

## CHAPTER 9

### REGULATING THE SALE OF ALCOHOLIC BEVERAGES

#### SECTION:

- 5-9-1: DEFINITION**
- 5-9-2: POWERS AND DUTIES OF THE COUNCIL**
- 5-9-3: MANUFACTURE OR SALE WITHOUT LICENSE ILLEGAL**
- 5-9-4: APPLICATION FOR LICENSE**
- 5-9-5: QUALIFICATIONS OF LICENSEE**
- 5-9-6: ISSUANCE OF LICENSES**
- 5-9-7: ISSUANCE; LICENSE AND TRANSFER FEES**
- 5-9-8: SANITATION AND COMPLIANCE WITH OTHER LAWS AND ORDINANCES**

#### **5-9-1: DEFINITION:**

In this Chapter, unless the context otherwise requires, all words and phrases shall have the same meaning as is provided in Title 4, Chapter 1, Article 1, Arizona Revised Statutes, and amendments thereto. (919,4338)

#### **5-9-2: POWERS AND DUTIES OF THE COUNCIL:**

The Council shall administer and enforce provisions of this Chapter and shall have power to prescribe necessary rules and regulations for carrying out such provisions. (919)

#### **5-9-3: MANUFACTURE OR SALE WITHOUT LICENSE ILLEGAL:**

It shall be unlawful for any person to buy, sell, or deal in spirituous liquors within the City under any circumstances which would require a license from the State without first having procured a license issued by the Business Licensing and Revenue Collections Administrator as herein provided. Such license shall be displayed by the licensee at a conspicuous place in the business. (1606,4338)

#### **5-9-4: APPLICATION FOR LICENSE:**

- (A) Any person desiring a license to manufacture, sell, or deal in spirituous liquor shall file an application on forms prescribed and furnished by the Arizona State Department of Liquor Licenses and Controls. (4338)

Each application, except a qualifying organization requesting a special event liquor license, shall pay to the Special Licensing Office at the time of making application an application fee in accordance with the current Schedule of Fees and Charges, no part of which shall be returned whether the application is granted or not. (1606,1646,2127,4338)

- (B) The Special Licensing Office shall immediately file one (1) copy of the application in the office and post the other for a period of twenty (20) days in a conspicuous place on the front of the premises wherein the business is proposed to be conducted, with a statement requiring any person who is a bona fide resident residing, owning, or leasing property within a one- (1-) mile radius from the premises proposed to be licensed and who is in favor of or opposed to the issuance of the license to file written arguments in favor of or opposed to the issuance of the license with the City Clerk within twenty (20) days after the date of posting. The City Clerk shall forward all written arguments to the Business Licensing and Revenue Collections Administrator. (2127,4338)

- (C) The Council shall then enter an order recommending approval or disapproval within sixty (60) days after filing of the application and shall file a certified copy of the order with the State Liquor Board. If the recommendation is for disapproval, then a statement of the specific reasons containing a summary of the testimony or other evidence supporting the recommendation for disapproval shall be attached to the order. All petitions submitted to the City Council within the twenty- (20-) day period for filing protests shall be transmitted to the State Liquor Board with the certified copy of the order. Upon approval of the application by the State Liquor Board, the Business Licensing and Revenue Collections Administrator shall issue a license to the applicant. (1606,4338)

**5-9-5: QUALIFICATIONS OF LICENSEE:**

No applicant shall be issued a spirituous liquor license from the City unless such applicant meets all of the requirements set forth in the Arizona Revised Statutes, Title 4, Chapter 2, Article 1, as amended, for the issuance of a State liquor license. (4338)

**5-9-6: ISSUANCE OF LICENSES:**

Every person applying for a license under this Chapter shall pay the application fee provided for in Section 5-9-4 hereof and shall also pay the issuance fee and the license fee described in this Chapter for each place of business maintained by such applicant. (1673)

**5-9-7: ISSUANCE; LICENSE AND TRANSFER FEES:**

The issuance fees and annual fees for licenses to be paid to the City shall in accordance with the current Schedule of Fees and Charges. (4338)

The issuance fee shall be paid at the time of making application for the license, and if the license is not issued, shall be returned to the applicant. The first annual fee shall be paid with the application, and if the license is not issued, it shall be returned to the applicant. The renewal fee shall be paid annually in advance on or before the thirty-first (31) day of December of each year, and if not paid when due, an additional twenty percent (20%) penalty shall immediately become due and owing. Every license shall expire on December 31 of each year. (919, 2127,2139)

Each application for a transfer of license, whether a transfer from person to person, location to location, change of agent for a corporation, or any other type of transfer, shall for the purposes of this Chapter be treated as if the application were for the issuance of an original license, and the application fee, the issuance fee, and the annual fee shall be paid with such application, notwithstanding that the annual fees may have been paid with respect to that license elsewhere. (919)

**5-9-8: SANITATION AND COMPLIANCE WITH OTHER LAWS AND ORDINANCES:**

It shall be unlawful for any person to sell spirituous liquors in the City without first having provided this place of business or establishment adequate toilet and sanitation conveniences and without having first complied with all the requirements of any law or ordinance of the City or any law of the State which may be applicable thereto. (919,4338)