ORDINANCE NO. 2183 NEW SERIES

AN ORDINANCE OF THE COUNCIL OF THE CITY OF GLENDALE, MARICOPA COUNTY, ARIZONA, AMENDING THE CODE OF THE CITY OF GLENDALE, CHAPTER 4, RELATING TO LIQUOR LICENSES.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF GLENDALE as follows:

SECTION 1. That Glendale City Code, Chapter 4, Article I, Sections 4-1 through 4-7 are hereby amended as follows:

Sec. 4-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

. . .

~~*Brewer*: Any person who manufacturers beer to sell.~~

CITY LIQUOR LICENSE: ANY LICENSE ISSUED PURSUANT TO THE PROVISIONS OF THIS CHAPTER, AS AMENDED.

~~*Club*: Any establishment defined as a club under section 4-101, Arizona Revised Statutes, as amended.~~

. . .

~~*Distiller*: Any person who manufactures any spirituous liquor to sell, other than beer or wine.~~

~~*Hotel motel*: Any establishment licensed pursuant to section 4-205.01, Arizona Revised Statutes, as amended.~~

Off-sale retailer: Any person operating a bona fide~~,~~ regularly established retail liquor store selling spirituous liquors, wines~~,~~ and beer, and any established retail store selling commodities other than spirituous liquors and engaged in the sale of spirituous liquors only in the original **UNBROKEN** package, to be taken away from the premises of ~~such~~ **THE** retailer and to be consumed off the premises.

. . .

~~*Restaurant*: A "restaurant" as defined under section 4-205.02, Arizona Revised Statutes, as amended.~~

. . .

STATE LIQUOR LICENSE: ANY LICENSE ISSUED PURSUANT TO THE PROVISIONS OF TITLE 4, ARIZONA REVISED STATUES, AS AMENDED.

. . .

~~*Winer*: Any person who manufactures wine to sell.~~

. . .

Sec. 4-2. ~~Chapter subject to state law~~ **CLASSIFICATION OF LICENSES**.

~~This chapter shall be subject to the provisions of title 4, Arizona Revised Statutes, as amended~~ **THE CITY SHALL USE THE SAME CLASSIFICATION SYSTEM IN ISSUING CITY LIQUOR LICENSES AS THE DEPARTMENT OF LIQUOR LICENSES AND CONTROL USES IN ISSUING STATE LIQUOR LICENSES, EXCEPT THAT THE CITY SHALL NOT REQUIRE OR ISSUE A CITY LIQUOR LICENSE FOR SPECIAL EVENTS OR WINE FESTIVALS, AS DEFINED IN ARIZONA REVISED STATUTES, SECTIONS 4-203.02 AND 4-203.03, AS AMENDED**.

Sec. 4-3. Licensed pharmacists exempted.

Nothing contained in this chapter shall be construed to prohibit licensed pharmacists from selling spirituous~~, vinous or malt~~ liquors when such spirituous~~, vinous or malt~~ liquors are sold upon prescription duly issued by a licensed physician for medical purposes.

Sec. 4-4. Hours of sale;**ON-SALE AND OFF-SALE RETAILERS**.

~~No beer, spirituous liquor, or intoxicating liquor of any kind shall be sold by any person between the hours of 1:00 a.m. and 6:00 a.m. of any day, except that on Sunday no beer, spirituous liquor or intoxicating liquor of any kind shall be sold between the hours of 1:00 a.m. and 10:00 a.m.~~ **NO ON-SALE OR OFF-SALE RETAIL LICENSEE OR AN EMPLOYEE OF SUCH LICENSEE SHALL SELL, PROVIDE, DELIVER OR GIVE SPIRITUOUS LIQUOR TO A PERSON BETWEEN THE HOURS OF 1:00 A.M. AND 6:00 A.M. ON ANY DAY AND BETWEEN THE HOURS OF 1:00 A.M. AND 10:00 A.M. ON SUNDAYS.**

Sec. 4-5. Sales to persons under 21 or to intoxicated persons.

It shall be ~~a misdemeanor~~ **UNLAWFUL** for any person licensed under this chapter to sell or in any manner ~~dispose of~~ **PROVIDE** any spirituous~~, vinous or malt~~ liquors~~, or any mixture or~~

~~compound of the same~~ to any person under ~~twenty one~~ ~~(~~21~~)~~ years of age~~,~~ or to any person ~~intoxicated or~~ **WHO IS** in an intoxicated condition.

