



## **BOISE COUNTY ORDINANCE #2026-01**

### **BOISE COUNTY ALCOHOL LICENSING AND REGULATING SALE AND CONSUMPTION ORDINANCE**

ESTABLISHING AN ORDINANCE FOR LICENSING AND REGULATING THE SALE AND CONSUMPTION OF ALCOHOL; ESTABLISHING ONE WHO VIOLATES THIS ORDINANCE SHALL HAVE THEIR LICENSE SUSPENDED OR REVOKED, OR IMPOSED A CIVIL FINE, AND/OR IS GUILTY OF A MISDEMEANOR; REPEALING BOISE COUNTY ORDINANCE #2004-03; PROVIDING SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF BOISE COUNTY, IDAHO AS FOLLOWS:**

#### **Section I – TITLE**

- A. This ordinance shall be known as the Boise County Alcohol Licensing and Regulating Sale and Consumption Ordinance.

#### **Section II – PURPOSE**

- A. To protect the health, welfare, and safety of people of Boise County, by licensing and regulating alcohol sale and consumption.
- B. To promote and encourage temperance in the use of alcoholic beverages within the boundaries of Boise County.

#### **Section III – DEFINITIONS**

- A. Adoption of terms. All terms used in this Ordinance shall have the meanings prescribed by Idaho Code Chapter 23, unless specifically indicated otherwise.
- B. "Intoxicating liquor" or "liquor" shall mean any distilled, fermented or vinous beverage containing more than three and two-tenths percent of alcohol by weight.
- C. "Non-intoxicating liquor" or "non-intoxicating beer" means any malt beverage with an alcohol content of more than one-half of one percent volume and not more than three and two-tenths percent by weight.
- D. "Original package" shall mean a bottle or sealed container into which the liquor or beer is placed by the manufacturer.

- E. "Off Sale" shall mean the sale of liquor, beer, wine, table wine or dessert wine in its original package(s) for consumption off of or away from the premises where sold.
- F. "On Sale" shall mean the sale of liquor, beer, wine, table wine or dessert wine by the glass, bottle or can for consumption on the premises only.

#### **Section IV – LICENSE REQUIRED**

- A. **General Requirement.** No person, except a wholesaler or manufacturer to the extent authorized under State license, shall directly or indirectly deal in, sell, or keep for sale in the County of Boise, whether incorporated or unincorporated, any liquor or beer without a license to do so as provided in this ordinance. Liquor and beer licenses shall be of six (6) kinds:
  - i. "On-Sale Liquor"
  - ii. "One Day Permit"
  - iii. "On-Sale Wine"
  - iv. "Off-Sale Wine"
  - v. "On-Sale Beer"
  - vi. "Off-Sale Beer"
- B. **On-Sale Liquor Licenses.** "On-Sale Liquor" licenses shall only be issued to hotels, clubs, restaurants, and exclusive liquor stores, and shall permit "on-sale" of liquor only.
- C. **One Day Permit.** A "One Day Permit" for the consumption and sale of liquor or beer may be issued to a nonprofit organization in conjunction with a social activity in the County of Boise sponsored by such organization. A certificate of liquor liability insurance must be provided by the organization before the permit is issued and such permit shall be valid only on the day indicated on the permit. No more than three, one-day permits may be issued to any one organization or location within a twelve (12) month period.
- D. **On-Sale Wine Licenses.** "On-Sale Wine" licenses shall be issued only to restaurants meeting the qualifications of Idaho Code §§ 23-942, 39-1604, and shall permit only the sale of wine not exceeding twenty one percent (21%) alcohol by volume, for consumption on the licensed premises only, in conjunction with the sale of food.
- E. **Off-Sale Wine Licenses.** "Off-Sale Wine" licenses shall only permit the sale of wine, table wine and dessert wine at retail, in the original package for consumption off the premises of the licensee. "Off-sale Wine" licenses shall only be granted to grocery stores, convenience stores selling food and drink for consumption off the premises, and persons holding "On-Sale Wine" licenses for use on the same premises as their on-sale license.
- F. **On-Sale Beer.** "On-Sale Beer" licenses shall only be granted to clubs, beer stores, drug stores, restaurants, hotels, and bowling centers where food is prepared and served for consumption on the premises.
- G. **Off-Sale Beer.** "Off-Sale Beer" licenses shall only permit the sale of beer at retail, in the original package for consumption off the premises of the licensee. "Off- sale Beer" licenses shall only be granted to grocery stores, convenience stores selling

food and drink for consumption off the premises, and persons holding "On-Sale beer" licenses for use on the same premises as their on-sale license.

