

ORDINANCE NO. 267-1

AN ORDINANCE OF THE CITY OF CLARK FORK, BONNER COUNTY, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, AMENDING SECTION 9 OF ORDINANCE 209 ADDRESSING ALCOHOL USE AND POSSESSION TO ALLOW AN ADDITIONAL EXCEPTION TO THE PROHIBITION OF ALCOHOLIC BEVERAGES ON CITY PROPERTY FOR PROPERTY LEASED BY OR RENTED BY PERMIT FROM THE CITY; PROVIDING SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

IT IS ORDAINED by the mayor and city council of the city of Clark Fork, Bonner County, Idaho as follows:

**Section 1:** That Section 9 of Ordinance 209, Public Safety Ordinance, approved September 20, 1996, shall be, and the same amended to read as follows:

SECTION 9. Alcohol

Section 9.1 Alcohol beverage defined

Alcoholic Beverage shall include beer and all substances defined as "alcoholic liquor" in the Idaho Code, and shall include any liquid or solid, patented or not, containing alcohol, spirits, or wine, and capable of being consumed by a human being, for beverage purposes, and containing more than 4 per cent of alcohol by weight.

Section 9.2 Alcoholic beverages on City property prohibited

It is unlawful for any person to consume any alcoholic beverage, to have in his or her possession any opened or open containers or receptacles containing alcoholic beverages on any public park, property, grounds, thoroughfares, or right-of-ways within the City or at any other place therein, including any motor vehicle moving or parked, other than a private residence or open premises licensed for the sale and consumption of alcoholic beverages.

Section 9.3 Exception

Section 9.2 shall not apply:

a. On the 4th day of the month of July of each and every calendar year, Section 9.2 shall not apply, except it shall remain unlawful to consume any alcoholic beverage or to have in his or her possession any opened or open containers or receptacles containing alcoholic beverages or liquor in any motor vehicle moved or parked at all times. The City reserves the right to prohibit or expel any person deemed to be intoxicated from any public park within the City; or

b. On any property or grounds leased from the City, but only to the extent and in accordance with the express terms of such lease.

c. On any property or grounds rented by Facility Reservation Permit from the City, but only to the extent and in accordance with the express terms of such permit.

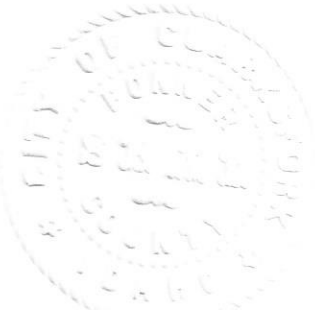
It shall remain unlawful to consume any alcoholic beverage or to have in his or her possession any opened or open containers or receptacles containing alcoholic beverages or liquor in any motor vehicle moved or parked at all times. The City reserves the right to prohibit or expel any person deemed to be intoxicated from any public property within the City.


**Section 2:** Severability. The ordinance is hereby declared to be severable. Should any portion of this ordinance be declared invalid by a court of competent jurisdiction, the remaining provisions shall continue in full force and effect and shall be read to carry out the purpose(s) of the ordinance before the declaration of partial invalidity.

**Section 3:** Repeal of Conflicting Provisions. All provisions of the ordinances of the City of Clark Fork which conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

**Section 4:** Effective Date. The Ordinance shall be effective upon passage and publication as provided by law.

PASSED AND APPROVED THIS 8th day of April, 2019.



  
Russell Schenck, Mayor

CITY COUNCIL MEMBERS:

Shari Jones

YES NO ABSENT

√ — —

Jay White

√ — —

Sharon Banning

√ — —

Stanley A. Spanski

A — —

ATTEST:

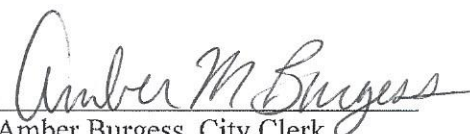
  
Amber Burgess, City Clerk

### **SUMMARY OF ORDINANCE NO. 267-1**

The city of Clark Fork, Bonner County, Idaho, hereby gives notice of the adoption of Clark Fork Ordinance No. 267-1, an Ordinance of the City of Clark Fork, a municipal corporation of the State of Idaho, amending Ordinance No. 209, the Public Safety Ordinance, Section 9, Alcohol Use and Possession, to allow an additional exception to the prohibition of alcoholic beverages on City property for property leased by or rented by permit from the City.

Providing severability; providing repeal of conflicting ordinances; and providing that the Ordinance shall be effective upon publication of this Summary.

The full text of the summarized Ordinance 267-1 is available at Clark Fork City Hall, 110 E. 3<sup>rd</sup> St., Clark Fork, Idaho 83811 in the office of the City Clerk.

  
Amber Burgess, City Clerk

Publish once in the City's official newspaper.

### STATEMENT OF LEGAL ADVISER

I, John Cafferty, am a legal adviser for the city of Clark Fork, Idaho. I have examined the attached Summary of Clark Fork Ordinance No. 267-1, amending Ordinance No. 209, the Public Safety Ordinance, Section 9, Alcohol Use and Possession to allow an additional exception to the prohibition of alcoholic beverages on City property for property leased by or rented by permit from the City.

Providing severability; providing repeal of conflicting ordinances; and providing that the Ordinance shall be effective upon publication of this Summary.

I find it to be a true and complete summary of said ordinance which provides adequate notice to the public of the contents thereof.

  
John Cafferty

Dated: 4/11/19