Sec. 4-6. Compliance with administrative regulations.

The chief of police and the tax and license manager may adopt such rules and regulations as they deem necessary to implement and enforce the provisions of this chapter; provided~~,~~ that such rules and regulations are consistent with this chapter. All such administrative rules and regulations are subject to the approval of the city manager. All persons who are required to be licensed under this chapter shall comply with all rules and regulations so adopted.

Sec. 4-7. Compliance with other laws.

The issuance of ~~an alcoholic beverage license by the city~~ **A CITY LIQUOR LICENSE** shall not be construed as authority to engage in any business activity which is in violation of any other law or regulation to which such activity is subject, or to conduct activities on any property in violation of the zoning ordinance.

SECTION 2. That the Glendale City Code, Chapter 4, Article II, Sections 4-21 through 4-28 are hereby amended to read as follows:

Sec. 4-21. **LICENSE** ~~R~~required.

(A) ~~It shall be unlawful for any person to sell or offer for retail sale within the corporate limits of the city any spirituous liquors or alcoholic beverage without having first obtained a license as herein set forth~~ **SUBJECT TO SUBSECTIONS (B) AND (C), IT SHALL BE UNLAWFUL FOR ANY PERSON TO BUY FOR RESALE, SELL OR DEAL IN SPIRITUOUS LIQUORS OR ALCOHOLIC BEVERAGES WITHIN THE CITY WITHOUT HAVING FIRST OBTAINED A CITY LIQUOR LICENSE.**

(B) A PERSON WHO HAS BEEN GRANTED A STATE LIQUOR LICENSE FOR A SPECIAL EVENT OR A WINE FESTIVAL MAY SELL SPIRITUOUS LIQUORS WITHIN THE CITY IN ACCORDANCE WITH THE PROVISIONS OF STATE LAW AND THE STATE LICENSE, WITHOUT OBTAINING A SEPARATE CITY LIQUOR LICENSE.

(C) A PERSON WHO HAS BEEN GRANTED AN INTERIM PERMIT IN CONJUNCTION WITH FILING AN APPLICATION FOR A STATE LIQUOR LICENSE MAY SELL SPIRITUOUS LIQUORS WITHIN THE CITY IN ACCORDANCE WITH THE PROVISIONS OF STATE LAW AND SUCH INTERIM PERMIT, WITHOUT FIRST OBTAINING A CITY LIQUOR LICENSE.

(D) IT SHALL BE UNLAWFUL FOR ANY PERSON TO MAINTAIN AN INACTIVE STATE LIQUOR LICENSE AT A LOCATION WITHIN THE CITY WITHOUT ALSO MAINTAINING AN INACTIVE CITY LIQUOR LICENSE AT SUCH LOCATION.

Sec. 4-22. Application.

Application for ~~any~~ **A CITY LIQUOR** license ~~required under this article, including a special event license or wine festival license,~~ or for a transfer of such license~~,~~ shall be made on forms furnished by the city. An applicant shall file an application for a **CITY LIQUOR** license or **FOR** a transfer of a **CITY LIQUOR** license ~~with the city~~ no later than ~~ten (10)~~ days from the date that the applicant files an application for ~~such~~ **A STATE LIQUOR** license or **FOR A** transfer **OF A STATE LIQUOR LICENSE** with the department of liquor licenses and control. An applicant's failure to timely file an application pursuant to this section ~~shall~~ **MAY** constitute grounds for the city to recommend disapproval of the application **FOR A STATE LIQUOR LICENSE** to the department of liquor licenses and control. Every application shall be accompanied by the required application fee.

~~Sec. 4-23. Inspection of premises.~~

~~The application for a license or a location transfer of license shall have on it a statement by the applicant of at least three (3) different times during each business day, when the applicant will be available at the premises to be inspected to meet with the proper city officials for the purpose of an inspection by such officials of the premises to be licensed. Failure of an applicant to be at the premises at the times stated in the application shall be grounds, if such absences were without a sufficient excuse, for recommendation of disapproval of the application to the department of liquor licenses and control.~~

~~Sec. 4-24. Processing of application.~~

~~Every application filed pursuant to this article shall be processed by such city departments as shall be designated through administrative order, which order shall be uniform in its application for every class of license.~~

Sec. 4-~~25~~**23**. Fees.

