



City of Nampa
Alcohol Review Committee
City Hall Council Chambers – 411 Third Street South
January 25, 2023
3:00 PM

Call to Order

Roll Call

(1) New Business

- 1-1. **Action Item:** Approve November 30, 2022 meeting minutes
- 1-2. **Action Item:** Review Incident Reports for possible City Ordinance and/or License Violations:
 - a. Report #1
 - b. Report #2
- 1-3. **Action Item:** Review final draft of ordinance for updates to Nampa City Code 5-12-16 (Catering permit restrictions) and 5-12-17 (Denials of license applications, renewals, and revocations of licenses)

(2) Staff Communications

- 2-1. City Clerk's Office
- 2-2. Police Department

Adjournment

- ◆ If you would like to participate virtually, please email the clerk's office at clerks@cityofnampa.us prior to the meeting, please provide your name, address and we will email a link to join the meeting.
- ◆ Individuals, who require language interpretation or special assistance to accommodate physical, vision, hearing impairments, please contact the City Clerk's Office at Nampa City Hall, (208) 468-5426. Requests should be made at least five (5) days prior to the meeting to allow time to arrange accommodation.

CITY OF NAMPA
ALCOHOL LICENSE REVIEW COMMITTEE MINUTES
CITY HALL – COUNCIL CHAMBERS
November 30, 2022

Burns called the meeting to order at 3:04 p.m.

Clerk Rodriguez took roll with the following committee members in attendance Mayor's Office Executive Assistant Kari Seely (Designated by Rick Hogaboam), City Clerk Char Tim, Building Safety Director Patrick Sullivan, Nampa Police Lieutenant Jamie Burns & Planning and Zoning Director Rodney Ashby

(1) New Business

Item #1-1. - Approve October 27, 2022, meeting minutes

MOVED by Sullivan and **SECONDED** by Ashby to **approve the ARC Minutes of October 27, 2022**, as presented, The Chairman asked for a roll call vote with all Committee Members voting **YES**. The Chairman declared the

MOTION CARRIED

Item #1-2. - Discussion of Nampa City Code 5-12-17 III (C) and 5-12-17 III (E) 3

MOVED by Burns and **SECONDED** by Tim that the recommendation is to merge 5-12-17 III (C) with 5-12-17 III (E). The Chairman asked for a roll call vote with all Committee Members voting **YES**. The Chairman declared the

MOTION CARRIED

Item #1-3. – Discussion of Nampa City Code 5-12-16(A) Catering Permit Restrictions

Moved by Tim **SECONDED** by Ashby that the recommendation to city council would be add the following language to Nampa City Code 5-12-16(A):

A. A permit shall not be issued/obtained to a person, or for the benefit of another person, attempting to circumvent established alcohol licensing procedures, i.e., operating two (2) separate establishments under one license or for the benefit of a person whose alcohol license has been revoked, canceled or denied: and

B. No licensee may issue more than two catering permits during any month for use at the same location.

ARC
November 30, 2022

Item #2-1. – City Clerk’s Office

Char reported two updates:

1- On November 21, 2022, Council approved a new alcohol license for OVG for the Civic Center and The Ford Idaho Center. They are the new food and beverage services contractor for those two locations.

2- On November 17, 2022, Council held an appeal of revocation hearing on La Copa. The appeal was granted, and Council modified the ARC decision with the following, they reduced points to 7.5. They suspended license for two weeks and they required one year of probation. They also required alcohol server training for staff. They did deny the recommendation for revocation of alcohol license.

Item #2-2. – Police Department

Chairman Burns Reported he has been in contact with ISP ABC division to try to get some additional alcohol training. It will be held after the first of the year. They will send that information out to the local establishments to try to get some training done.

The Clerk’s office requested cancelation of the ARC meeting scheduled for December 28, 2022, due to the holidays. This was agreed upon by the committee.

