

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY OF NAMPA, IDAHO AMENDING TITLE 5 OF THE NAMPA CITY CODE; THIS ORDINANCE AMENDS TITLE 5 CHAPTER 12 RESTRICTIONS REGARDING ALCOHOLIC BEVERAGE LICENSES; PROVIDING FOR SEVERABILITY; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR AN EFFECTIVE DATE; AND REPEALING ALL ORDINANCES, RULES AND REGULATIONS, AND PARTS THEREOF, IN CONFLICT HERewith.**

**BE IT ORDAINED BY THE MAYOR AND THE COUNCIL OF THE CITY OF NAMPA, CANYON COUNTY, STATE OF IDAHO;**

**SECTION 1.** Amendments to Nampa City Code. That Title 5 Business Licenses, Chapter 12 Alcoholic Beverage Control, Section 11 Restrictions of Nampa City Code be amended as follows:

**5-12-11. Restrictions.**

A. No license for the sale of liquor, wine, or beer by the drink shall be issued for any premises in any neighborhood which is predominantly residential or within 300 feet of the property boundaries of any public school, church, or any other place of worship, measured in a straight line to the nearest entrance to the licensed premises, except with the approval of the city council. This limitation shall not apply to any duly licensed premises that at the time of licensing did not come within the restricted area but subsequent to licensing same came therein. Additional restrictions may be placed on any such business under the planning and zoning code of the city.

B. On and after August 9, 2024, all new alcoholic beverage licenses for liquor by the drink issued by the City of Nampa must be connected to a restaurant. The term "restaurant" as used in this chapter means any restaurant, cafe, hotel dining room, coffee shop, cafeteria or other eating establishment having kitchen and cooking facilities for the preparation of food and where hot meals are regularly prepared and served to the public and where the primary source of revenue from the operation of the restaurant considered for licensure will be derived from food services and not from the sale of liquor. Subsequent license renewals for the new licenses subject to this section ("Subject Licenses") shall be conditioned upon a veritable showing that no less than 60 percent of gross sales from the ~~preceding 12-month~~ operation of a licensed restaurant be derived from food services ("Qualifying Sales"). If a Subject License is initially issued on or after June 1st, but not later than November 30th in the same calendar year, Qualified Sales from the date of

issuance shall be produced no later than the following May 31st renewal deadline. If a Subject License is issued on or after December 1st, but not later than the following May 31st, Qualified Sales from the date of issuance shall be produced no later than the May 31st renewal deadline in the subsequent year. Licenses for liquor by the drink which are in effect as of August 9, 2024, and that are not connected to a restaurant may be renewed and transferred without being connected to a restaurant. A license for liquor by the drink that has been revoked or that has expired and has not been timely renewed becomes part of the total number of liquor licenses available to the City of Nampa and will be considered to be a new license and subject to the provisions of this section requiring that said license be connected to a restaurant.

**SECTION 2:** Effective Date. This ordinance shall be in full force and effect from and after its passage, approval and publication according to law.

**SECTION 3:** Severability. 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 ready to carry out the purposes of the ordinance before the declaration of partial invalidity.

**SECTION 4:** Savings Clause. The provisions of Nampa Code described in Section 1 above, shall remain in force as they existed prior to these amendments solely to authorize the enforcement actions or proceedings, including without limitation, prosecution and punishment, against those who violate said provisions prior to the effective date of this ordinance.

**SECTION 5:** Conflicts. All ordinances, resolutions, and orders and parts thereof in conflict herewith are repealed.

**PASSED BY THE COUNCIL OF THE CITY OF NAMPA, IDAHO, THIS 19TH DAY OF MAY 2025.**

**APPROVED BY THE MAYOR OF THE CITY OF NAMPA, IDAHO, THIS 19TH DAY OF MAY 2025.**

**Attest:**

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**Mayor Debbie Kling**

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**City Clerk**