

**ORDINANCE NO. 1419-610**

AN ORDINANCE OF THE COUNCIL OF THE CITY OF AVONDALE,  
ARIZONA AMENDING THE AVONDALE CITY CODE, CHAPTER 13,  
ARTICLE IV, ALCOHOLIC BEVERAGE LICENSES.

**WHEREAS**, the Council of the City of Avondale (the "City Council") desires to ensure that the Avondale City Code is in harmony with the provisions of ARIZ. REV. STAT. Title 4, Chapter 2, Article 1, as amended; and

**WHEREAS**, the City Council desires to facilitate the enforcement of applicable state law by and through the City Code.

**NOW, THEREFORE, BE IT ORDAINED** BY THE COUNCIL OF THE CITY OF AVONDALE as follows:

SECTION 1. The recitals above are hereby incorporated as if fully set forth herein.

SECTION 2. The Avondale City Code, Chapter 13, Article IV, Alcoholic Beverage Licenses, Section 13-87, Required, is hereby amended to read as follows:

It shall be unlawful for any person to buy for resale, sell or deal in alcoholic liquors within the corporate limits of the city without first having procured (I) a license issued by the license administrator PURSUANT TO THIS ARTICLE and (II) A BUSINESS LICENSE ISSUED BY THE CITY FINANCE AND BUDGET DEPARTMENT PURSUANT TO ARTICLE III OF THIS CHAPTER ~~paying the tax required by tax article for such manufacturing, wholesaling, buying for resale or dealing in selling alcoholic beverages;~~ provided however, that the provisions of this article ADDRESSING THE ISSUANCE OF A LIQUOR LICENSE shall not apply to drug stores selling ~~only~~ spirituous liquors ONLY upon prescription.

SECTION 3. The Avondale City Code, Chapter 13, Article IV, Alcoholic Beverage Licenses, Section 13-88, Applications; publication of notice, is hereby amended to read as follows:

**13-88 Applications; publication of notice AND FEES.**

....

(b) ~~The license tax provided for by this ordinance, the issuance fee, and an application fee of one hundred dollars (\$100.00) shall be payable in advance, and shall accompany the application for the license. THE APPLICATIONS SHALL BE ACCOMPANIED BY A NON-REFUNDABLE APPLICATION FEE, ISSUANCE FEE AND ANNUAL FEE ACCORDING TO THE PROPER LICENSE SERIES IN AMOUNTS DETERMINED IN ACCORDANCE WITH SECTION 13-90.~~

SECTION 4. The Avondale City Code, Chapter 13, Article IV, Alcoholic Beverage Licenses, Section 13-90, License tax and issuance fee, is hereby amended to read as follows:

**13-90 ~~License tax and~~ APPLICATION FEES, issuance fees AND ANNUAL FEES.**

The issuance fees and the license tax for alcoholic beverages shall be in the following amounts:  
TABLE INSET:

	Issuance Fee	Annual Fee
<del>Series 1: Distiller's license</del>	<del>\$500.00</del>	<del>\$500.00</del>
<del>Series 2: Brewer's license</del>	<del>500.00</del>	<del>500.00</del>
<del>Series 3: Winer's license</del>	<del>500.00</del>	<del>500.00</del>
<del>Series 6: On-Sale Retailer's license to sell all spirituous liquors</del>	<del>500.00</del>	<del>500.00</del>
<del>Series 7: On-sale Retailer's license to sell beer and wine</del>	<del>300.00</del>	<del>100.00</del>
<del>Series 8: On-sale Retailer's license to sell beer</del>	<del>200.00</del>	<del>80.00</del>
<del>Series 9: Off-sale Retailer's license to sell all spirituous liquors</del>	<del>500.00</del>	<del>160.00</del>
<del>Series 10: Off-sale Retailer's license to sell beer and wine</del>	<del>\$300.00</del>	<del>\$100.00</del>
<del>Series 11: Off-sale Retailer's license to sell beer</del>	<del>200.00</del>	<del>80.00</del>
<del>Series 14: Club license</del>	<del>500.00</del>	<del>80.00</del>
<del>Series 15: Hotel-Motel license to sell spirituous liquors</del>	<del>500.00</del>	<del>500.00</del>
<del>Series 16: Restaurant license to sell spirituous liquors</del>	<del>500.00</del>	<del>500.00</del>

THE APPLICATION FEES, ISSUANCE FEES AND ANNUAL FEES SHALL BE ESTABLISHED FOR EACH LICENSE SERIES IN AMOUNTS DETERMINED BY THE CITY COUNCIL AS PART OF THE CITY'S ANNUAL BUDGET OR BY SEPARATE RESOLUTION.