## Section V – APPLICATION FOR LICENSE

- A. **Form.** Every application for license to sell liquor or beer shall be in the form prescribed by the County of Boise and include the name of the applicant, his or her age, representations as to the applicant's character (with such references as the Board may require), citizenship, the type of license applied for, the business or organization in connection with which the proposed license will operate and its location, whether the applicant is owner and operator of the business, how long the business has been at that location, and such other reasonable and/or necessary information as the Board may require from time to time. Every application shall also indicate the circumstances of any proceedings against Applicant under Idaho Code §§ 23-933 and 52-204 during the preceding year.
- B. **Qualifications.** The applicant for any license shall possess all of the qualifications necessary to obtain that license from the Bureau of Alcohol Beverage Control, Idaho State Police, as prescribed by Title 23 of the Idaho Code, and maintain such qualifications throughout the period of such license. Further, no license shall issue except upon proof of possession of a license issued by the Bureau of Alcohol Beverage Control, Idaho State Police, for the sale of beer, wine at retail and/or by the drink, or liquor by the drink, as applicable.
- C. **Accuracy of Application.** No person shall knowingly make a false or misleading statement on any application for a liquor or beer license, or in any proceeding regarding the issuing of a liquor, beer or wine license.
- D. **Insurance Required.** Applicants for a license to sell liquor or beer shall provide the County a Certificate of Insurance, or other security acceptable to the County, providing coverage for liquor (dram shop) in the amount required by Idaho Statutes.

## Section VI – LICENSE FEES\*

- A. **Fees.** The fees for licenses issued under this ordinance shall be:
  - i. On-Sale Liquor 25% of the license fee collected by the State
  - ii. On-Sale Beer \$100.00
  - iii. On-Sale Wine \$100.00
  - iv. Off-Sale Beer \$25.00
  - v. Off-Sale Wine \$100.00
  - vi. One Day Permit \$25.00

\*The license fees set forth in this section may be amended pursuant to resolution of the Board, as authorized under Title 23 Idaho Code.

- B. **Payment.** Each application for a license shall be accompanied by a receipt from the County for payment in full of the license fee and the fixed investigation fee under Section VII, if any. All fees shall be paid into the general fund. If any application for a license is rejected, the County shall refund the amount paid as the license fee.

- C. **License Terms, Pro Rata Fees, and Expiration.** Each license, except one day permits, shall be issued for a period of one (1) year. If an application is made during the license year, a license may be issued for the remainder of the year for a pro-rata fee. Such pro-rata fee is to be determined on the number of months remaining in the year, with each unexpired fraction of a month being counted as one month. Every license shall expire on the last day of August of each year.
- D. **Refunds.** Refunds of license fees shall be made only if:
- i. The business ceases to operate because of destruction or damage not caused by the unlawful actions of the licensee, and such damage made the business unusable;
  - ii. The licensee dies; or,
  - iii. The business loses its lawful authority to operate due to an act of legislature or local option election.

The refund shall be based on a pro-rata basis determined by the number of months remaining until the end of the license year, with any fraction of a month remaining not being credited as part of the refund. Refunds shall only be made after the business ceases to operate.

## Section VII – GRANTING OF LICENSE

- A. **New Licenses.** Applications for licenses shall be in writing, signed and sworn to by the applicant upon application forms furnished by the Boise County Recorder (hereinafter "Recorder"). The applicant shall fill in the required portion of the application and return it to the office of the Recorder. All applications shall be accompanied by the appropriate license fee(s) when filed with the Recorder.
- B. **Transfers.** Any license issued pursuant to this Ordinance shall be assignable to persons possessing the qualifications necessary, under this Ordinance, Title 23 of the Idaho Code, and the administrative rules of the Bureau of Alcohol Beverage Control, Idaho State Police, IDAPA 11.05.01, to acquire a license to sell beer, wine at retail or by the drink, or liquor by the drink, as appropriate. Applications for transfer of a license issued in accordance with this Ordinance shall be the same, in form and procedure, as an initial application, with the payment of the appropriate \*transfer fee as set out below:
- i. On-Sale and Off-Sale Beer and Wine: \$20.00
  - ii. On-Sale Liquor:
    - a. In the event of a sale, 10% of the cost of the liquor license or the cost of goodwill, whichever is greater.
    - b. For circumstances other than a sale, 50% of the per annum license fee set forth in Idaho Code § 23-904.
  - iii. The following are exempted from the liquor transfer fee:
    - a. The transfer of a license between husband and wife in the event of a property division; or
    - b. The transfer of a license to a receiver, trustee in bankruptcy or similar person or officer; or
    - c. The transfer of a license to the heirs or personal representative of the estate in the event of the death of the licensee; or

- d. The transfer of a license arising out of the dissolution of a partnership where the license is transferred to one (1) or more of the partners; or
- e. The transfer of a license within a family whether an individual, partnership or corporation.

