

TITLE 3
BUSINESS & LICENSE REGULATION

Subject	Chapter
General Licensing Provisions	1
Contractors	2
Alcoholic Beverages	3

CHAPTER 1

GENERAL LICENSING REGULATIONS

The Teton County Board of County Commissioners,
on August 13, 2001, voted in a public meeting to SUSPEND Chapter 1,
General Licensing Regulations, until March 2002
to allow time to put administrative procedures in place.

See BOCC Minutes of 06-25-2001 & 08-13-2001

CHAPTER 2
CONTRACTORS

SECTION:

- 3-2- 1: Purpose
- 3-2- 2: Definitions
- 3-2- 3: Permit Required
- 3-2- 4: Permit Fee
- 3-2- 5: Guarantee
- 3-2- 6: Inspections
- 3-2- 7: Restoration
- 3-2- 8: Winter Projects
- 3-2- 9: Approach Connections To County Easements
- 3-2-10: Revocation; Suspension

3-2-1: **PURPOSE:** The purpose of this chapter is to protect the health, safety and welfare of the inhabitants of the county by ensuring that all roads, approaches and road crossings for the purpose of providing utilities be constructed by qualified contractors, that all applicable building, electrical, plumbing and other construction codes are fully complied with, and that all appropriate permits and inspections are obtained. (Ord. 032398-A, 3-23-1998)

3-2-2: **DEFINITIONS:** For the purpose of this chapter, each term defined shall have the meaning given in this section unless a different meaning is clearly required by its context. All words in the singular shall include the plural unless the natural construction of the sentence indicates otherwise. The word "shall" is mandatory, not directory:

BUILDING OFFICIAL: An officer or employee of the county charged with the administration of the uniform building code and the county building department.

CONTRACTOR:	Any person who builds, constructs, alters, repairs or modifies any road in the county for a fee or payment for services rendered.
CONTRACTOR'S PERMIT:	A permit issued by the county allowing the holder to engage in the activities of a contractor.
EXCAVATION PERMIT:	A permit issued with approval of the road and bridge supervisor by either the building official or the planning and zoning administrator allowing the holder to engage in said project applied for.
PLANNING AND ZONING ADMINISTRATOR:	An officer or employee of the county charged with the administration of title 8 of this code and the planning department.
REVOCAION:	Withholding of privileges permitted for one year from the date of revocation.
ROAD AND BRIDGE SUPERVISOR:	An officer or employee of the county charged with the administration of the county road and bridge department and all county roads and bridges.
SUSPENSION:	Withholding of privileges permitted by the permit for not less than twenty four (24) hours nor more than six (6) months. (Ord. 032398-A, 3-23-1998)

3-2-3: PERMIT REQUIRED: No person shall build, construct, alter, repair, trench or modify any county road without first obtaining an excavation permit as provided in this chapter. Permits are required for:

- A. The installation, construction, repair or modification for any water line, sewer line, gas line, railroad line, telephone, cable TV line, electrical line, fiber optic line or telecommunications line in any county right of way.
- B. The construction, repair, alteration or demolition of any road, bridge or structure directly appurtenant to any county road or bridge. (Ord. 032398-A, 3-23-1998)

3-2-4: **PERMIT FEE:** Contractors must apply for a permit for each individual excavation required per project:

- A. Residential approaches and/or utility crossings in accordance with the county fee schedule per project;
- B. Commercial approaches and/or utility crossings, fee in accordance with the county fee schedule per construction;
- C. On paved streets there will be an additional ten cents (\$0.10) per square foot added to the permit fee; and
- D. Roads tied to county easements, two hundred dollars (\$200.00).

Fees are subject to change as deemed necessary. (Ord. 032398-A, 3-23-1998; amd. 2001 Code)

3-2-5: **GUARANTEE:** Contractors must guarantee the project against failure for a period of one year from the time of completion. The county has the right to cash in on the performance bond if such project fails for any reason due to contractor performance. (Ord. 032398-A, 3-23-1998)

3-2-6: **INSPECTIONS:**

- A. Required: There shall be a minimum of two (2) inspections per project. The county road and bridge supervisor may require additional inspections. The permit holder is responsible for scheduling of inspections with the supervisor.
- B. Scheduling Inspections: Inspections shall be scheduled at least twenty four (24) hours in advance when needed.
 - 1. First inspection shall be required prior to starting project.
 - 2. Final inspection shall be at the conclusion of the project.
 - 3. All other inspections as deemed necessary by the supervisor. (Ord. 032398-A, 3-23-1998)

