.

C. Catering Permits Required; Fees:

1. It shall be unlawful for any person to serve and sell any alcoholic beverage retail by the drink upon an unlicensed premises, without first obtaining a catering permit issued by the city clerk pursuant to this section. Catering permits associated with special events may also require a special event permit pursuant to chapter 12.32, Ketchum City Code.

2. No alcohol beverage catering permit issued pursuant to this chapter shall be used on a licensed premise.

3. An alcohol beverage catering permit issued pursuant to this section shall only be exercised by the licensee on record.

4. A nonrefundable filing fee in the amount of twenty dollars (\$20.00) per day the permit is to be effective shall be paid to the city clerk at the time of filing.

D. Application for Permit:

1. Application: Any person holding an Idaho retail liquor license, retail beer or wine license, or permit issued pursuant to Idaho Code §23-1007A may obtain an application for a catering permit at the office of the city clerk and fill out the application completely where designated on the application. The application must be executed by the applicant and filed with the city clerk not less than five (5) business days prior to the catering date(s) requested. Failure to complete the required portions of the application may result in a denial of the application.

2. Permit: An application for an alcoholic beverage catering permit shall be made in writing on forms provided by the city. The application for permit shall provide the following information:

a. Name, address and phone number of the applicant;

b. The number and a photocopy of his/her Idaho state retail liquor license, Idaho state retail beer or wine license, or permit issued pursuant to Idaho Code §23-1007A;

c. Dates and hours requested during which the original permit is to be effective, not to exceed five (5) consecutive days for a festival or convention, or not to exceed two (2) days for a party;

d. The names of the organizations, groups, or persons sponsoring the event, and, if applying in connection with a special event permit, the name and number of the special event permit or the date the special event permit application was submitted;

e. If not the applicant, the name, phone number, physical and mailing address, and email address of the applicant's designee who will be present at the premises for the duration of the event;

f. The address at which the alcoholic beverages are to be served and, if a public building, or private building open to the public, the rooms in which the alcoholic beverages are to be served;

g. The number of anticipated people who will attend the event including all hosts, employees, sponsors, agents, consumers, and security personnel;

h. A detailed description or diagram of the location where the alcoholic beverages are to be served and sold, including whether sanitation and related services are available on contiguous or adjoining properties; the location of the catering site in relation to the nearest streets, measured in feet; and location of catering site furnishings, tables, chairs or barriers in relation to sidewalks and streets.

3. Disqualifying Circumstances: No catering permit shall be issued to:

a. Any person who does not possess a valid Idaho retail liquor license, retail beer or wine license, or a permit issued pursuant to Idaho Code §23-1007A; or

b. An applicant who willfully files any false or misleading statement which the applicant knows to be or reasonably should have known to be false or misleading in any part of said application or any subsequent report; or

c. Any application for an original catering permit for a festival or convention for more than five (5) consecutive days or a second extension of an original permit; or

d. Any application for a catering permit for a party for more than two (2) days;
or

e. Is required to obtain a special event permit as provided by chapter 12.32, Ketchum City Code, and has not obtained approval of said permit; or

f. The police chief or fire chief or their designees recommend denial of the catering permit.

4. Extension of Original Festival or Convention Permit: An applicant for a festival or convention catering permit may request one (1) 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 clerk.

E. Applications Reviewed:

1. The city clerk shall review the application for a catering permit for completeness and forward said application to the police chief and fire chief for their recommendation. In addition, the city clerk's office shall cause an investigation to be made to the extent necessary to determine whether the applicant is qualified to receive a catering permit.

2. Recommendation of the police chief and fire chief or their designees:

a. The police chief and fire chief or their designees may recommend conditions, terms or a reduction of the number of requested dates or times as determined reasonable to ensure public safety and carry out the policies of the city, which include the protection of the health, safety and welfare of the public, or to prevent an unlawful disturbance or nuisance. Such conditions may include, but are not limited to, posting of appropriate signs, and hiring at the applicant's expense additional licensed, bonded security personnel. Any such conditions must be attached and displayed as a part of the catering permit.

b. Where the police chief and fire chief or their designees determine that due to the anticipated number of participants, location, pedestrian or vehicular traffic, occurrence of other special events, ingress or egress of customers, or presence of minors requires additional physical configuration or limitation of the premises for enforcement purposes, the chief may recommend that the site of catering be maintained in a specified manner as a condition of the permit.

