

RESOLUTION NO. 2021-01

**A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF TUSAYAN,
CLARIFYING THE PROCESSES AND PROCEDURES FOR TOWN REVIEW OF
LIQUOR LICENSE APPLICATIONS.**

RECITALS:

WHEREAS, a person desiring a liquor license within the Town must **apply** for such license pursuant to A.R.S. § 4-201 *et seq.*; and

WHEREAS, the Town is required to consider an application pursuant to A.R.S. § 4-201 *et seq.*; and

WHEREAS, on May 2nd, 2012, the Town adopted by Resolution 2012-05-02-01 Procedures and Processes Manual for the Consideration of Liquor Licenses for the approval of licenses within the Town; and

WHEREAS, the Town wishes to repeal the previous version of the Procedures and Processes Manual Consideration of Liquor Licenses and adopt a new policy simplifying and clarifying these procedures.


NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE TOWN OF TUSAYAN that the procedures for consideration of liquor licenses attached hereto as Exhibit A are hereby approved and adopted.

PASSED AND ADOPTED BY the Mayor and Council of the Town of Tusayan, this 10th day of March, 2021.



Clarinda Vail, Mayor

APPROVED AS TO FORM:



Aaron Arason, Pierce Coleman PLLC, Town

Attorney

ATTEST:



Maria Wortman, Interim Town Clerk

Exhibit A
To
Resolution 2021-01

(Liquor License Approval Procedures)

See following pages.

Section 1. License Required. No person shall manufacture, sell or deal in spirituous liquors within the Town 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.

Section 2. Town Liquor License—Approval Procedure. Under the provisions of Arizona Revised Statutes, § 4-201, the Town is required to post notice on the premises for any proposed original liquor license or transfer of a liquor license at any location in the Town, and the Town Council is required to recommend to the state liquor board approval or disapproval of the issuance of such state license. After a public hearing, the Town 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 Town. In making such determination the council may consider all factors allowed by state law and/or state regulation promulgated under state law.

Section 3. Special Event and Other Permits. Any person desiring a special event license, or other license which may be approved by a designee of the Town Council pursuant to Arizona Revised Statutes § 4-201 *et seq.*, shall make application to the Town Clerk not less than sixty (60) days prior to the date for which such special event license is sought. The application shall be made upon forms prescribed by the Town Clerk, which shall provide sufficient information to enable the Town Council, or its designee, 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 as specified in the application. For the purposes of this section, the Town Manager may act as the Town Council's designee in approving such licenses.

Section 4. Compliance with Other Town Laws Required. Issuance of a liquor license by the Department of Liquor Licenses and Control shall not exempt the license holder from complying with all Town 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 Town or any of its departments may petition the Department of Liquor Licenses and Control to request cancellation of such liquor license.

Section 5. Right of Entry of Enforcement Officials. Any member of the police force of the Town, or any other officer or official of the Town, shall have the right to enter for inspection purposes during normal business hours any establishment in the Town for which a liquor license has been issued by the state. No person shall fail or refuse to permit a police officer of the Town, or any officer or official of the Town showing appropriate Town identification, to enter the licensed establishment for inspection purposes during business hours.