(a) The application and ~~alcoholic beverage~~ license fees **FOR CITY LIQUOR LICENSES** shall be established by resolution. **THE CITY MAY SET DIFFERENT FEES FOR ACTIVE AND INACTIVE LICENSES OF THE SAME CLASSIFICATION.**

(B) ANY FEES FOR INACTIVE CITY LIQUOR LICENSES SHALL APPLY ONLY TO LICENSEES WHOSE STATE LIQUOR LICENSES REMAIN INACTIVE FOR THE ENTIRE TIME DURING A CALENDER YEAR IN WHICH SUCH LICENSE IS LOCATED IN THE CITY. IF A LICENSEE PAYS A LICENSE FEE FOR AN

INACTIVE CITY LIQUOR LICENSE AND THEN RE-ACTIVATES HIS OR HER STATE LIQUOR LICENSE WHILE SUCH LICENSE IS LOCATED IN THE CITY, THE LICENSEE SHALL PAY, UPON RE-ACTIVATION OF THE STATE LIQUOR LICENSE, THE SAME LICENSE FEE THAT THE LICENSEE WOULD HAVE BEEN REQUIRED TO PAY FOR THE FULL CALENDAR YEAR FOR AN ACTIVE CITY LIQUOR LICENSE.

(~~b~~**C**) No application fee paid pursuant to this article shall be returned to the applicant if his or her application is withdrawn or denied. No license fee paid pursuant to this article shall be returned to a licensee if his or her **CITY LIQUOR** license is **CANCELED,** suspended, revoked or transferred to another person, regardless of whether such transfer results in the payment of multiple **CITY LIQUOR** license fees for the same location for the same year.

Sec. 4-~~26~~**24**. Issuance; expiration; renewal.

(a) ~~Except for special event licenses and wine festival licenses, any license issued under this article~~ **ANY CITY LIQUOR LICENSE** shall be valid only for the calendar year in which it is issued. Each **CITY LIQUOR** license expires on December 31 of each year and must be renewed on or before January 31 of the following year by filing an application for renewal and paying the applicable renewal fee. The application and payment for renewal must be received by the tax and license manager by January 31 to be deemed timely filed.

(b) Persons whose initial **CITY LIQUOR** licenses are issued after March 31 of any year shall be subject to an initial license fee on a prorated basis as follows:

Business Start Date	Proration of License Fee
April 1 – June 30	75%
July 1 – September 30	50%
October 1 – December 31	25%

The applicable proration percentage shall be applied to the annual license fee set by resolution to determine the initial license fee.

(c) Any person who fails to renew ~~a~~ **AN ACTIVE CITY LIQUOR** license ~~issued under this article~~ by January 31 of any year and who conducts any activities covered by such license after such date shall be deemed to be operating without a license, shall be subject to all penalties imposed under this chapter against persons unlawfully operating without a license, and shall be subject to a penalty of ~~fifty percent (50%)~~ of the annual license fee ~~which~~ **THAT** would have been imposed on the date on which the license expired in addition to payment of the applicable license fee. All license fees and penalties owed by a person pursuant to this subsection must be paid before a new **CITY LIQUOR** license is issued to such person ~~under this article~~ **OR SUCH LICENSE IS TRANSFERRED TO ANOTHER PERSON**.

(D) ANY PERSON WHO FAILS TO RENEW AN INACTIVE CITY LIQUOR LICENSE BY JANUARY 31 OF ANY YEAR AND WHO MAINTAINS AN INACTIVE STATE LIQUOR LICENSE IN THE CITY SHALL BE SUBJECT TO A PENALTY OF 50% OF THE ANNUAL INACTIVE LICENSE FEE THAT WOULD HAVE BEEN IMPOSED ON THE DATE ON WHICH THE CITY LIQUOR LICENSE EXPIRED IN ADDITION TO PAYMENT OF THE APPLICABLE INACTIVE LICENSE FEE. ALL LICENSE FEES AND PENALTIES OWED BY A PERSON PURSUANT TO THIS SUBSECTION MUST BE PAID BEFORE A NEW CITY LIQUOR LICENSE IS ISSUED TO SUCH PERSON OR SUCH LICENSE IS TRANSFERRED TO ANOTHER PERSON.