\*The transfer fees set forth in this section may be amended pursuant to resolution of the Board.

- C. **License Renewal.** All licenses, except one (1) day permits, shall expire on the last day of August each year at 2:00 p.m. A license application shall not be required unless:
  - i. Applicant's previous license information has changed, or
  - ii. Applicant fails to submit license renewal fee to county recorder prior to current license expiration.
- D. **Hearing and Issuance.** The Board of Commissioners shall investigate all facts set out in the application. Opportunity shall be given to any person to be heard for and against the granting of the license. After investigation and hearing, the Board shall, at its discretion, grant or refuse the application within 30 days from receipt of the application by the county. No license shall be issued, transferred, or renewed if the results of the County's investigations show to the satisfaction of the Board that issuance would not be in the public interest. No license shall become effective until it, together with the security furnished by the applicant, and has been approved by the Director of the Idaho State Police, as required by law.
- E. **Person and Premises Licensed; Transfer.** Each license shall be issued only to the applicant and for the premises described in the application. No license may be transferred to another person or place without license transfer application and Board of Commissioner approval. Any transfer of stock of a corporate license is deemed a transfer of the license, and transfer of stock without prior Board approval is a ground for revocation of the license. In case a licensee dies, his personal representative may continue operation of the business within the terms of the license for a period not to exceed ninety (90) days.

## Section VIII – PERSONS INELIGIBLE FOR LICENSE

- A. No license shall be granted to any person made ineligible for such a license by state law. No license shall be issued to any person who is under the age of twenty-one (21), who is not of good moral character or repute, who within five (5) years of his or her license application has been convicted of a willful violation of a liquor or beer license or who has had a liquor or beer license revoked within five (5) years of his or her application. No person, corporation, or other business entity may be issued licenses for the sale of liquor or beer at more than one location, except a non-profit organization may be issued one-day permits at more than one site.

## Section IX – PLACES INELIGIBLE FOR LICENSE

- A. **General Prohibition.** No license shall be issued for any place or any business ineligible for such license under state law.

- B. **Delinquent Taxes or Charges.** No license shall be granted or renewed for operation on any premises on which taxes, assessments, or other financial claims of the City are delinquent or unpaid.
- C. **Distance from School or Church.** No license shall be granted within two hundred (200) feet of any school or church.

**Section X – CONDITIONS OF LICENSE**

- A. **General.** Every license is subject to the conditions specified in this Ordinance and of any other applicable Ordinance, state law or regulation.
- B. **Posting of License.** Posting of a current license at a conspicuous place on the premises of the licensed establishment is required.
- C. **Sales.** Sale must be confined to a compact and contiguous place named in the license. Sale may not be made to an intoxicated person, persons under twenty-one (21) years of age, or known habitual drunkards. The holder of a valid license for the retail sale of liquor by the drink pursuant to chapter 9, title 23, Idaho Code, may sell wine for consumption on or off the premises. Persons holding a valid wine by the drink license may sell wine for consumption of the premises only. Retailers who do not possess a valid license for the retail sale of liquor by the drink, or retailers who do not have a valid wine by the drink license, shall not permit consumption of wine on the licensed premises and may sell wine only in its original unbroken container.
- D. **Gambling.** No gambling may be conducted on licensed premises except in accordance with state law.
- E. **Hours.** No sale or gift of liquor or beer may be made by a license holder or employee on a licensed premises except during the hours of sale authorized under this ordinance. Hours of Sale are as follows: (all stated times are local time zone)
 

On-Sale and Off-Sale Beer:	6:00 a.m. - 2:00 a.m.
Off-Sale Wine:	6:00 a.m. - 2:00 a.m.
On-Sale Wine:	10:00 a.m. - 2:00 a.m.
On-Sale Liquor:	10:00 a.m. - 2:00 a.m.

Every holder of any on-sale license shall cause the premises to be vacated of all persons except the owner or manager within one (1) hour after the licensed premises closes. All liquor or beer shall be stored out of public view after closing time. No licensee shall give or sell liquor or beer to any employee while such employee is working on the premises. All customers or persons not employed by a licensee shall vacate the premises with one-half (½) hour after the established closing time.

