

ORDINANCE NO. 99-01

AN ORDINANCE MAKING UNLAWFUL THE POSSESSION OF ALCOHOLIC LIQUOR OR BEER WITHIN OR ON THE PREMISES OF THE CLARK COUNTY COMMUNITY CENTER, OR IN ANY PUBLIC PARKING LOT ADJACENT TO SUCH COMMUNITY CENTER; PROVIDING FOR EXCEPTION THEREFOR AND EXPRESSLY SETTING THEM FORTH; DEFINING TERMS; FIXING PENALTIES FOR VIOLATION OF THE ORDINANCE; AND PROVIDING WHEN THE ORDINANCE SHALL BECOME EFFECTIVE.

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE COUNTY OF CLARK, IDAHO:

Section 1. Definitions: As used in this Ordinance (a) the word "beer" means any beverage obtained by the alcoholic fermentation of an infusion or decoction of barley, malt, and/or other ingredients in drinkable water and which beverage contains not more than four percent (4%) of alcohol by weight.

(b) The term "alcoholic liquor" as used in the Ordinance includes:

- (1) "Alcohol", meaning the product of distillation of any fermented liquor, rectified either once or oftener, whatever may be the origin thereof, or synthetic ethyl alcohol.
- (2) "Spirits", meaning any beverage which contains alcohol obtained by distillation mixed with drinkable water and other substances in solution, including, among other things, brandy, rum, whiskey, and gin.
- (3) "Wine", meaning any alcoholic beverage obtained by the fermentation of natural sugar content of fruits (grapes, apples, etc.) or other agricultural products containing sugar (honey, milk, etc.).
- (4) Any liquid or solid, patented or not, containing alcohol, spirits, or wine and susceptible of being consumed by a human being, for beverage purposes, and

containing more than four percent (4%) of alcohol by weight.

Section 2. Exercise of Police Power: This Ordinance shall be deemed an exercise of the police power of the County for the protection of the public health and safety of the citizens, and all its provisions shall be liberally construed for the attainment of that purpose.

Section 3. Unlawful to Possess Alcoholic Liquor or Beer within or on any Public Parking Lot Adjacent to such Community Center: It shall be unlawful for any person to possess, or have in his or her possession, any alcoholic liquor or beer within, or on the premises of the Clark County Community Center in any public parking lot adjacent to such community center, except in those areas and under those circumstances hereinafter in this Ordinance set forth.

Section 4. Exceptions: Any provisions in this Ordinance to the contrary notwithstanding, beer may be possessed, and consumed, on or within the community center for which a local retailer's license for sale and disposition of beer has been duly issued by the County. The boundaries of such "licensed areas" shall be clearly posted by the County, and any person possessing or carrying said beverage into any "non licensed" areas of the building or in any public parking lot adjacent to such center shall be in violation of the provisions of this Ordinance. The retail licensee and his agents and suppliers shall be permitted to transport beer into the licensed area of the park for sale and disposition.

Section 5. Penalty: Any person who shall violate any provision of this Ordinance shall be guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine of not more than three-hundred dollars (\$300.00) or by imprisonment for not more than thirty (30) days, or by both such fine and imprisonment.

Section 6. Effective: This Ordinance shall be in full force and effect from and after its

passage, approval and due publication.



Charles Vadnais, Chairman
Board of Commissioners
Clark County, Idaho

ATTEST:



Conni Owen, Clerk

CERTIFICATION

STATE OF IDAHO)
) ss.
COUNTY OF CLARK)

I, Conni Owen, County Clerk of the County of Clark, State of Idaho, do hereby certify that the above and foregoing is a full, true, and correct copy of an Ordinance entitled:

AN ORDINANCE MAKING UNLAWFUL THE POSSESSION OF ALCOHOLIC LIQUOR OR BEER WITHIN OR ON THE PREMISES OF THE CLARK COUNTY COMMUNITY CENTER OR ANY PUBLIC PARKING LOT ADJACENT TO SUCH COMMUNITY CENTER; PROVIDING FOR EXCEPTION THEREFOR AND EXPRESSLY SETTING THEM FORTH; DEFINING TERMS; FIXING PENALTIES FOR VIOLATION OF THE ORDINANCE; AND PROVIDING WHEN THE ORDINANCE SHALL BECOME EFFECTIVE.

PASSED by the County Commissioners and APPROVED by the Chairman of the Board on the 13th day of December, 1999.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the County

of Clark, State of Idaho, this 13th day of December, 1999.



Conni Owen, County Clerk
Clark County

PUBLISHED:

December 1, 1999
December 22, 1999