

**TITLE 3**  
**BUSINESS AND LICENSE REGULATIONS**

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## CHAPTER 1

**GENERAL LICENSING PROVISIONS**

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3-1-1:       **APPLICATIONS:** Applications for all licenses and permits required by this code shall be made in writing to the city clerk-treasurer or designee, unless otherwise specifically provided by law. Each application shall state the name of the applicant, the permit or license desired, the location to be used, if any, the time covered and the fee to be paid; and each application shall contain such additional information as may be required by the issuing official. (2011 Code)

3-1-2:       **PERSONS SUBJECT TO LICENSE OR PERMIT:** Whenever in this code a license is required for the maintenance, operation or conduct of any business or establishment or for doing business or engaging in any activity or occupation, any person or corporation shall be subject to this requirement if by himself or through an agent, employee or partner, he holds himself forth as being engaged in the business or occupation; or solicits patronage therefor, actively or passively; or performs or attempts to perform any part of such business or occupation in the city. (2011 Code)

3-1-3:       **FORMS:** Forms for all licenses and permits, and applications therefor, shall be prepared and kept on file by the clerk-treasurer or designee. (2011 Code)

3-1-4:       **SIGNATURES:** Each license or permit issued shall bear the signature of the clerk-treasurer or designee in the absence of any provision to the contrary. (2011 Code)

3-1-5:       **INSPECTIONS OR INVESTIGATIONS:** Upon the receipt of an application for a license or permit, where laws of the city necessitate an inspection or investigation before the issuance of such permit or license, the clerk-treasurer or designee shall refer such application to the proper officer for making such investigation within forty eight (48) hours of the time of such receipt. The officer charged with the duty of making the investigation or inspection shall make a report thereon, favorable or otherwise, within ten (10) days after receiving the application or a copy thereof. (2011 Code)

3-1-6:       **TERM OF LICENSE:** All annual licenses shall terminate on December 31, where no provision to the contrary is made. (2011 Code)

3-1-7:       **BUILDING AND PREMISES:** No license shall be issued for the conduct of any business and no permit shall be issued for any thing or act if the premises and building to be used for the purpose do not fully comply with the requirements of the city. (2011 Code)

3-1-8:       **CHANGE OF LOCATION:** In the absence of any provision to the contrary, the location of any licensed business or occupation or of any permitted act may be changed, provided ten (10) days' notice thereof is given to the clerk-treasurer or designee; and further provided, that such new location is in compliance with the building requirements of this code. (2011 Code)

3-1-9:       **NUISANCES:** No business, licensed or not, shall be conducted or operated as to amount to a nuisance in fact. (2011 Code)

3-1-10:       **POSTING OF LICENSE:** It shall be the duty of any person conducting a licensed business in the city to keep his license posted at all times in a prominent place on the premises used for such business. (2011 Code)

3-1-11:       **REVOCATION OF LICENSE OR PERMIT:** Any license or permit granted under the provisions of this chapter may be revoked by the city council for a violation of any ordinance or regulation of the city governing the manner and method of the conduct of the particular business to which the license or permit relates, such revocation to be by resolution of the council, after hearing upon reasonable notice to the licensee or permittee, or agent thereof in immediate charge of the business mentioned in such license or permit, of any charge of misconduct or violation of any ordinance of the city charged against such licensee or permittee. (Ord. 49, 2-17-1925; amd. 2011 Code)

CHAPTER 2  
**LIQUOR CONTROL**

SECTION:

- 3-2-1: License Required
- 3-2-2: Application For License; Investigation
- 3-2-3: Conditions Of License
- 3-2-4: Record Of Proceedings
- 3-2-5: Compliance With State Law; Right Of Entry
- 3-2-6: License Revocation, Suspension Or Denial
- 3-2-7: Penalty

3-2-1:       **LICENSE REQUIRED:** It shall be unlawful for any person to sell liquor by the drink, beer or wine for consumption on or off the licensed premises within the corporate limit of the city without first having procured a license therefor. (2011 Code)

3-2-2:       **APPLICATION FOR LICENSE; INVESTIGATION:**

- A.   Forms; Time Of Granting: Each applicant shall make application to the city clerk-treasurer on an application form provided therefor. The city council shall grant or deny the application within thirty (30) days of the time it is filed and accepted as complete by the clerk-treasurer.
- B.   Council Consideration: Upon due consideration, the council shall either issue the license or deny issuance. Upon denial of such license, the council shall state in writing the following:
  - 1. The statutes, ordinances and standards used in evaluating the application;
  - 2. The reason for the denial; and
  - 3. The actions, if any, that the applicant could take to obtain the license, transfer or renewal thereof. (2011 Code)

