

**ALCOHOLIC BEVERAGES
(LIQUOR LICENSE)**



From Scottsdale Revised Code

NOTICE

This booklet incorporates sections of the City Code of the City of Scottsdale as it relates to Alcoholic Beverages.

It is our hope that this booklet will assist you in understanding the licensing law.

For additional information or clarification please call (480) 312-2400.

	<u>Ordinance Number</u>	<u>Adopted</u>	<u>Effective</u>
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**CHAPTER 16
LICENSES, TAXATION AND MISCELLANEOUS BUSINESS
REGULATIONS**

ARTICLE V. ALCOHOLIC BEVERAGES

DIVISION 1. GENERALLY

Sec. 16-166. Definitions.

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

"Beer" means any beverage obtained by the alcoholic fermentation, infusion or decoction of barley malt, hops or other such ingredients not drinkable or any combination of them.

"Brewer" means any person who manufactures beer to sell.

"Club" means any establishment as defined by Section 4-101, Arizona Revised Statutes.

"Distiller" means any person who manufactures any spirituous liquor to sell, other than beer and wine.

"Off-sale retailer" means 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 package, to be taken away from the premises of the retailer and to be consumed off the premises.

"On-sale retailer" means any person operating an establishment where spirituous liquors are sold in the original container for consumption on or off the premises and in individual portions for consumption on the premises.

"Sell" means soliciting or receiving an order for keeping or exposing for sale, delivering for value, peddling, keeping with intent to sell and trafficking in.

"Special event" means the sale of spirituous liquor on a temporary basis for consumption on the premises where sold.

"Spirituous liquor" includes alcohol, brandy, whiskey, rum, tequila, mescal, gin, wine, porter, ale, beer, any malt liquor, malt beverage, absinthe or compound or mixture of any of them, or of any of them with any vegetable or other substance, alcohol bitters, bitters containing alcohol and any liquid mixture or preparation, whether patented or otherwise, which produces intoxication, fruits preserved in ardent spirits, and beverages containing more than one-half of one (0.5) percent of alcohol by volume.

"Wine" means the product obtained by the fermentation of grapes or other agricultural products containing natural or added sugar or any such alcoholic beverage fortified with grape brandy and containing not more than twenty-four (24) percent of alcohol by volume.

"Winer" means any person who manufactures wine for sale.

Sec. 16-167. State law applicable; rules and regulations; enforcement.

(a) This article is subject to the provisions of Title 4, Arizona Revised Statutes [A.R.S.s. 4-101 et seq.]

(b) The General Manager, Financial Services Department or designee may prepare such reasonable rules and regulations as he may deem necessary to carry out the provisions of this article. The General Manager, Financial Services Department or designee shall assure proper and complete enforcement of the terms of this article.

Sec. 16-168. Right to enter premises.

In order to carry out the provisions of this article, the General Manager, Financial Services Department or designee may at any time, while in the discharge of his duties, enter upon the premises of any permittee for the purpose of inspecting the premises as may be necessary and proper for the enforcement of this article.

Secs. 16-169-16-180. Reserved.

DIVISION 2. TAX PERMIT

Sec. 16-181. Required; display.

It is unlawful for any person to sell or offer for retail sales within the city any spirituous liquors or alcoholic beverage without having first obtained a liquor permit as set forth in this

division. The liquor permit shall be displayed in a conspicuous place.

Sec. 16-182. Application.

(a) Application for a spirituous liquor permit, whether for an original or a transfer, under the provisions of this article shall be made on forms furnished by the city and made available by the customer service director or designee. Every application shall be accompanied by the application fee prescribed by Section 16-186, except that no application fee shall be required for issuance of a spirituous liquor permit to established businesses located within any area annexed by the city that possess a valid state spirituous liquor license as of the date of annexation; provided, however, that the owner of any such business completes and submits the required application to the city within thirty (30) days of receiving a notice to apply.

(b) Every application shall be processed by such city departments as are designated by administrative order. The order shall be uniform in its application for every class of liquor permit.

Sec. 16-183. Inspection of premises.

The application for a liquor permit under this division shall have on it a statement by the applicant of at least three (3) different times during the business day, within a seven-day period, when he will be available at the premises to be inspected and to meet with the proper city officials making the inspection. Failure of an applicant to be at the premises at the time stated in his application shall be grounds, if the General Manager, Financial Services Department or designee

determines that such absences were without a sufficient excuse, for cancellation of the application and forfeiture of the application fee.

Sec. 16-184. Expiration; renewal.