3-2-7: **RESTORATION:** Compaction, road replacement, asphalt patches, restoration, etc., shall be to county engineer specifications. (Ord. 032398-A, 3-23-1998)

3-2-8: **WINTER PROJECTS:** Construction on county roads and easements during the winter months shall be by approval of the county road and bridge supervisor only. Construction in county easements during winter months should be avoided if at all possible. (Ord. 032398-A, 3-23-1998; amd. 2001 Code)

3-2-9: **APPROACH CONNECTIONS TO COUNTY EASEMENTS:** All road and drive approach ties to county easements shall be reviewed and approved by the county engineer or road and bridge supervisor prior to issuing of permit. (Ord. 032398-A, 3-23-1998; amd. 2001 Code)

3-2-10: **REVOCAION; SUSPENSION:**

- A. **Power To Revoke Or Suspend:** The road and bridge supervisor may suspend any permit issued under this chapter for not more than fifteen (15) working days upon satisfactory proof that the permittee has not complied with any provision of this chapter or the standard specifications and drawings.
- B. **Grounds:** A permit may be suspended or revoked by the road and bridge supervisor if the permittee does not comply with any provision of this chapter or the standard specifications and drawings.
- C. **Notice:**
 - 1. **Required:** Prior to suspending a permit, the road and bridge supervisor shall mail written notice of proposed suspension to the permittee at the address specified in its application, or such other address as may be delivered, in writing, to the clerk of the district court.
 - 2. **Contents Of Notice:** The notice shall specify the reason for the suspension and shall advise the permittee that the suspension will be ordered within less than ten (10) days from the date of the notice unless the permittee shows good cause why the permit should not be suspended.

- D. Appeal: Suspension of the permit by the road and bridge supervisor may be appealed to the county commissioners. (Ord. 032398-A, 3-23-1998; amd. 2001 Code)

CHAPTER 3

ALCHOLOIC BEVERAGES

SECTION:

3-3-1:	Purpose
3-3-2:	Definitions
3-3-3:	Distribution
3-3-4:	License Application
3-3-5:	License Approval
3-3-6:	State Requirement
3-3-7:	License Posting
3-3-8:	Residency Requirement
3-3-9:	Denial &/or Revocation
3-3-10:	Inspection
3-3-11:	Age Requirement
3-3-12:	Hours of Operation
3-3-13:	Penalties
3-3-14:	Amendment

Pursuant to the county's authority, and pursuant to I.C. § 23-1304, the Board of Commissioners of Teton County hereby permit the sale of table wine and/or dessert wine within the boundaries of Teton County by any person or business legally and fully licensed in accordance with I.C. § 23-1306 and I.C. § 23-1307; and hereby further incorporate and update the licensing requirements as they relate to beer, wine-by-the-drink, and liquor-by-the drink;

Section 3-3-1 **PURPOSE**

The purpose of this ordinance is to permit and regulate the sell of beer, wine-by-the-drink, table wine, dessert wine, and liquor-by-the-drink at the county level in accordance with all state authority intended for the regulation of such commerce. It shall not be construed to alter or amend what is permitted under the laws of the State of Idaho.

Section 3-3-2 **DEFINITIONS**

As used in this ordinance, the words "person", "beer", "wine", "wine-by-the-drink", "table or dessert wine", "liquor" and other words used in connection with the subject matter of this ordinance shall have the same meaning as are given such words in the laws of Idaho relating to laws of this state; and the words "commissioners", "commission", and "county commissioners" as used herein shall mean the Teton County Commissioners.

Section 3-3-3 DISTRIBUTION

It shall be unlawful for any person as a retailer to sell, deliver, distribute or otherwise furnish, or offer for sale, or keep or have in his possession for sale, deliver or otherwise disposition, any beer, wine, or liquor-by-the-drink within the boundaries of the county, except for his own consumption of his family or guests, without first paying an annual license fee to the county and obtaining a license as herein provided for. A separate license and corresponding fee is required for a beer license, wine-by-the-drink license, table/dessert wine license, and liquor-by-the-drink license.

Section 3-3-4 LICENSE APPLICATION

Any person desiring to engage in the business of sale, barter, trade, or deliver of beer, wine, or liquor-by-the-drink as a retailer, within the boundaries of Teton County, shall before doing so, make application to the County Commissioners for a license and pay a license fee herein provided to be paid. Such application shall be in writing and shall state the name of the applicant, the business in which he is engaged, whether an individual, firm, co-partnership, or corporation, or other association of persons, the street number or brief description and location of the place where such is to be sold or kept for sale by such applicant.

