

ORDINANCE NO. 5877

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MESA, MARICOPA COUNTY, ARIZONA, AMENDING MESA CITY CODE TITLE 1, CHAPTER 20, SECTION 4 AND MESA CITY CODE TITLE 5, CHAPTER 9, SECTION 4 REGARDING THE DELEGATION OF AUTHORITY TO THE CITY MANAGER TO RECOMMEND APPROVAL OR DENIAL OF SPECIAL EVENT LIQUOR LICENSES.

WHEREAS, Mesa City Charter Section 303 designates the City Manager as the chief administrative officer of the City, responsible for the administration and coordination of all departments, boards, and affairs assigned by the City Charter, ordinance or resolution.

WHEREAS, through Title 1, Chapter 20 of the City Code, the City Council assigned certain responsibilities to the City Manager that are within the authority of the City Council.

WHEREAS Arizona Revised Statute § 4-203.02(B) provides City Council the authority to grant to the governing body's designee the right to recommend approval or denial of special event liquor licenses.

WHEREAS, the City Council has determined it is appropriate to grant to the City Manager, or their designee, the authority to recommend approval or denial of special event liquor licenses as provided herein.

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Mesa, Arizona, as follows:

SECTION 1: Title 1, Chapter 20, Section 4 of the Mesa City Code is hereby amended as follows:

1-20-4: DUTIES:

The Manager shall be the chief administrative officer of the City, responsible to the Council for administration and coordination of all departments, boards, and affairs assigned to him by this Chapter, by ordinance, or by resolution. He shall have authority and responsibility to:

- (A) Attend Council meetings and present information and recommendations he deems necessary or as requested by any member of the Council, but he shall have no vote.
- (B) Recommend to, and upon approval by the Council, appoint all City officers (except those subject to Council appointment pursuant to Section 401 of the Mesa City Charter), and when deemed necessary, suspend, and after approval of the Council, remove them.
- (C) Pursuant to the merit system regulations, appoint, and when necessary remove, all employees of the City, except as he may authorize heads of departments and offices to

appoint and remove their own subordinates. Any unexcused voluntary absence of any employee shall constitute resignation.

- (D) Recommend to the Council personnel policies and assignments for efficient operation of the City government.
- (E) Submit to the Council the annual budget and capital program.
- (F) Supervise all expenditures and purchases of the City.
- (G) See that all laws, provisions of this Chapter, and acts of the Council subject to enforcement by him or by officers under his direction are faithfully executed.
- (H) Execute, or cause to be executed by his designated representative, all contracts and other lawful documents authorized by the Council.
- (I) Grant or assign easements to utility and telecommunication entities, public agencies, or governmental entities for utility and telecommunication easements, storm water and drainage easements, and similar types of easements that are intended to benefit the public or to allow utility services to City owned property. The grants or assignments may be from City owned property, City rights-of-way, or other property for which the City has a property right that allows it to grant or assign such easements.
- (J) Dedicate rights-of-way and easements to the public from City owned property.
- (K) Enter into and execute a grant agreement for the receipt of grant funds, in any amount, and from any source under the following conditions:
 - (1) When there is a declared national, state, or local emergency or when the grant is related to or intended to mitigate the effects of an emergency; or
 - (2) When the grant has a local match requirement of \$100,000 or less, excluding matching funds satisfied from federal, state, or other entity funding sources and excluding non-monetary matching sources, and the grant does not require the City to hire additional full-time employees; or
 - (3) When the grant is for a capital improvement project; or
 - (4) When the grant is for a Falcon Field Airport Project; or
 - (5) The City Manager, or designee, will provide City Council with periodic updates on all grant agreements the City Manager enters into and executes pursuant to the authority in this section.

(L) RECOMMEND APPROVAL OR DENIAL, OR DELEGATE AUTHORITY TO RECOMMEND APPROVAL OR DENIAL, OF ALL SPECIAL EVENT LIQUOR LICENSES IN THE CITY.

(~~LM~~) Perform any other lawful duties required of him by the Council.

SECTION 2: Title 5, Chapter 9, Chapter 4 is hereby amended as follows:

CHAPTER 9 - REGULATING THE SALE OF ALCOHOLIC BEVERAGES

5-9-4: APPLICATION FOR LICENSE

(A) Any person desiring a license to manufacture, sell, or deal in spirituous liquor shall file an application on forms prescribed and furnished by the Arizona State Department of Liquor Licenses and Controls.

Each application, except a qualifying organization requesting a special event liquor license, shall pay to the Special Licensing Office at the time of making application an application fee in accordance with the current Schedule of Fees and Charges, no part of which shall be returned whether the application is granted or not.

(B) The Special Licensing Office shall immediately file one (1) copy of the application in the office and post the other for a period of twenty (20) days in a conspicuous place on the front of the premises wherein the business is proposed to be conducted, with a statement requiring any person who is a bona fide resident residing, owning, or leasing property within a one- (1-) mile radius from the premises proposed to be licensed and who is in favor of or opposed to the issuance of the license to file written arguments in favor of or opposed to the issuance of the license with the City Clerk within twenty (20) days after the date of posting. The City Clerk shall forward all written arguments to the Business Licensing and Revenue Collections Administrator.

(C) The Council, **EXCEPT AS PROVIDED FOR IN CITY CODE 5-9-4(D)**, shall then enter an order recommending approval or disapproval within sixty (60) days after filing of the application and shall file a certified copy of the order with the State Liquor Board. If the recommendation is for disapproval, then a statement of the specific reasons containing a summary of the testimony or other evidence supporting the recommendation for disapproval shall be attached to the order. All petitions submitted to the City Council within the twenty- (20-) day period for filing protests shall be transmitted to the State Liquor Board with the certified copy of the order. Upon approval of the application by the State Liquor Board, the Business Licensing and Revenue Collections Administrator shall issue a license to the applicant.

(D) THE CITY MANAGER OR THEIR DESIGNEE IS AUTHORIZED TO RECOMMEND APPROVAL OR DENIAL OF ALL SPECIAL EVENT LIQUOR LICENSES IN CONFORMANCE WITH STATE AND CITY LAW

REQUIREMENTS FOR ISSUANCE OF A SPECIAL EVENT LIQUOR LICENSE.

SECTION 3: AMENDED LANGUAGE. In the sections of this Ordinance that are intended to amend the Mesa City Code, additions to the City Code are written in text that is in **BOLD AND ALL CAPS**, and deletions to the City Code are written in ~~strike through~~.

SECTION 4: RECITALS. The recitals above are fully incorporated in this Ordinance by reference.

SECTION 5: EFFECTIVE DATE. The effective date of this Ordinance shall be thirty (30) days following adoption by the City Council.

SECTION 6: SEVERABILITY. That the terms and provisions of this Ordinance are severable and if any section, subsection, sentence, clause phrase or portion of this Ordinance, or any part of the Mesa City Code adopted herein, is for any reason held to be invalid, unenforceable or unconstitutional by a court of competent jurisdiction, the remaining provisions of this Ordinance shall remain in effect.

PASSED AND ADOPTED by the City Council of the City of Mesa, Maricopa County, Arizona, this 7th day of October, 2024.

APPROVED:

Mayor

ATTEST:

City Clerk