MOVED by Tim and **SECONDED** by Burns to **adjourn** the **meeting** at 3:46 p.m. The Chairman asked all in favor say aye with all Committee Members present voting **AYE**. The Clerk declared the

MOTION CARRIED

**Item 1-2:
Discussion of Nampa City Code 5-12-17 III (C) and 5-12-17 III (E) 3**

5-12-17 III (C)

~~C. Accumulated point classifications.~~

~~1. Minor: .5 to 3 Points.~~

~~2. Significant: 3.5 to 7.5 Points.~~

~~3. Major: 8.0 Points and above.~~

Item 1-2:

Discussion of Nampa City Code 5-12-17 III (C) and 5-12-17 III (E) 3

5-12-17 III (E) 3

3. *Point assessment outcome.* When the cumulative points assigned to a liquor license reach the minor, significant, or major levels, the committee shall determine what penalties and remedies will be assessed against a licensee.

Accumulated point classifications

- **Minor: .5 to 3 Points:** When points assigned to a liquor license, combined with any points previously assessed which have not yet expired, reach the minor category, the ARC may place the licensee on probationary status for a period not to exceed six months. However, for any point assessment that would otherwise bring a licensee into the minor category, the committee may in its discretion and in lieu of the assessment of points for the current violation, allow the licensee and its employees to complete specialized liquor law enforcement training offered by the City of Nampa Police Department and/or the Idaho State Police.
- **Significant: 3.5 to 7.5 Points:** When points assigned to a liquor license combined with any points previously assessed which have not yet expired, reach the significant category, the committee may require licensees and employees to complete the specialized training, may suspend the license for a period not to exceed 30 days, and/or place a licensee on probationary status for a period not to exceed one year.
- **Major: 8.0 Points and above:** When points assigned to a liquor license combined with any points previously assessed which have not yet expired, reach the major category, the committee may put forth a recommendation to city council to suspend or revoke the license. The city council shall only elect to suspend or revoke a liquor license after conducting a hearing pursuant to subsection 5-12-17(II)(F).

Item 1-3:

Discussion of Nampa City Code 5-12-16(A) Catering Permit Restrictions

Nampa City Code: 5-12-16. - Catering permit restrictions.

An alcoholic beverage catering permit is subject to the following restrictions:

- A. The catering permit is designed for special occasions; applicants will not be allowed to request catering permits on a continuous basis such as social gatherings week after week at one establishment.
- B. Large parties or conventions held outdoors need to have a security plan in place. This information needs to be presented to the parks and recreation department.

(Ord. 3986, 10-3-2011)

Item 1-3:

Discussion of Nampa City Code 5-12-16(A) Catering Permit Restrictions

Nampa City Code: 5-12-16. - Catering permit restrictions.

An alcoholic beverage catering permit is subject to the following restrictions:

A. The catering permit is designed for special occasions; applicants will not be allowed to request catering permits on a continuous basis such as social gatherings week after week at one establishment **or location such as a park. This restriction is not intended to limit the number of catering permits issued to an alcohol license holder for a location which they own or rent exclusively for their use.**

B. Large parties or conventions held outdoors need to have a security plan in place. This information needs to be presented to the parks and recreation department.

(Ord. 3986, 10-3-2011)

Item 1-3:

Discussion of Nampa City Code 5-12-16(A) Catering Permit Restrictions

Caldwell City Code 06-07-35: ALCOHOL BEVERAGE CATERING PERMIT:

(1) An alcohol beverage catering permit is a permit issued pursuant to this section which authorizes the permit holder to dispense, serve or sell liquor, beer or wine by the drink at a party, special event, or convention, but said license shall not exceed five (5) consecutive days upon obtaining an alcohol beverage catering permit, with an option to request one permit extension on the same terms and conditions as the original permit, which extension may be issued or denied at the sole and absolute discretion of the original issuing entity. An alcohol beverage catering permit shall be limited to authorization to sell or dispense liquor or beer or wine, or any combination thereof, based upon the type of license which the applicant possesses. In addition:

A. A permit shall not be issued/obtained to a person, or for the benefit of another person, attempting to circumvent established alcohol licensing procedures, i.e., operating two (2) separate establishments under one license or for the benefit of a person whose alcohol license has been revoked or canceled; and

B. No location may have more than twenty-four (24) days in any calendar year where alcohol is served pursuant to a catering permit or permits.

