

ALCOHOLIC BEVERAGES^{1[1]}

Sec. 4-1. Definitions.

For the purposes of this chapter, unless the context otherwise requires, all words and phrases shall have the same meaning attributed to them as is provided in Arizona Revised Statutes, § 4-101 et seq.

Sec. 4-2. License required.

No person shall manufacture, sell or deal in spirituous liquors within the city without first obtaining and properly maintaining in force a liquor license issued by the state under the procedures specified by state law and/or state regulation promulgated under state law.

Sec. 4-3. City liquor license—Application procedure.

(a) Under the provisions of Arizona Revised Statutes, § 4-201, the city is required to post the premises for any proposed original liquor license or transfer of a liquor license at any location in the city, and the city council is required to recommend to the state liquor board approval or disapproval of the issuance of such state license. To satisfy these requirements, the following procedures are hereby established:

- (1) When copies of state applications or applicant's questionnaires are received by the city clerk or by the finance and technology department, acting as designated agent of the city clerk, the applicant shall be promptly notified of required city procedures and fees;
- (2) The applicant shall complete and return to the city a liquor license application form to provide such information as may be deemed necessary by the city clerk to help various departments and agencies provide appropriate information or recommendations on the matter to the city council. Each application shall bear the notarized signature of the applicant or his agent authorized under state law. At the time the city application is submitted, a nonrefundable application fee shall also be paid (see Appendix A). Arrangements shall be made to post the premises for twenty (20) days as required by state law;
- (3) The applicants and agents, in addition to state law requirements, shall submit a full set of fingerprints to the Tempe police department for the purpose of obtaining a state or federal, or both, criminal records check pursuant to A.R.S. § 41-1750 and Public Law (PL) 92-544. The

^{1[1]}**Cross references**—Licenses, taxation and miscellaneous business regulations, Ch. 16; consumption of alcoholic beverages in parks, § 23-45.

State law reference—Alcoholic beverages, A.R.S. § 4-101 et seq.

Department of Public Safety is authorized to exchange this fingerprint data with the Federal Bureau of Investigation. Fingerprints must be submitted on fingerprint cards provided by the finance and technology director or designee;

- (4) The finance and technology department, as designated agent of the city clerk, shall submit recommendation requests to the police department, fire marshal, community development department, county health services department and/or to any other agency which might provide pertinent information to the city council. If there are apparent violations of the zoning code, building code, fire code, or health code, the applicant shall be expected to take corrective action and to call the appropriate agency for reinspection of the premises. When all recommendation sheets have been returned to the finance and technology department, and when it is determined that neither the applicant nor his immediate predecessor in the establishment is delinquent in reporting and/or paying any required city tax or fee, the matter of the liquor license application shall be submitted to the city council for action at a subsequent council meeting;
- (5) After a public hearing the city council shall recommend to the state liquor board approval or disapproval of the proposed liquor license based on whether such issuance will best serve the public interest and convenience of the city. In making such determination the council may consider all factors deemed by it to be relevant; and
- (6) The city clerk shall promptly send to the state liquor board certification of approval or disapproval by the city council, together with any petitions or letters submitted to the city clerk during the twenty (20) day posting period.

(b) No person shall fail or refuse to file a city liquor license application or fail or refuse to comply with other procedural requirements as specified in subsection (a) of this section within fifteen (15) days after a notice or letter requesting compliance is sent to the establishment or to the mailing address shown on state application forms by ordinary mail.

Sec. 4-4. Same—Tax; issuance fee; penalty for late payment.

(a) Whenever the state issues a liquor license for a location within the city, such licensee shall be subject to, and shall pay, a first-year issuance fee of two hundred dollars (\$200), together with the city liquor license tax as hereinafter provided. The city liquor license tax shall continue to be applicable, whether or not the liquor license is in active use, until the department of liquor licenses and control has cancelled such liquor license for the stated location. In the case of a pending transfer of a license, or the operation of a restaurant or hotel-motel liquor license under an interim permit issued by the state, the

applicant shall maintain payment of the city license tax when due during the period prior to the actual issuance of a new liquor license by the state.

(b) The tax shall be imposed on an annual basis, and shall be due and payable in full on or before the first day of January each year.

(c) The city liquor license tax for each continuing license and for each new license issued on or prior to June 30 in any calendar year for each license series issued by the state shall be imposed in accordance with the tax schedule shown in Appendix A. If any establishment maintains more than one series of liquor license for the establishment, a separate city liquor license tax shall be imposed for each series of state liquor license maintained.