Spirituos liquor permits shall be issued for a period of one (1) year and shall expire at the end of the calendar year for which they were issued. No liquor permit shall be renewed unless the permittee conforms with the provisions of this article. Liquor permits may be issued on a quarterly basis, and all tax money shall be paid in advance. No liquor permit shall be issued for less than a quarter of a calendar year.

Sec. 16-185. Temporary permit.

Upon application for a spirituous liquor permit, the General Manager, Financial Services Department or designee may issue a temporary permit under circumstances where similar temporary authorization has been granted by the state department of liquor license and control. The term of a temporary permit shall not exceed 105 days and shall not be extended unless extension is granted by the state. Payment shall be made in advance in an amount to be prorated by the quarter by the General Manager, Financial Services Department or designee and based upon the fee schedules set forth in Section 16-186. If the applicant is an organization formed for a specific charitable or civic purpose, no payment is required for a temporary permit. The issuance of temporary permits is allowed solely for the convenience of the applicant, and does not prejudice the ultimate decision of the General Manager, Financial Services Department or designee upon the

application, nor vest in the applicant any right to the issuance of a permanent liquor permit.

Sec. 16-186. Fees.

(a) The following fees which shall be effective as of July 1, 1993, shall be charged for liquor permits required by this article. The fees in effect at the time of the adoption of this section shall be applicable at all times prior to July 1, 1993, to permits required by this article.

Permit	Application Fee	Issuance Fee	Annual Permit Tax
Distiller	\$500.00	\$100.00	\$900.00
Brewer	\$500.00	\$100.00	\$900.00
Winer	\$500.00	\$100.00	\$900.00
Wholesaler to sell all spirituous liquors	\$500.00	none	none
Wholesaler to sell wine and beer	\$500.00	none	none
On-sale retailer to sell all spirituous liquor by individual portion and in the original containers	\$500.00	\$100.00	\$1200.00
On-sale retailer to sell wine and beer	\$500.00	\$100.00	\$500.00
Off-sale retailer to sell all spirituous liquors	\$500.00	\$100.00	\$450.00
Off-sale retailer to sell wine and beer	\$500.00	\$100.00	\$300.00

Permit	Application Fee	Issuance Fee	Annual Permit Tax
Railroad license issued in the name of an operating railroad company to sell all spirituous liquors in individual portions or in the original containers on all passenger trains operated by the railroad company	\$500.00	\$100.00	\$500.00
Airline license issued in the name of an operating airline company to sell or serve spirituous liquors solely in individual portions on all passenger planes operated by the airline company	\$500.00	\$100.00	\$500.00
Club to sell and service spirituous liquors solely for consumption on the licensed premises	\$500.00	\$100.00	\$300.00
Hotel-motel to sell and service spirituous liquors solely for consumption on the licensed premises	\$500.00	\$100.00	\$1200.00
Restaurant to sell and service spirituous liquors solely for consumption on the licensed premises	\$500.00	\$100.00	\$1200.00

(b) Application fees and liquor permit taxes shall be retained by the General Manager, Financial Services Department or designee. No refund shall be made if the liquor permit is not granted or is granted and later revoked.

(c) A person who fails or refuses to obtain a liquor permit as required by this division shall pay a penalty of ten percent (10%) in addition to the cost of such permit when obtained.

(d) A duplicate liquor permit may be issued by the customer service director or designee to replace any permit issued hereunder which has been lost or destroyed upon the permittee filing a statement of such fact, and at the time of filing such statement paying to the General Manager, Financial Services Department or designee a duplicate permit fee of ten dollars (\$10.00).

Sec. 16-187. Transfer.

(a) Unless otherwise provided by state law, liquor permits under this division are transferable from person to person or from place to place upon the payment of an application fee of one hundred dollars (\$100.00), effective January 1, 1990. The fee shall be applied to cover the cost of processing the application for transfer.

(b) No spirituous liquor permits shall be issued or transferred without approval by the General Manager, Financial Services Department or designee except that General Manager, Financial Services Department or designee approval shall not be required for issuance of a spirituous liquor permit to established businesses located within any area annexed by the city that possess a valid state spirituous liquor license as of the

date of annexation; provided, however, that the owner of any such business completes and submits the required application to the city within thirty (30) days of receiving a notice to apply.

Sec. 16-188. Special event liquor licenses; fees.

(a) Any person desiring a special event license pursuant to Arizona Revised Statutes Section 4-203.02, shall make application with the city 20 days prior to the date for which the special event license is sought.

(b) Application shall be made upon forms furnished by the city and made available by the customer service director or designee. A nonrefundable fee of twenty-five dollars (\$25.00) per day shall be paid at the time of making application.

Secs. 16-189-16-200. Reserved.

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