CITY OF NAMPA
POLICE DEPARTMENT

Alcohol License Violation - Incident Report

To: Alcohol Review Committee

From: Lieutenant Jamie Burns

Date: October 20, 2022

Re: Alcoholic License Point System (ALPS) Violation Incident Report

Alcohol Review Committee,

On **October 1, 2022**, the Nampa Police Department performed a “bar compliance check” at **La Copa Bar, 1524 1st St N**, an establishment located in the city of Nampa, county of Canyon, state of Idaho, licensed to sell liquor, beer, and/or wine, where possible violations of Nampa City Ordinance Chapter 12 may have occurred. The following is an incident report prepared to be reviewed by the Committee for possible city ordinance and/or license violations.

Nampa Police Incident Report Details

On October 1, 2022, at approximately 11:43 pm, the Nampa Police Department responded to the La Copa Bar to perform a “bar compliance check” at that location. Once on scene, officers made contact with several of the bar patrons, asking them for identification while consuming alcoholic beverages at the bar. Nampa Police Officer J. Tucker indicated in his report there were approximately 100 patrons in the establishment when they went inside. Officer Tucker states in his report there were 12 subjects in the establishment without identification. Officer Tucker also states in his report there were at least four liquor bottles that did not have the required Idaho State Division Tax Stamp attached to the bottle out of the 20 bottles inspected. Contact was made with the bartender / owner, Maria Gonzalez, who told Officer Tucker the stamps must have “rubbed off”.

Also during this incident, a male patron of the bar refused to identify himself to officers when they asked him for his identification. That subject was arrested and charged with failure to identify, obstruct and delay, possession of drug paraphernalia, and felony possession of methamphetamine.

Officer Tucker did contact the Idaho State Police ABC division to advise them of the alcohol violations.

Chapter 5-12-17: Denials of License Applications and Revocations of Licenses


Subsection: 5-12-17(II)(B):

1. **Training.** Failure of a licensee, its officers, managers, employees and agents to undergo training as may be required by this section. .5 to 1 Point.
2. **Probation violation.** A license violation arising during a probationary period, as applied to a licensee in subsection [5-12-17\(II\)\(D\)\(6\)](#). .5 to 2.0 Points.
3. **Alcohol regulations.** Any action or conduct which violates any provision of federal, state, or local law with respect to the manufacture, sale, distribution, solicitation, or use of alcoholic beverages. .5 to 2.0 Points.
4. **Homicides.** Any homicide offense under Idaho Code Title 18, Chapter 40. 6.5 Points.
5. **Weapons.** Any action or conduct which violates any provision of Idaho Code Title 18, Chapter 33. 1.0 to 4.0 Points.
6. **Controlled substances.** Any action or conduct which violates any provision of Idaho Code Title 37, Chapter 27. 1.0 to 3.5 Points.
7. **Prostitution.** Any action or conduct which violates any provision of Idaho Code Title 18, Chapter 56. 4.0 to 6.5 Points.
8. **Human trafficking.** Any action or conduct which violates any provision of Idaho Code Title 18, Chapter 86. 4.0 to 6.5 Points.
9. **Gambling.** Any action or conduct which violates any provision of Idaho Code Title 18, Chapter 38. .5 to 2.0 Points.
10. **Assault and battery.** Any action or conduct which constitutes assault or battery actions and violates any provision of Idaho Code Title 18, Chapter 9. 1.0 to 3.5 Points.
11. **Sex crimes.** Any action or conduct which violates any provision of Idaho Code Title 18, Chapters 15 and 66. 6.5 Points.
12. **Occupancy.** Exceeding occupancy load for the premises as stated on the occupant load limit sign posted in the premises or failing to post the occupant load limit sign for the premises in a conspicuous place near the main exit or exit access doorway of the premises. .5 to 2.0 Points.
13. **Open containers.** Allowing a person to exit the licensed premises while possessing an open container of alcoholic beverage. .5 to 1.5 Points.
14. **Right-of-way encroachment.** The licensee violates any provision of a right-of-way encroachment license. .5 to 1.5 Point.
15. **Hours of operation.** The licensee violates hours of operation as defined in [section 5-12-13](#), Nampa City Code. .5 to 1.5 Points.
16. **Property maintenance.** The licensee violates the International Property Maintenance Code, as adopted by [Title 4](#), Chapter 11, Nampa City Code. .5 to 1.5 Point.

