



IMPORTANT TOPICS OF NOTE:

ALCOHOL AT BUSINESSES OR EVENTS OPEN TO THE PUBLIC:

Serving Patrons: There is a misconception that a business can serve alcohol to its patrons, clients, or events without any licensing. Alcohol is a controlled substance and is restricted by Local and State laws. Anytime alcohol is served to the public in any way including self-serve or wine/beer sampling, it must be served by a State licensed entity or it is considered illegal and a misdemeanor charge can be issued. It is also in violation of the City's open container laws. *City Code Title 5 Subchapter A 5.5.030f prohibits open container alcohol beverages in motor vehicles, public streets or alley or other public property, and in or on private property open to the public, and in possession without permission of the owner, and not in or on premises for which a liquor license for sale of that beverage by the drink has been issued, such as in a parking lot.* Therefore, an alcohol license holder must obtain an alcohol catering permit from the City to be able to serve alcohol at any event, as required by both State and local law (if outside of the city limits, the County must issue a permit).

Charitable Event License: Certain events can qualify for a non-profit one-time only charitable event license from the Idaho State Police (ISP) Alcohol Beverage Control where the event holder is permitted to serve, however, a City Alcohol Catering permit must be obtained as well for it to be legal. If there is a non-profit or fund-raising event, alcohol can only be donated by licensed entities to an event if there is an individual from the licensed entity to serve the alcohol otherwise the entity donating the alcohol risks losing their Alcohol license. The applicant must specify what licensed entity is donating the alcohol on their application. Private individuals are permitted to donate so long as it is reported on the application. There are restrictions on the number of events a charitable entity can apply for during the year.

Public Events: There is a misconception that if a function is at a place of business, it is a private event. A private event, as defined by ISP, is a holiday party, closed to the public, with just staff; or a private family party at a private home. Anytime alcohol is served to the public in any way, it is restricted and governed by state and local laws. Only bars, restaurants, caterers, stores, and **Idaho-only** wineries/breweries are among the few allowed alcohol licenses for sales/serving of alcohol. Permission from the property owner is required prior to having a controlled substance on their property. Without following these protocols, it is considered illegal activity to serve alcohol. Without the proper licensing, there may not be sufficient insurance coverage for alcohol related accidents, and the business owner, and in some cases, the property owner, would be held responsible in the event if someone gets hurt or dies from a fall or car accident after drinking at their establishment. It is important that only alcohol licensees serve since they are properly educated regarding the law and who may be served; serving to anyone under 21 years of age is considered an infraction. ISP has informed us that there is a current case before the Idaho courts for establishments serving without a license and someone getting hurt as a result.

Gift Baskets and Auctions: Due to stricter laws governing hard liquor, no hard liquor is allowed in gift baskets or at auctions, not even the mini bottles of hard liquor. Beer and wine, however, are allowed. Please keep that in mind for any future fundraising activities.

Purpose: The purpose of this message is to educate and help people operate in compliance with State and City laws for business and public safety. ISP and cities do not make these laws but are responsible for their enforcement. According to the Idaho State Constitution, only Idaho State Legislators have the power to revise these laws regarding alcohol, so until the public demands a change to the Idaho State statutes overseeing alcohol, only certain entities are approved to offer or serve.

VENDOR PERMITS FOR BUSINESS LICENSE HOLDERS:

Vendor Permits Required: The business regulation law also covers temporary vending. A vendor permit is required if a business is participating at an event or a location other than at their licensed premise. There is no charge for the permit if the business has a city business license. The purpose of the vendor permit is to ensure the business has permission of the property owner to operate their business on another person's property and must be posted at their booth, truck, or kiosk. Please remember to allow a couple of days for processing.

Licensing Required: Since licensing is required by law, the business regulation includes a provision for people who do not operate a business in McCall but want to set up a temporary retail location for an event or a kiosk in a local business. The vendor permit allows the person to operate their business during those times and be issued a city sales tax permit, so they are complying with the sales tax law. If you, as a licensed business, wants to open your location for outside vendors, please contact the City Clerk's office and we will help vet out what is required as the vendor permit requirement may or may not be necessary depending on how you plan to offer the product.

SHORT TERM RENTALS:

Business License Required: A short-term rental is considered a business and must carry a business license to be legal and are required to collect the local option taxes either individually or through the listing or management company. The business license can be held individually or by a management company depending on certain circumstances.

Proposed Code Changes: City Code Title 3 - PLANNING AND ZONING is currently being considered for revision regarding short-term rentals (STR). The proposed revisions are addressing occupancy of all sizes of STR, access, parking, noise, health and safety, changes to the exterior of the building, use restrictions, neighborhood impacts, events, posting requirements, accessory dwellings, camping, and trash service. If approved by the City Council, the following will be required: notification of neighbors within 300 feet of the property of all short-term rentals, and a Declaration of Compliance form for short-term rentals of occupancy of **less** than 20 persons to be completed and received at the City by March 1, 2020. Once approved, notification of the new code and requirement will be provided to all Short-term Rental business license holders.

Link to Proposed Changes: To see the proposed revisions, please visit the City website at www.mccall.id.us and read the agenda bills in the November and December Council packets. Those packets are housed under the Council tab. The Ordinance had a first reading at the December 5th Council meeting and will be before the Council for adoption on the December 19 Council meeting. A paper copy of the revised section of code is available at City Hall or upon request.