Section 3-3-5 LICENSE APPROVAL

No license shall be issued to any applicant to engage in the sale of beer, wine, or liquor-by-the-drink as a retailer within the County unless such applicant shall have been approved by the commission, and an Order entered by the Commission directing the issuance of such license; and the Commission may refuse to grant a license to any person who, in their judgment, may not be a fit and proper person to conduct business of selling beer, wine, or liquor-by-the-drink at retail in Teton County, or if the place where the Applicant proposes to carry on such business is not a suitable or orderly place.

Section 3-3-6 STATE REQUIREMENT

No license shall be issued to any person to engage in business in Teton County as a retailer of beer, wine, or liquor-by-the-drink unless such person shall have first obtained a state license from the State of Idaho, as provided by the laws of the State of Idaho.

Section 3-3-7 LICENSE POSTING

Every license issued pursuant to the provisions of this ordinance shall be kept posted at all times at the place of business of the licensee named therein.

Section 3-3-8 RESIDENCY REQUIREMENT

No license to sell beer, wine, or liquor-by-the-drink at retail within the county shall be issued to any person who is not an actual or bonafide resident of Teton County, and no license shall be issued to any corporation, to sell beer, wine, or liquor-by-the-drink within the boundaries of Teton County which does not have a regularly established place of business in Teton County.

Section 3-3-9 DENIAL &/or REVOCATION

Teton County reserves the right and power to deny, for cause, any application for a license to sell beer, wine, or liquor-by-the-drink at retail within the county and the power to revoke any license issued under the provisions of this ordinance, if the holder of such license shall be convicted of a violation of any of the provisions of this ordinance, or of any law of the State of Idaho relating to the retail sale of such beverages.

Section 3-3-10 INSPECTION

Every place where beer, wine, or liquor-by-the-drink is sold within Teton County shall be open at all times to inspection by the police and/or Sheriff, or any officers of the State of Idaho or of the United States.

Section 3-3-11 AGE REQUIREMENT

No person under the age of nineteen years shall be employed in the selling or dispensing of beer, wine, or liquor-by-the-drink within Teton County and none shall be sold, dispensed or delivered to any person under the age of twenty-one years within said county.

Section 3-3-12 HOURS of OPERATION

All places where beer, wine, or any liquor is sold at retail shall be closed, each day at one o'clock a.m. and kept closed until six o'clock in the morning of that day; and it shall be unlawful for any person to sell, or dispense, or deliver any beer, wine, or liquor on any day between the hour of one o'clock a.m., and six o'clock in the morning of that day. Furthermore, the sale of these beverages shall be permitted on Sundays, Thanksgiving, and Memorial day as an election under Idaho law.

Section 3-3-13 PENALTIES

Any violations of the provisions of this ordinance shall be a misdemeanor.

Section 3-3-14 **AMENDMENT**

This ordinance is intended to replace Chapter 3 entitled Alcoholic Beverages, of the County Code of Teton County in its entirety, by its addition of table and dessert wine to the list of permitted and licensed uses, and due to the incorporation and updating of the existing licensing requirements relating to beer, wine-by-the-drink, and liquor-by-the-drink, and by passage hereby does so amend said County Code.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF TETON COUNTY, that: This ordinance shall be in full force and effect on 1 March 2005.

**ALCHOHOLIC BEVERAGE ORDINANCE
OF TETON COUNTY, IDAHO**

EFFECTIVE: August 13, 2001

AMENDED: February 14, 2005

Ordinance No. 0214205: AN ORDINANCE INTENDED TO REPLACE CHAPTER 3-3 OF THE COUNTY CODE OF TETON COUNTY BY THE ADOPTION OF THE FOLLOWING; BY SPECIFICALLY PROVIDING FOR THE SALE OF TABLE WINE AND/OR DESSERT WINE WITHIN THE BOUNDARIES OF TETON COUNTY, WHILE AT THE SAME TIME UPDATING AND INCORPORATING THE EXISTING ORDINANCE AS IT RELATES TO BEER, WINE –BY THE DRINK, AND LIQUOR BY THE DRINK, REQUIRING THE LICENSING OF RETAILERS OF BEER, WINE, AND LIQUOR WITHIN TETON COUNTY, AND PRESCRIBING REQUIREMENTS FOR SUCH LICENSING.

Approved this 14th day of February, 2005 by the Teton County Board of County Commissioners.

Mark Trupp, Chairman