**3-2-3: CONDITIONS OF LICENSE:**

- A. State License Required: No license shall be granted to any person who has not received a license therefor approved by the state of Idaho.
- B. Term: All licenses granted by the mayor and city council shall be granted for a period of one year beginning January 1 and ending December 31 of each year.
- C. License Fee: The annual license fee imposed and collected shall be as set by the city council.
- D. License Transfers And Renewals: Licenses granted under the provisions of this chapter may be renewed or transferred once the license holder has filled out an application provided by the clerk-treasurer, and the renewal or transfer has been approved by the city council. The procedure for granting or denying an application for renewal or transfer of a license shall be the same as for issuing or denying a license. (2011 Code)

**3-2-4: RECORD OF PROCEEDINGS:** In all cases where the city council is considering applications for licenses, transfers or renewals thereof, a transcribable verbatim record of the proceedings shall be made. If the application for a license, transfer or renewal is denied, a transcribable verbatim record of the proceedings shall be kept for a period of not less than six (6) months after the final decision on the matter. Upon written request and within the time period provided for retention of the record, any person may have the record transcribed at his expense. The city council shall also provide for the keeping of the minutes of the proceedings. Minutes shall be retained indefinitely or as otherwise provided by law. (2011 Code)

**3-2-5: COMPLIANCE WITH STATE LAW; RIGHT OF ENTRY:**

- A. Compliance Required: It shall be unlawful for any person licensed to sell liquor by the drink, beer or wine to fail to comply with the laws of the state regarding such sales<sup>1</sup>. (2011 Code)

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1. IC §§ 23-901 et seq., 23-1001 et seq., 23-1301 et seq.

- B. **Right Of Entry Of Peace Officers:** All peace officers appointed by the state of Idaho, the city of Bancroft or the county of Caribou shall have free access at all times to the licensed premises, and any information touching the manner and method of the operation of said premises or the sale of said liquor, beer or wine may be submitted to the city council upon an investigation made of said licensee. (Ord. 221; amd. 2011 Code)

3-2-6: **LICENSE REVOCATION, SUSPENSION OR DENIAL:** Prior to any revocation or suspension of a license granted hereunder, the licensee shall be afforded a hearing before the city council. Any person denied a license shall have the right to appeal the decision to the city council by submitting in writing to the clerk-treasurer a request to have the denial of a license reheard on appeal by the city council. Such written request must be received by the clerk-treasurer no later than thirty (30) days after the date of the decision of the city council to deny the license. The hearing date shall be set by the city council and written notice of the date and time set for the hearing shall be sent to the applicant no less than ten (10) days before the hearing. At the hearing, the applicant shall be given the opportunity to present evidence and testimony in support of the issuance of the license. Whenever the mayor and city council revoke or suspend a license granted hereunder or deny an application, they shall specify in writing the following:

- A. The statutes, ordinances and standards used in evaluating the application;
- B. The reason for the denial; and
- C. The actions, if any, that the applicant could take to obtain the license, transfer or renewal thereof. (2011 Code)

3-2-7: **PENALTY:** Any person, firm or corporation violating any provisions of this chapter shall, upon conviction thereof, be subject to penalty as provided in section 1-4-1 of this code. (2011 Code)

## CHAPTER 3

**BILLIARD HALLS, POOL ROOMS AND BOWLING ALLEYS**

## SECTION:

- 3-3-1: Sunday Sales Prohibited; Hours  
3-3-2: Underage Persons  
3-3-3: Penalty

3-3-1: **SUNDAY SALES PROHIBITED; HOURS:** It shall be unlawful for the owner, keeper, proprietor or manager of any public billiard hall or room, or any pool hall or room, bowling alley, or card room within the corporate limits of the city, where same is conducted for pleasure or profit, to conduct or allow to be conducted any such pool, billiard or card games, or allow or permit such rooms or halls to be kept open for the conduct therein of any such businesses, or be kept open for the purpose of public gatherings therein, or for loitering therein, or for any of such proposes, on the first day of the week commonly known as Sunday, or any other day between the hours of one o'clock (1:00) A.M. and six o'clock (6:00) A.M. (Ord. 90, 8-7-1939; amd. 2011 Code)

3-3-2: **UNDERAGE PERSONS:**

- A. **Proprietors Allowing To Frequent Or Loiter:** It shall be unlawful for the owner, keeper, proprietor or manager of any public billiard hall or room, or any pool hall or room, bowling alley, or card room within the corporate limits of the city to allow any minor under the age of twenty one (21) years to frequent or loiter in or about such room.
- B. **Frequenting Or Loitering Prohibited:** It shall be unlawful for any minor under the age of twenty one (21) years to frequent or loiter in or about public billiard rooms, pool halls, bowling alleys, or card rooms conducted for profit within the corporate limits of the city. (Ord. 90, 8-7-1939; amd. 2011 Code)



3-3-3: **PENALTY:** Any person violating any of the provisions of this chapter shall, upon conviction thereof, be subject to penalty as provided in section 1-4-1 of this code. (Ord. 90, 8-7-1939; amd. 2011 Code)