17. **General violations.** All other violations of law or the City Code. .5 to 3.5 Points.
18. **Site specific DUI.** A patron of a licensee that receives a DUI in Nampa City limits immediately following his/her leaving the licensed premises, and under facts and circumstances that give law enforcement credible evidence that the cause of the DUI was alcohol consumed from the licensed premises. 1.0—4.0 Points.
19. Any violation of the requirements of section 5-12-3.B. .5—2.5 Points.

The Nampa Police Department requests the Committee meet to review this report, the Alcoholic License Point System (ALPS) listed above and determine whether there is probable cause to believe that a licensee or an employee or agent of a licensee committed a license violation, and if so, determine the points appropriate for violations that may have occurred.

Respectfully submitted,



Lieutenant Jamie Burns
Nampa Police Department



NAMPA
I D A H O

CITY OF NAMPA
POLICE DEPARTMENT

Alcohol License Violation - Incident Report

To: Alcohol Review Committee

From: Lieutenant Jamie Burns

Date: January 19, 2023

Re: Alcoholic License Point System (ALPS) Violation Incident Report

Alcohol Review Committee,

On **December 22, 2022**, a Nampa Police Department report was generated involving the **Eskimo Hut, 224 2nd Street South**, an establishment located in the city of Nampa, county of Canyon, state of Idaho, licensed to sell beer and/or wine, where possible violations of Nampa City Ordinance Chapter 12 may have occurred. The following is an incident report prepared to be reviewed by the Committee for possible city ordinance and/or license violations.

Nampa Police Incident Report Details

On December 22, 2022, at approximately 12:37 pm, Nampa Police Officer Jonathan Davis observed a 20-year old male enter the Eskimo Hut, located at 224 2nd Street South. A short time later, Officer Davis observed the same 20-year-old male exit the Eskimo Hut with a “tall aluminum can” in his left hand. The male got into his vehicle and left the parking lot of the Eskimo Hut. Officer Davis followed the vehicle and ultimately stopped the vehicle for a traffic violation. Once contact was made with the driver, Officer Davis recovered a tall can of “Modelo Chelada Lime and Salt”, that he reported as matching the tall aluminum can he observed the male exiting the Eskimo Hut in his left hand. Officer Davis reported the alcoholic beverage can had liquid around the rim of the can, was approximately three-quarters full, and cold to the touch.

Officer Davis issued the 20-year-old male a summons for being a minor in possession of alcohol (Idaho Code 23-604).

End of incident report.


Chapter 5-12-17: Denials of License Applications and Revocations of Licenses
Subsection: 5-12-17(II)(B):

