

ORDINANCE NO. 17-1178

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF LAKE HAVASU CITY, MOHAVE COUNTY, ARIZONA, AMENDING LAKE HAVASU CITY CODE CHAPTER 5.12, ALCOHOLIC BEVERAGE LICENSE, TO DELEGATE APPROVAL FOR SPECIAL EVENT, FAIR/FESTIVAL, AND EXTENSION OF PREMISE LIQUOR LICENSES TO REDUCE PROCESSING TIME

RECITALS: The City received a notice from the Arizona Department of Liquor Licenses and Control urging the City to delegate approval for special events, fair/festival, and extension of premise liquor licenses to a designee in order to reduce processing time. In response to this request and in order to better serve its constituents, the City revises Chapter 5.12 of the City Code accordingly.

NOW THEREFORE BE IT ORDAINED, by the Mayor and City Council of Lake Havasu City, Arizona, as follows:

Section 1: That Lake Havasu City Code Chapter 5.12, Alcoholic Beverage License, Sections 5.12.020, 5.12.030, 5.12.040, 5.12.050, 5.12.060, 5.12.070, and 5.12.080 are amended as follows:

§ 5.12.020 REQUIRED.

It is unlawful for any person to buy for resale, sell, or deal in alcoholic liquors within the corporate limits of the city without first ~~procuring a license issued by the City Clerk as~~ OBTAINING THE NECESSARY LICENSE REQUIRED BY A.R.S. § TITLE 4 AND ~~provided by this chapter~~ EXCEPT FOR THOSE ACTIVITIES LISTED IN A.R.S. § 4-226. ~~provided, however, that the provisions of this chapter do not apply to drugstores selling only spirituous liquors upon prescription.~~

§ 5.12.030 APPLICATION – FORM.

Any person desiring a license to manufacture, sell, or deal in spirituous liquors shall make application to the City ~~Clerk~~ on forms prescribed and furnished by the state's Department of Liquor Licenses and Controls, and shall pay to the CITY Clerk at the time of making application a fee, IF APPLICABLE, ~~all of which shall be returned should~~ IS REFUNDABLE IF the application IS ~~be~~ denied. ~~Upon receipt of the application, I shall immediately be filed with the City Clerk, who shall cause notice to be published once prior to the meeting of the City Council at which the application is scheduled to be heard.~~

§ 5.12.040 APPLICATION—FINGERPRINTING.

Concurrently upon making the application required in § 5.12.030 FOR A LIQUOR LICENSE OR AGENT CHANGE/ACQUISITION OF CONTROL, each applicant shall submit a full set of fingerprints to the Police Chief or designee. The fingerprints shall be submitted to the Arizona Department of Public Safety (DPS). DPS is authorized to provide state and federal criminal history record information to City pursuant to A.R.S. § 41-1750 and Public Law 92-544 to

evaluate the fitness of these license applicants. DPS may exchange this fingerprint data with the Federal Bureau of Investigation (FBI).

§ 5.12.050 POSTING FEE.

IF APPLICABLE, ~~A~~ A nonrefundable posting fee and REFUNDABLE application fee shall accompany the application for license prior to the City ~~Clerk~~ initiating the licensing process.

§ 5.12.060 TRANSFER.

A license may be assigned or moved to another location SUBJECT TO APPLICABLE STATE LAW AND APPROVAL. 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 and the posting fee shall be paid with the application, even though the fees may have been paid with respect to that license elsewhere.

§ 5.12.070 SPECIAL EVENTS, FAIR/FESTIVAL, AND EXTENSION OF PREMISE LIQUOR LICENSES.

- A. THE CITY MANAGER IS AUTHORIZED TO MAKE RECOMMENDATION TO THE ARIZONA DEPARTMENT OF LIQUOR LICENSES AND CONTROL TO GRANT OR DENY A SPECIAL EVENT, FAIR/FESTIVAL, OR EXTENSION OF PREMISE LIQUOR LICENSE APPLICATION. THE CITY MANAGER MAY SIGN AND SUBMIT TO THE ARIZONA DEPARTMENT OF LIQUOR LICENSES AND CONTROL, WITHOUT CITY COUNCIL ACTION, ANY APPLICATION RECOMMENDED FOR APPROVAL.
- B. THE CITY MANAGER SHALL PROVIDE WRITTEN NOTICE TO THE APPLICANT WITHIN FIVE (5) CALENDAR DAYS IF THE RECOMMENDATION FOR THE SPECIAL EVENT, FAIR/FESTIVAL, OR EXTENSION OF PREMISE LIQUOR LICENSE APPLICATION IS DENIED AND SHALL NOT TAKE FURTHER ACTION ON THE APPLICATION UNTIL AFTER THE CITY COUNCIL HAS CONSIDERED AND DECIDED ANY TIMELY FILED APPEAL OF THE RECOMMENDATION FOR DENIAL AS PROVIDED BELOW.
- C. IF THE CITY MANAGER RECOMMENDS DENIAL OF A SPECIAL EVENT, FAIR/FESTIVAL, OR EXTENSION OF PREMISE LIQUOR LICENSE APPLICATION, THE APPLICANT MAY REQUEST WITHIN FIVE (5) CALENDAR DAYS OF RECEIPT OF THE WRITTEN NOTICE FROM THE CITY MANAGER REQUIRED ABOVE THAT ITS APPLICATION BE PLACED ON THE NEXT AVAILABLE CITY COUNCIL MEETING AGENDA FOR CONSIDERATION AND RECOMMENDATION TO THE ARIZONA DEPARTMENT OF LIQUOR LICENSES AND CONTROL.
- D. THE CITY MANAGER IS AUTHORIZED TO SIGN AND SUBMIT ON BEHALF OF THE CITY ALL SPECIAL EVENT, FAIR/FESTIVAL, OR EXTENSION OF PREMISE LIQUOR LICENSE APPLICATIONS RECOMMENDED BY THE CITY TO THE ARIZONA DEPARTMENT OF LIQUOR LICENSES AND CONTROL.
- E. An administrative fee shall be charged to all applicants for special event, FAIR/FESTIVAL, AND EXTENSION OF PREMISE liquor licenses, per event, regardless of the duration of the event.

§ 5.12.080 BUSINESS REGISTRATION REQUIRED.

Any person or business making application shall be required to register the business with the City Clerk's Office prior to the issuance of a city liquor license, EXCEPT APPLICATIONS FOR SPECIAL EVENT LIQUOR LICENSES.

Section 2: All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

Section 3: If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

PASSED AND ADOPTED by the City Council of Lake Havasu City, Arizona, on _____, 2017.

APPROVED:

Mark S. Nexsen, Mayor

ATTEST:

Kelly Williams, City Clerk

APPROVED AS TO FORM:

REVIEWED BY:

Kelly Garry, City Attorney

Charlie Cassens, City Manager