

HAILEY ORDINANCE NO. 1019

AN ORDINANCE OF THE CITY OF HAILEY, IDAHO, AMENDING SECTION 5.04.105(A) OF THE HAILEY MUNICIPAL CODE TO ELIMINATE THE RESTRICTION OF SALE OF LIQUOR ON SUNDAY, MEMORIAL DAY AND THANKSGIVING AND DURING GENERAL OR PRIMARY ELECTIONS; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE OF THIS ORDINANCE.

WHEREAS, Section 5.04.105 of the Hailey Municipal Code restricts the hours of the sale of liquor on Sunday, Memorial Day and Thanksgiving and during general and primary elections;

WHEREAS, Idaho Code § 23-927 was amended effective July 1, 2008, to eliminate the restriction of sale of liquor during general and primary elections, but allowed cities by ordinance to further limit the hours of sale of liquor;

WHEREAS, Idaho Code § 23-927 permits a city by ordinance to allow the sale of liquor on Sunday, Memorial Day and Thanksgiving;

WHEREAS, the Mayor and Hailey City Council wish to restrict the hours of the sale of liquor consistent with Idaho state law; and

WHEREAS, the Mayor and Hailey City Council find that elimination of the restriction of sale of liquor on Sunday, Memorial Day and Thanksgiving and during general and primary elections to be consistent with state law.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITYCOUNCIL OF THE CITY OF HAILEY, IDAHO, AS FOLLOWS:

Section 1. Section 15.04.105(A) of the Hailey Municipal Code is amended by the addition of the underlined language and the deletion of the stricken language, as follows

5.04.105 Hours of sale of liquor. A. No liquor shall be sold, offered or sale, or given away upon any licensed premises, and all liquor not in sealed bottles must be locked in a separate room or cabinet, during the following hours:

1. ~~Sunday, Memorial Day, and Thanksgiving and Christmas from one-two a.m., to ten a.m. the following day; provided however, that on any Sunday not otherwise being a prescribed holiday, it shall be lawful for a licensee having banquet area or meeting room facilities, separate and apart from the usual dispensing area (bar room) and separate and apart from a normal public dining room, unless such dining room is closed to the public, to therein dispense liquor between the hours of two p.m. and eleven p.m. to bona fide participants of banquets, receptions or conventions for consumption only within the confines of~~

such banquet area or meeting room facility;

2. On any other day between ~~one~~ two a.m. and ten a.m.;

3. ~~On any day of general or primary election until after the time when the polls are closed. There is no prohibition against the sale of liquor by the drink during city elections.~~

~~4. The sale of liquor by the drink on Sunday, Memorial Day and Thanksgiving may be allowed where permitted by county ordinance. County ordinance may also extend until two a.m. the hours of the sale of liquor by the drink.~~

Section 2. All Ordinances or parts thereof in conflict herewith are hereby repealed and rescinded.

Section 3. If any section, paragraph, sentence or provision hereof or the application thereof to any particular circumstances shall ever be held invalid or unenforceable, such holding shall not affect the remainder hereof, which shall continue in full force and effect and applicable to all circumstances to which it may validly apply.

Section 4. This Ordinance shall be in full force and effect after its passage, approval and publication according to law

PASSED AND ADOPTED BY THE HAILEY CITY COUNCIL and approved by the Mayor this 24th day of November, 2008.



Richard L. Davis, Mayor
City of Hailey

ATTEST:

Mary Cone, City Clerk

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