- F. **Responsibility for Conduct of Business.** Every licensee is responsible for the conduct of his place of business and the conditions of sobriety and order in it. The act of any employee on the licensed premises is deemed the act of the licensee as well, and the licensee shall be liable to all penalties provided by this Ordinance and the law equally with the employee.
- G. **Inspections.** Every licensee shall allow any peace officer, health officer, or properly designated officer or employee of the County to enter, inspect, and search the premises of the licensee during business hours without a warrant.

- H. **Display.** No establishment shall display liquor to the public during hours when the sale of liquor is prohibited.
- I. **Employment of Minors.** No person under the age of eighteen (18) shall be employed on the premises of any establishment selling liquor or beer when such beverages are on display and offered for sale. This prohibition shall not apply to restaurants as defined in Idaho Code § 23-942. In no case may a person less than eighteen (18) years of age offer for sale, mix, or serve liquor or beer in any licensed establishment.

## **Section XI – RESTRICTIONS ON PURCHASE AND CONSUMPTION**

- A. **Liquor or Beer on Unlicensed Places.** No person shall mix or prepare liquor for sale in any public place of business unless it has a license to sell liquor "on-sale" or a permit from the Director of the Idaho State Police under Idaho Code § 23-903, and no person shall consume liquor or beer in such a place.
- B. **Consumption in Public Places.** No person shall consume liquor or beer on a public highway, public park, or other public space, or on the premises of an off-sale license holder, without the written consent of the Board of Commissioners.
- C. **Consumption by Minors.** It is unlawful for any person under twenty-one (21) years of age to consume liquor or beer unless in the household of the person's parent or guardian and with the consent of the parent or guardian. No person under the age of twenty-one (21) shall purchase or attempt to purchase or procure liquor or beer. It is unlawful for any person under twenty-one (21) years of age to misrepresent his or her age for the purpose of purchasing liquor or beer.

## **Section XII – SUSPENSION AND REVOCATION**

- A. **Failure to Comply with the Law.** The Board shall either suspend for a period up to sixty (60) days, or revoke, any liquor license, or impose a civil fine not to exceed Two Thousand Dollars (\$2,000.00) for each violation upon a finding that the licensee has failed to comply with any applicable statute, regulation, or ordinance relating to alcoholic beverages. Except as required in Section XII.B., no suspension or revocation shall take effect until the licensee has been afforded an opportunity for a hearing pursuant to Idaho Statutes Title 67 Chapter 52.
- B. **Lapse of Financial Security.** Lapse of required dram shop insurance, any required bond, or withdrawal of a required deposit of cash or securities, shall effect an immediate suspension of any license issued pursuant to this Ordinance without further action of the Board of Commissioners. Notice of cancellation or lapse of a current liquor liability policy or bond, or withdrawal of deposited cash or securities shall constitute notice to the licensee of the suspension of license. The holder of a license who has received notice of lapse of required insurance or bond, or withdrawal of a required deposit, or of suspension or revocation of a license, may request a hearing thereon and if such request is made in writing to the County Clerk, a hearing shall be granted within ten (10) days or such longer period as may be requested. Any suspension under this paragraph shall continue until the Board

of Commissioners determines the financial responsibility requirements of this Ordinance have been met.

**Section XIII – REPEAL**

- A. The provisions of this ordinance shall repeal all previously enacted resolutions or ordinances pertaining to the licensing and regulating the sale and consumption of liquor, beer, and wine, specifically Boise County Ordinance #2004-03.

**Section XIV – SEVERABILITY**

- A. If any section, subsection, sentence, clause, or phrase of this title is held to be invalid by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this title and they shall remain in full force and effect.

**Section XV – EFFECTIVE DATE**

- A. This ordinance shall be in full force and effect from and after its passage, approval, and publication according to law.

**Section XVI – AUTHORITY**

- A. This ordinance is adopted pursuant to the authority vested in Boards of County Commissioners in the State of Idaho under Idaho Code §§ 67-7112 and 31-714, and the Idaho Open Meeting Law, Idaho Code § 67-2340, et seq.

/

/

/

/

/

/

/

/

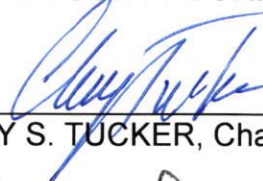
/

/

/

PASSED and APPROVED by the Boise County Board of County Commissioners on this 28th day of October, 2025.

**BOISE COUNTY BOARD OF COMMISSIONERS**



CLAY S. TUCKER, Chairman



LINDY E. LINDSTROM, Commissioner



ROBERT CALLAHAN, Commissioner



ATTEST:



MARY T. PRISCO, Clerk to the Board