(d) For any new state liquor license issued by the state on or after July 1 of any calendar year, the liquor license tax shown in Appendix A shall be imposed.

(e) For any new state liquor license issued by the state, the tax imposed by this chapter shall be submitted at the time of making city application and refunded if the state liquor license is not issued.

(f) Any person subject to tax under this chapter who fails to pay the first-year issuance fee and/or city liquor license tax when same becomes due shall be subject to and shall pay a penalty of one hundred dollars (\$100) or fifteen percent (15%) of the past due amount, whichever is greater, plus one percent interest per month of taxes and/or fees due.

(g) The first-year issuance fee shall be submitted at the time of making city application and refunded if the state liquor license is not issued.

(h) No person shall fail or refuse to pay a delinquent city liquor license tax within fifteen (15) days after a compliance request is mailed to the establishment or to the last known mailing address of the license holder by ordinary mail.

(i) No person shall fail or refuse to pay any penalty assessed for late payment within fifteen (15) days after notice of such penalty charge is mailed to the establishment or to the last known mailing address of the license holder by ordinary mail.

Sec. 4-5. Tax rate schedules.

The city's liquor license tax for each license established by the State of Arizona shall be imposed by the city council (see Appendix A).

State law reference—Authority of city to levy a tax on the privilege of engaging in the business of selling spirituous liquors at retail, A.R.S. § 4-223.

Sec. 4-6. Special event licenses.

(a) Any person desiring a special event license, pursuant to Arizona Revised Statutes § 4-203.02, shall make application to the office of finance and technology not less than sixty (60) days prior to the date for which such special event license is sought.

(b) Application shall be made upon forms prescribed by the finance and technology director, which shall provide sufficient information to enable the city council to determine the applicant's qualifications for such license as provided for in state law. Each such application shall contain a notarized signature of the applicant and shall be accompanied by a nonrefundable application fee (see Appendix A).

(c) The city council shall hold a public hearing on the application and transmit to the department of liquor licenses and control its recommendation within forty-five (45) days of receipt of the application.

(d) Each special event license granted by the state shall be subject to a city special event license tax of twenty-five dollars (\$25) for each day in which the license is in effect. The special event license tax shall be submitted at the time of making application and is refundable if the state license is not issued.

Sec. 4-7. Compliance with other city laws required.

Issuance of a liquor license by the state department of liquor licenses and control shall not exempt the license holder from complying with all city laws, including but not limited to tax laws, licensing laws, zoning code, building code and fire code. If any or all of such laws are deliberately violated by the liquor license holder, the city or any of its departments may petition the department of liquor licenses and control to request cancellation of such liquor license.

Sec. 4-8. Right of entry of enforcement officials.

(a) Any member of the police force of the city, or any other officer or official of the city, shall have the right to enter for inspection purposes during normal business hours any establishment in the city for which a liquor license has been issued by the state.

(b) No person shall fail or refuse to permit a police officer of the city, or any officer or official of the city showing appropriate city identification, to enter the licensed establishment for inspection purposes during business hours.

Sec. 4-9. Weapons prohibited in establishment.

(a) This section shall be known and may be cited as the "Weapons Control Ordinance of the city."

(b) For the purposes of this section, the following words and phrases shall have the meanings respectively ascribed to them in this subsection, unless the text clearly

indicates otherwise:

- (1) *Person* means any person except members of any law enforcement unit, private police employed by the licensee, the licensee of the premises, and employees and agents.
- (2) *Weapon* includes, but is not limited to, any type of firearms or instrument capable of projecting a missile; any type of knife, dagger, sword or other sharp instrument used in combat; any chain, motorcycle driving chains, belts composed of such chains, brass knuckles, sap, or other blunt instrument not manifestly appropriate for lawful use; and any type of explosive or explosive instrument whatsoever.

(c) It is a misdemeanor for any person to carry any weapon, whether concealed or not, into any place within the city limits where spirituous liquor, as defined in Arizona Revised Statutes § 4-101(15), is sold or dispensed.

(d) No licensee nor any employee or agent of any establishment where spirituous liquor is sold or dispensed shall allow any person to carry onto his premises any weapon in violation of subsection (c). Violation of this subsection shall be a misdemeanor. Nothing in this section shall be construed to prohibit any owner of any establishment where spirituous liquor is sold or dispensed from keeping on his premises a weapon for the purpose of protecting the establishment.

- (e) Nothing in this section shall be construed as limiting or otherwise altering the requirements of any other applicable laws respecting the carrying or possession of weapons.