F. Issuance or Denial of Application:

1. Whenever the city clerk shall determine that an application for a catering permit is complete the city clerk shall approve or deny such application in accordance with this chapter. The city clerk shall issue an alcoholic beverage catering permit if all of the following criteria are met and shall deny the application for a permit if any of the following criteria are not met:

a. The applicant is qualified;

b. The police chief and fire chief or their designees recommend issuance of a permit either absolutely or conditionally;

c. A catering site where the applicant proposes to offer alcoholic beverages:

(i) Abuts or is contiguous to where sanitation and related services are performed;

(ii) The boundaries of the proposed catering site are identified in a detailed diagram or description of the premises in which the perimeter of the catering site and its proximity to the nearest streets is designated and measured in feet;

(iii) The detailed diagram or description of the premises accompanying the application reflects that the proposed event will not inhibit the public health and safety including, but not limited to, the placement of catering site furnishings, tables, chairs or barriers such that it inhibits safe sidewalk or roadway passage.

2. Whenever the city clerk denies any application the city clerk shall specify in writing:

a. The statutes, ordinances and standards used in evaluating the application;

b. The reasons for the denial; and

c. The actions, if any, that the applicant could take to obtain the license or renewal thereof.

3. Copies of an approved application with signed endorsements of the police chief, fire chief, or their designees, and the city clerk shall be mailed, delivered by electronic mail or hand delivered immediately to the police chief, the director of the Idaho State Police and the applicant, and a signed copy retained by the city clerk.

G. Permit Display Required: The applicant is required to carry, display or post the original catering permit issued or approved extension of a festival or convention permit and must be personally present at the approved catering premises at all times during the life of the catering permit.

H. Grounds and Procedures for Revocation: The city council may, in accordance with the procedure set forth in section 05.04.080 of this chapter, revoke any catering permit for any of the grounds set forth in this chapter or as authorized by Title 23, Chapter 9, Idaho Code, including, but not limited to, for any conduct or act of the permittee or his/her employees or any conduct or act permitted by him/her or them on the site where the catering event is conducted, or in connection therewith or adjacent thereto, tending to render such site as a public nuisance or a menace to the health, peace, safety or general welfare of the city.

I. Exigent Circumstances for Revocation: Where there exists a clear endangerment to the health, safety, and welfare of the public resulting from the use of the permit, or where the applicant or his/her agents fail to perform in conformance with the conditions and terms set forth on the permit, the city clerk or the police chief may revoke the catering permit issued under the provisions of this chapter by immediately demanding and seizing the permit from the applicant. Upon receipt of the revoked permit, or where the permit cannot be seized due to unavailability of the applicant, or where the applicant refuses to surrender said permit, the chief of police may direct the seizure of all alcoholic beverages and remove the same and keep the same as evidence, and upon conviction of the person for violation of the provisions hereof, the said liquor and all packages, or receptacles containing the same, shall be forfeited to the state of Idaho.

J. Violations:

1. A person who fails to display or surrender a catering permit as provided in this section shall be guilty of an infraction for a first time offense. A second or subsequent offense shall be a misdemeanor.

2. A person holding a catering permit, or any person employed or acting on the behalf of a person holding a catering permit, who permits, allows, or fails to correct conduct in violation of the conditions or terms of a catering permit is guilty of an infraction for a first time offense. A second or subsequent offense shall be a misdemeanor.

3. It shall be a misdemeanor for any person to obtain multiple catering permits for the sole purpose of circumventing state or local laws and regulations.

