

ORDINANCE NO. 4818

AN ORDINANCE OF THE CITY OF NAMPA, IDAHO AMENDING TITLE 5 OF THE NAMPA CITY CODE; THIS ORDINANCE AMENDS TITLE 5 CHAPTER 12 RESTRICTIONS REGARDING ALCOHOLIC BEVERAGE LICENSES; PROVIDING FOR SEVERABILITY; PROVIDING FOR A SAVINGS CLAUSE; ALLOWING FOR A SUMMARY OF THIS ORDINANCE TO BE PUBLISHED; PROVIDING FOR AN EFFECTIVE DATE; AND REPEALING ALL ORDINANCES, RULES AND REGULATIONS, AND PARTS THEREOF, IN CONFLICT HEREWITH.

BE IT ORDAINED BY THE MAYOR AND THE COUNCIL OF THE CITY OF NAMPA, CANYON COUNTY, STATE OF IDAHO;

WHEREAS, Idaho Constitution Article III Section 24 states “The first concern of all good government is the virtue and sobriety of the people, and the purity of the home. The legislature should further all wise and well directed efforts for the promotion of temperance and morality.

WHEREAS, the encouragement of temperance in the Idaho Constitution supports regulation to moderate the proliferation of the use of liquor and the City council sees limiting the issuance of new licenses to those connected to a Restaurant as having the effect of moderating the proliferation and breadth of the consumption of liquor by the drink in the City of Nampa;

WHEREAS, temperance is a value that is reflective of the community values held by citizens in the City of Nampa;

WHEREAS, the consumption of alcohol with food is known to reduce the effects of the alcohol consumed on the body;

WHEREAS, Idaho Code Section 23-916 provides authorities to cities to license the sale of alcoholic beverages and provide further and more restrictive regulations in addition to state requirements; and

WHEREAS, the provisions contained in this ordinance are enacted by the City Council for the protection, health, welfare and safety of the citizens of Nampa the state of Idaho and for the purpose of promoting and encouraging temperance in the consumption of alcoholic beverages within the city.

SECTION 1. Amendments to Nampa City Code. That Title 5 Business Licenses, Chapter 12 Alcoholic Beverage Control, Section 11 Restrictions of Nampa City Code be amended as follows:

5-12-11. Restrictions.

A. No license for the sale of liquor, wine, or beer by the drink shall be issued for any premises in any neighborhood which is predominantly residential or within 300 feet of the property boundaries of any public school, church, or any other place of worship, measured in a straight line to the nearest entrance to the licensed premises, except with the approval of the city council. This limitation shall not apply to any duly licensed premises that at the time of licensing did not come within the restricted area but subsequent to licensing same came therein. Additional restrictions may be placed on any such business under the planning and zoning code of the city.

B. On and after August 9, 2024 all new alcoholic beverage licenses for liquor by the drink issued by the City of Nampa must be connected to a Restaurant. The term “Restaurant” as used in this Chapter means any restaurant, cafe, hotel dining room, coffee shop, cafeteria or other eating establishment having kitchen and cooking facilities for the preparation of food and where hot meals are regularly prepared and served to the public and where the primary source of revenue from the operation of the restaurant considered for licensure will be derived from food services and not from the sale of liquor. Subsequent license renewals for the new licenses subject to this section shall be conditioned upon a showing that no less than sixty percent (60%) of gross sales from the preceding twelve (12) month operation of a licensed restaurant be derived from food services. Licenses for liquor by the drink which are in effect as of August 9, 2024, and that are not connected to a Restaurant may be renewed and transferred without being connected to a Restaurant. A license for liquor by the drink that has been revoked or that has expired and has not been timely renewed becomes part of the total number of liquor licenses available to the City of Nampa and will be considered to be a new license and subject to the provisions of this section requiring that said license be connected to a Restaurant.

SECTION 2: Effective Date. This ordinance shall be in full force and effect from and after its passage, approval and publication according to law. This ordinance may be published by summary.

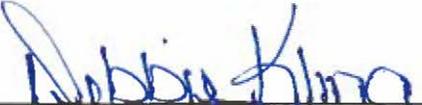
SECTION 3: Severability. This ordinance is hereby declared to be severable. If any portion of this ordinance is declared invalid by a court of competent jurisdiction, the remaining provisions shall continue in full force and effect and shall be ready to carry out the purposes of the ordinance before the declaration of partial invalidity.

SECTION 4: Savings Clause. The provisions of Nampa Code described in Section 1 above, shall remain in force as they existed prior to these amendments solely to authorize the enforcement actions or proceedings, including without limitation, prosecution and punishment, against those who violate said provisions prior to the effective date of this ordinance.

SECTION 5: Conflicts. All ordinances, resolutions, and orders and parts thereof in conflict herewith are repealed.

PASSED BY THE COUNCIL OF THE CITY OF NAMPA, IDAHO, THIS 5TH DAY OF AUGUST 2024.

APPROVED BY THE MAYOR OF THE CITY OF NAMPA, IDAHO, THIS 5TH DAY OF AUGUST 2024.

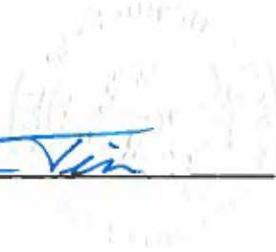


Mayor Debbie Kling

Attest:



City Clerk



State of Idaho)

Canyon County)

On this 5th day of August 2024, before me, the undersigned, a Notary Public in and for said State, personally appeared Debbie Kling known to be the Mayor and Charlene Tim known to be the City Clerk of the City of Nampa, a municipal corporation, who executed the foregoing instrument.

In Witness Thereof, I have hereunto set my hand and affixed by official seal, the day and year in this certificate first above written.



Residing at: Nampa, Canyon County, Idaho
My Commission Expires: 9-11-2029