1. **Training.** Failure of a licensee, its officers, managers, employees and agents to undergo training as may be required by this section. .5 to 1 Point.
2. **Probation violation.** A license violation arising during a probationary period, as applied to a licensee in subsection [5-12-17\(II\)\(D\)\(6\)](#). .5 to 2.0 Points.
3. **Alcohol regulations.** Any action or conduct which violates any provision of federal, state, or local law with respect to the manufacture, sale, distribution, solicitation, or use of alcoholic beverages. .5 to 2.0 Points.
4. **Homicides.** Any homicide offense under Idaho Code Title 18, Chapter 40. 6.5 Points.
5. **Weapons.** Any action or conduct which violates any provision of Idaho Code Title 18, Chapter 33. 1.0 to 4.0 Points.
6. **Controlled substances.** Any action or conduct which violates any provision of Idaho Code Title 37, Chapter 27. 1.0 to 3.5 Points.
7. **Prostitution.** Any action or conduct which violates any provision of Idaho Code Title 18, Chapter 56. 4.0 to 6.5 Points.
8. **Human trafficking.** Any action or conduct which violates any provision of Idaho Code Title 18, Chapter 86. 4.0 to 6.5 Points.
9. **Gambling.** Any action or conduct which violates any provision of Idaho Code Title 18, Chapter 38. .5 to 2.0 Points.
10. **Assault and battery.** Any action or conduct which constitutes assault or battery actions and violates any provision of Idaho Code Title 18, Chapter 9. 1.0 to 3.5 Points.
11. **Sex crimes.** Any action or conduct which violates any provision of Idaho Code Title 18, Chapters 15 and 66. 6.5 Points.
12. **Occupancy.** Exceeding occupancy load for the premises as stated on the occupant load limit sign posted in the premises or failing to post the occupant load limit sign for the premises in a conspicuous place near the main exit or exit access doorway of the premises. .5 to 2.0 Points.
13. **Open containers.** Allowing a person to exit the licensed premises while possessing an open container of alcoholic beverage. .5 to 1.5 Points.
14. **Right-of-way encroachment.** The licensee violates any provision of a right-of-way encroachment license. .5 to 1.5 Point.
15. **Hours of operation.** The licensee violates hours of operation as defined in [section 5-12-13](#), Nampa City Code. .5 to 1.5 Points.
16. **Property maintenance.** The licensee violates the International Property Maintenance Code, as adopted by [Title 4](#), Chapter 11, Nampa City Code. .5 to 1.5 Point.

17. **General violations.** All other violations of law or the City Code. .5 to 3.5 Points.
18. **Site specific DUI.** A patron of a licensee that receives a DUI in Nampa City limits immediately following his/her leaving the licensed premises, and under facts and circumstances that give law enforcement credible evidence that the cause of the DUI was alcohol consumed from the licensed premises. 1.0—4.0 Points.
19. Any violation of the requirements of section 5-12-3.B. .5—2.5 Points.

The Nampa Police Department requests the Committee meet to review this report, the Alcoholic License Point System (ALPS) listed above and determine whether there is probable cause to believe that a licensee or an employee or agent of a licensee committed a license violation, and if so, determine the points appropriate for violations that may have occurred.

Respectfully submitted,



Lieutenant Jamie Burns
Nampa Police Department



ORDINANCE NO. _____

AN ORDINANCE ENACTED BY THE NAMPA CITY COUNCIL AMENDING TITLE 5, CHAPTER 12 SECTIONS 16 AND 17 OF THE NAMPA CITY CODE, ADDING A CATERING REQUIREMENT; ADDING LANGUAGE REGARDING THE ASSESSMENT POINTS FOR A CATERING PERMIT, ADDING PROCEDURES FOR A HEARING ON LICENSE SUSPENSIONS OR REVOCATIONS; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR SEVERABILITY; AND REPEALING ALL ORDINANCES, RESOLUTIONS, ORDERS AND PARTS THEREOF, IN CONFLICT HEREWITH.

BE IT ORDAINED by the Mayor and Council of the City of Nampa, County of Canyon, State of Idaho:

SECTION 1. That Title 5, Chapter 12, be amended by the addition of language to 5-12-16 of the Nampa City Code, amending sub-section A and adding a new sub-section C as follows:

An alcoholic beverage catering permit is subject to the following restrictions:

- A. The catering permit is designed for special occasions. A permit shall not be issued to a person, or for the benefit of another person, more than _____ times per month for use at the same location. Nor shall any permit be issued to anyone who is operating (i) two or more separate establishments under one license, or (ii) for the benefit of a person whose alcohol license has been revoked, canceled or denied.
- B. Large parties or conventions held outdoors need to have a security plan in place. This information needs to be presented to the parks and recreation department.
- C. A catering permit is subject to all provisions of Nampa City Code 5-12-17 and may be assessed points, and subject to suspension or forfeiture, as set forth therein.