SECTION 5. The Avondale City Code, Chapter 13, Article IV, Alcoholic Beverage Licenses, Section 13-91, Term and refund or proration of fees, is hereby amended to read as follows:

All ~~license taxes~~ ANNUAL FEES required by this article shall be for the period beginning with the date of the original application and ending on July thirty-first next following the granting of the license by the superintendent of liquor license control of the state. If the license is not granted by such superintendent, the ~~tax~~ ANNUAL FEE and the issuance fee shall be refunded. The ~~license tax~~ ANNUAL FEE shall thereafter be due on an annual basis for the period August first to the following July 31. The ~~liquor license tax~~ ANNUAL FEE provided for by this article shall be prorated. All applications received on or before December thirty-first shall be accompanied by the ANNUAL fee ~~as set forth in section 13-90~~ IN ADDITION TO THE ISSUANCE FEE AND THE APPLICATION FEE, ALL IN AMOUNTS DETERMINED IN ACCORDANCE WITH SECTION 13-90. Applications received on or after January first shall be accompanied by one-half of the annual fee in addition to the issuance fee and the application fee, ALL IN AMOUNTS DETERMINED IN ACCORDANCE WITH SECTION 13-90.

SECTION 6. The Avondale City Code, Chapter 13, Article IV, Alcoholic Beverage Licenses, Section 13-92, Penalty for late payment, is hereby amended to read as follows:

Any license holder who shall have failed to pay the annual ~~tax~~ FEE required by this article on or before July 31 shall be subject to and shall pay a penalty of ten (10) percent of such ~~tax~~ FEE.

SECTION 7. The Avondale City Code, Chapter 13, Article IV, Alcoholic Beverage Licenses, Section 13-93, Transfer, is hereby amended to read as follows:

(a) A license issued pursuant to this article may be assigned or moved to another location. Each application for a transfer of license whether a transfer from person to person, location to location, A change of agent for a corporation, A TRANSFER FROM A SOLE PROPRIETOR OR PARTNERSHIP TO A CORPORATION IN WHICH THE OWNER OR PARTNER ARE OWNERS OF ONE HUNDRED (100) PERCENT OF THE STOCK, A TRANSFER TO AN HEIR OR DEVISEE or any other type of transfer, shall for the purposes of this article, be treated as if the application were for the issuance of an original license, and the application fee, the issuance fee ~~an~~ 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. ~~Any provision of this section to the contrary notwithstanding, a transfer from a sole proprietor or partnership to a corporation in which the owner or partner are owners of one hundred (100) percent of the stock shall be permitted upon the payment of a fee of four hundred dollars (\$400.00) or the fees set forth above whichever is the lesser.~~

~~(b) Any provision of this chapter to the contrary notwithstanding, any heir or devisee of the holder of a license issued pursuant to this article may have such license transferred directly to him or her upon the payment of an application fee of one hundred dollars (\$100.00) and fifty (50) percent of the issuance fee for such license as set forth in section 13-90 of this article. (Ord. No. 320, 4, 7-19-82; Ord. No. 402, 12-17-86; Ord. No. 494, 1, 1-21-91)~~

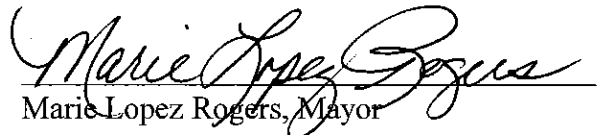
SECTION 8. The Avondale City Code, Chapter 13, Article IV, Alcoholic Beverage Licenses, Section 13-94, Violations, is hereby amended to read as follows:

Any person violating any of the provisions of this article shall be guilty of a misdemeanor. Each sale of alcoholic beverages made in violation of this article shall be a separate offense and any sale of alcoholic beverages made after the expiration of a period for which a license tax FEE has been paid without the payment of the ~~renewal license tax~~ ANNUAL FEE shall be a separate offense under this article.

SECTION 9. If any section, subsection, sentence, clause, phrase or portion of this Ordinance or any part of the City Code, Chapter 13, Article IV, Alcoholic Beverage Licenses, as amended, is for any reason to be held invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

SECTION 10. That the Mayor, the City Manager, the City Clerk and the City Attorney are hereby authorized and directed to take all steps and execute all documents necessary to carry out the purpose and intent of this Ordinance.

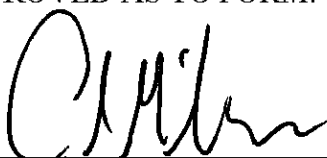
**EXECUTED** by the Council of the City of Avondale, June 21, 2010.

  
Marie Lopez Rogers, Mayor

ATTEST:

  
Carmen Martinez, City Clerk

APPROVED AS TO FORM:

  
Andrew J. McGuire, City Attorney