(~~d~~E) Any person who is required to obtain a **CITY LIQUOR** license ~~under this article~~ and fails to do so prior to conducting any activity covered by such license shall be subject to a penalty of ~~fifty percent~~ ~~(~~50%~~)~~ of the annual license fee ~~which~~ **THAT** would have been imposed on the date on which such activities commenced in addition to payment of the applicable license fee. All license fees and penalties owed by a person pursuant to this subsection must be paid before a **CITY LIQUOR** license is issued to such person ~~under this article~~.

(~~e~~F) No **CITY LIQUOR** license ~~issued under this chapter~~ shall be renewed unless the licensee is in compliance with all provisions of this chapter at the time of renewal.

Sec. 4-~~27~~**25**. ~~Transfer~~ **CHANGE IN OWNERSHIP OF BUSINESS; LICENSE FEES.**

(A) CITY LIQUOR ~~L~~licenses shall be transferable pursuant to the provisions of this article and title 4, Arizona Revised Statutes, as amended.

(B) If an application for a person-to-person transfer **OF A TRANSFERABLE LIQUOR LICENSE** is pending as of December 31 of any year and the applicant has been issued an interim permit by the department of liquor licenses and control, the transferee may continue to operate under the permit and no annual **CITY LIQUOR** license fee shall be due from the transferor of the license or the transferee until such time as the application is withdrawn or the transfer is approved or disapproved by the department of liquor licenses and control. At such time as the application is so approved, the transferee shall pay the annual **CITY LIQUOR** license fee. At such time as an application is withdrawn or disapproved, the transferor to whom the **STATE LIQUOR** license reverts shall pay the annual **CITY LIQUOR** license fee. The city shall make no proration of the annual **CITY LIQUOR** license fee between the transferor of a license and the transferee.

(C) IF AN APPLICATION FOR A NEW LIQUOR LICENSE IS PENDING AS OF DECEMBER 31 OF ANY YEAR, IF SUCH LICENSE WILL REPLACE AN EXISTING, NON-TRANSFERABLE LIQUOR LICENSE OF THE SAME CLASSIFICATION AT THE SAME LOCATION, AND IF THE APPLICANT HAS BEEN ISSUED AN INTERIM PERMIT BY THE DEPARTMENT OF LIQUOR LICENSES AND CONTROL, THE APPLICANT MAY CONTINUE TO OPERATE UNDER THE INTERIM PERMIT AND NO ANNUAL CITY LIQUOR LICENSE FEE SHALL BE DUE FROM THE PRIOR

LICENSEE OR THE APPLICANT UNTIL SUCH TIME AS THE APPLICATION IS WITHDRAWN OR THE REPLACEMENT LICENSE IS APPROVED OR DISAPPROVED BY THE DEPARTMENT OF LIQUOR LICENSES AND CONTROL. AT SUCH TIME AS THE APPLCATION IS SO APPROVED, THE APPLICANT SHALL PAY THE ANNUAL CITY LIQUOR LICENSE FEE THAT WOULD HAVE BEEN DUE ON JANUARY 1. IF THE APPLICATION IS WITHDRAWN OR DISAPPROVED, THE PRIOR LICENSEE SHALL NOT BE REQUIRED TO PAY ANY CITY LIQUOR LICENSE FEES UNLESS THE DEPARTMENT OF LIQUOR LICENSES AND CONTROL ALLOWS THE LICENSEE TO RE-ACTIVATE THE LICENSE THAT WAS SURRENDERED OR CANCELED IN CONJUNCTION WITH THE FILING OF THE APPLICATION FOR A NEW LICENSE.

Sec. 4-~~28~~**26**. Display.

A **CITY LIQUOR** license ~~issued pursuant to the provisions of this article~~ shall be displayed in a conspicuous place on the licensed premises.

SEC. 4-27—SEC. 4-28. RESERVED.

PASSED, ADOPTED AND APPROVED by the Mayor and Council of the City of Glendale, Maricopa County, Arizona, this 13th day of February, 2001.

MAYOR

ATTEST:

City Clerk (SEAL)

APPROVED AS TO FORM:

City Attorney

REVIEWED BY:

City Manager