SECTION 2. That Title 5, Chapter 12, Section 17(III)(3)(F)(1) be amended as follows:

- 1. The council, upon receiving a written appeal for a license violation determination, ~~or a suspension/revocation recommendation,~~ shall conduct a hearing within 30 days of receipt of the appeal. The notice of the hearing date and time shall be served upon the licensee by leaving a copy at the licensed premises or by the city clerk mailing the notice by certified mail to the licensee at the licensed premises.

SECTION 3: That Title 5, Chapter 12, Section 17(III)(3) be amended by the addition of a new sub-section (G) as follows:

ORDINANCE NO. _____

(G) The following hearing procedures shall apply to any recommendation from the ARC for a license revocation or suspension.

1. The council, upon receiving a suspension/revocation recommendation, shall appoint a Hearing Officer to conduct a hearing within ____ days of appointment.
2. Notice shall be provided to the Hearing officer, the ARC designee and the license holder by the City Clerk of the hearing date, time, and location along with these procedural rules. This notice shall be served upon the licensee by leaving a copy at the licensed premises or by the city clerk mailing the notice by certified mail to the licensee at the licensed premises.
3. The hearing officer shall have be empowered to manage the scheduling and process for the hearing, to include the following:
 - a. The appellant/licensee may appear in person, and may appear with legal counsel, to present their position.
 - b. The hearing will be conducted in an informal manner, the rules of evidence and civil procedure do not apply. Each party shall have up to ____ minutes to present their argument and exhibits, if any.
 - c. Each party may call any witnesses that they believe possess relevant information, and the other party may cross examine the witness.
 - d. The ARC designee and the license holder shall exchange with each other a list of their proposed witnesses with contact information, as well as a complete copy of any exhibits that they will present to hearing officer in support of their position no less than ____ business days before the hearing. An extra copy shall be provided by each party for the hearing officer and delivered at the hearing. A failure to abide by this requirement will lead to the exclusion of the exhibit or witness at the hearing. The hearing officer retains the authority to control the admission or exclusion of evidence that is cumulative, irrelevant or improper for any other purpose.
 - e. At the conclusion of the hearing, the hearing officer shall prepare within ten days a written recommendation to the City Council with a recommended decision, and a reasoned statement that explains the basis for the recommendation based on the evidence presented at the hearing.
 - f. The City Council shall place the recommendation upon the next City Council meeting for its review a written Final Order on the recommendation of suspension/revocation. The City Council will approve the recommendation unless there is clear error in the process set forth in this sub-section. If clear error is found the matter may be remanded back to the hearing officer with specific direction.
 - g. The license holder shall be provided a written copy of the Final Order once issued by the City council. The effective date of the council action shall be as set forth by the City Council and included in the notice to the license holder.

- h. Any party aggrieved by this Final Order may appeal to District Court by filing a petition in the district court of Canyon County, Idaho. An appeal must be filed within twenty-eight (28) days of the issue date of this final order.

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

SECTION 3. This ordinance is hereby declared to be severable. If any portion of this ordinance is 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 purposes of the ordinance before the declaration of partial invalidity.

SECTION 4. All ordinances, resolutions, orders and parts thereof in conflict herewith are repealed.

PASSED BY THE COUNCIL OF THE CITY OF NAMPA, IDAHO, THIS ____ day of January, 2023.

APPROVED BY THE MAYOR OF THE CITY OF NAMPA, IDAHO, THIS ____ Day of January, 2023.

Approved:

By _____
Mayor

Attest:

By _____
City Clerk