Section 3: That section 12.32.020, Ketchum City Code be, and hereby is, amended as follows:

12.32.020: SPECIAL EVENT LICENSE REQUIRED:

Unless exempted by state or federal law, it is unlawful for any person to conduct a special event, with or without charge for admission, on public property without first applying for and being granted a special event license for the specific special event and its venue. All licenses issued pursuant to this chapter are nontransferable and expire at the completion of the given special event. Special events at which the applicant desires to serve and sell liquor by the drink, beer and/or wine require an alcoholic beverage catering permit as required under section 05.04.140, Ketchum City Code.


Section 4: Repealer. All previous ordinances, resolutions, orders, or parts thereof, in conflict herewith are hereby repealed, rescinded and annulled.

Section 5: Severability. If any section, subsection, clause or phrase of this Ordinance is held by a court of competent jurisdiction to be invalid, such decision shall not affect the remaining portions of this Ordinance.

Section 6: Effective Date. This Ordinance, or a summary thereof in compliance with Idaho Code §50-901A, shall be published once in the official newspaper of the City, and shall take effect immediately upon its passage, approval and publication.


PASSED BY THE CITY COUNCIL OF THE CITY OF KETCHUM, Idaho, this 6th day of June, 2016.

APPROVED BY THE MAYOR OF THE CITY OF KETCHUM, Idaho, this 6th day of June, 2016.



Nina Jonas, Mayor

ATTEST:



Robin Crotty, Interim City Clerk

**PUBLICATION OF SUMMARY OF ORDINANCE NO. 1157
CITY OF KETCHUM, IDAHO**

AN ORDINANCE OF THE CITY OF KETCHUM, BLAINE COUNTY, IDAHO, AMENDING TITLE 5, CHAPTER 04, ALCOHOLIC BEVERAGE SALES, OF THE KETCHUM CITY CODE, BY AMENDING SECTION 5.04.010 TO ADD DEFINITIONS; ADDING A NEW SECTION 5.04.140, ALCOHOLIC BEVERAGE CATERING PERMIT; AMENDING SECTION 12.32.020, SPECIAL EVENT LICENSE, BY ADDING REQUIREMENTS FOR ALCOHOLIC BEVERAGE CATERING PERMITS; PROVIDING A REPEALER CLAUSE; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

A summary of the principal provisions of Ordinance No. 1157 of the City of Ketchum, Blaine County, Idaho, adopted on June 6, 2016, is as follows:

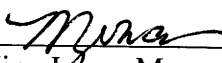
- Section 1. Amends section 5.04.010, Ketchum City Code, by adding definitions.
- Section 2. Adds a new section 5.04.140, Ketchum City Code, "Alcoholic Beverage Catering Permit," establishing regulations for obtaining an alcoholic beverage catering permit.
- Section 3. Amends section 12.32.020, Ketchum City Code, "Special Event License," by adding requirements for alcoholic beverage catering permits.
- Section 4. Provides a Repealer Clause.
- Section 5. Provides a Savings and Severability Clause.
- Section 6. Establishes an effective date and provides for publication by summary.

The full text of this Ordinance is available at the City Clerk's Office, Ketchum City Hall, 480 East Avenue North, Ketchum, Idaho 83340 and will be provided to any citizen upon personal request during normal office hours.

Publish: Idaho Mountain Express

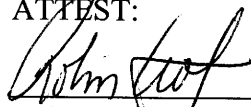
Date: June 6th 2016

CITY OF KETCHUM, IDAHO



Nina Jonas, Mayor

ATTEST:

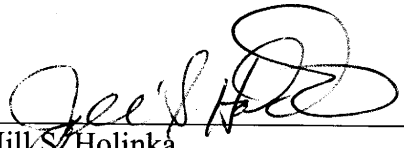


Robin Crotty, Interim City Clerk

STATEMENT OF LEGAL ADVISOR

I, the undersigned attorney at law, duly licensed in the State of Idaho and serving as City Attorney to the City of Ketchum, Idaho, hereby certify that I have read the attached Summary of Ordinance No. 1157 of the City of Ketchum and that the same is true and complete and provides adequate notice to the public of the contents of said Ordinance.

Dated this 7th day of June, 2016.



Jill S. Holinka,
Ketchum City Attorney