

Sec. 6-35. - Application for new license or transfer of license.

Application for approval of a new liquor license or a transfer of a license to sell beer and wine or spirits shall be made to the city clerk in writing, signed by the applicant if an individual or by a duly authorized agent thereof if a partnership or corporation, and shall contain the following statements and information:

- (1) The name, age and address of the applicant if an individual; if a partnership, the persons entitled to share in the profits thereof; or, if a corporation, the objects for which organized, the names and addresses of its officers and directors, names and addresses of its stockholders, and the name of the manager or agent who will be conducting the business on behalf of the applicant, if such is the case.
- (2) The citizenship and place of residency of those persons identified in subsection (1) of this section.
- (3) A statement of any other business in which the applicant is engaged.
- (4) A financial statement of the applicant.
- (5) The location and description of the premises or place of business which is to be operated under such license.
- (6) A statement of whether the applicant or any person identified in subsection (1) of this section ever has made application for a license to sell beer and wine or spirits other than described in this application, and if so, the year in which the application was made, the location of the business and the disposition of the application.
- (7) A statement of whether the applicant or any of those persons listed in subsection (1) of this section has ever been convicted of a violation of any federal or state law concerning the manufacture, possession or sale of alcoholic beverages or has ever had a license revoked by the state liquor control commission.
- (8) A statement that the applicant will not violate any of the laws of the state or of the United States or any city ordinances in the conduct of its business.
- (9) The name and address of the fee owner of the premises and, if the applicant is not the fee owner, the nature and term of the applicant's right to occupy the premises.
- (10) A statement of the nature of other activities to be carried on at the premises, including but not limited to food sales, hotel/motel operations, recreational activities, contests involving patrons, and entertainment of any nature. If a dance, entertainment or dance-entertainment permit is required for any of the activities to be carried on at the premises, a separate application for the issuance of a dance, entertainment or dance-entertainment permit shall be made in accordance with this article.
- (11) A statement of whether any remodeling or new construction on the premises is intended for the use of the license and if so, its description, when work is to be started and when work is to be completed.
- (12) The application shall be accompanied by building and site plans showing the entire structure and premises and, in particular, the specific areas where the license is to be utilized. The plans shall be sufficient to inform the council of facilities for off-street parking, lighting, refuse disposal facilities and, where appropriate, adequate plans for screening and noise control.
- (13) A copy of the applicant's conditional land use application required under the zoning ordinance and supporting documents.
- (14) An applicant for a new license shall attach to the application, in a form to be provided by the city, a completed and signed contract concerning transfer or escrow of a license within three years from date of issuance. The contract may be executed by the city if the requested license is approved.

Sec. 6-36. - Applications for dance and/or entertainment permits.

- (a) *Contents.* Application for approval of a dance, entertainment or dance-entertainment permit required by this article shall be made to the city clerk in writing, signed by the applicant if an individual or by a duly authorized agent thereof if a partnership or corporation, and shall contain the following statements and information:
- (1) The location and description of the premises or place of business which is to be operated under such permit.
  - (2) A statement that there has been no material change in the facts represented in the licensee's application for a liquor license. If there has been a material change in the facts, the licensee shall provide the city with a revised application for a liquor license form, stating the type and date of such change.
  - (3) A statement of the type of permit being applied for: dance, entertainment or dance-entertainment, and a description of the type of activity to be carried on at the premises, including but not limited to, monologues, dialogues, motion pictures, still slides, closed circuit television, contests, or other performances for public viewing and/or dancing by employees, customers or by customers and employees.
  - (4) A statement of whether any remodeling or new construction on the premises is intended for the use of the permit, and if so its description, when work is to be started and when work is to be completed.
  - (5) If any remodeling or construction on the premises is intended, the application shall be accompanied by building and site plans showing the entire structure and premises and, in particular, the specific areas where the permit is to be utilized. The plans shall be sufficient to inform the council of facilities for off-street parking, lighting, refuse disposal facilities and, where appropriate, adequate plans for screening and noise control.
  - (6) The hours and days during which entertainment and/or dancing shall occur.
- (b) *Entertainment agreement.* The applicant shall attach to such application, on a form to be provided by the city, a completed and signed entertainment agreement that will be executed by the city if the requested permit is duly approved. Such completed entertainment agreement shall be filed with the city clerk, and no application shall be processed unless accompanied by such entertainment agreement.
- (c) *Change in type of activity.* If, at any time after the grant of a dance, entertainment or dance-entertainment permit, the type of activity as described in the application is changed, a new permit must be applied for as provided under subsection (a) of this section and a new entertainment agreement shall be filed with the clerk.

(Code 1976, §§ 3-09.03.02—3-09.03.04)

Sec. 6-37. - Fees.

At the time of filing an application for a license or permit as required in this article, the applicant shall pay the fees as provided in section 54-91, which shall be nonrefundable.

(Code 1976, § 3-09.02.03; Ord. No. 410, § 1, 3-19-1997)

Sec. 6-38. - Processing of applications.

- (a) *City department review.* A copy of any application submitted under this article shall be referred by the city clerk to any city department for an investigation relating to its areas of responsibility and a report back to the city council if, in the discretion of the city council, such investigation is in the interest of the city residents or

would assist the council in its review.

- (b) *Determination.* After receiving the reports of the city clerk and any department from which the city council has requested a report, the city council shall make a decision on the application. It shall determine whether to approve or disapprove the issuance or transfer of a license or the issuance of a dance, entertainment or dance-entertainment permit and shall transmit its decision to the state liquor control commission and give notice of its decision promptly to the applicant, in writing.
- (c) *Council decision.* Such decision of the city council to approve or disapprove of an application shall be wholly within its discretion and its determination as to what action will best promote the best interest of the city and its inhabitants. In reaching its decision, the council should consider all pertinent factors, including those listed in this subsection. By listing some of the factors to be considered, this subsection shall not be deemed to accord applicants (For purposes of the review factors listed below, "applicant" shall be considered to include all officers, partners, members and managers of the proposed business or the entity applying for the license.) for liquor licenses any more or greater due process rights than those existing under the laws of the state. The factors considered by the council shall include the following:
- (1) The possibility of a consequent significant cost burden on the city;
  - (2) The council's perception of the attitude of city residents generally, as well as those in the immediate neighborhood of the premises;
  - (3) Whether the property values or character of the adjoining neighborhood will be adversely affected;
  - (4) Consistency with the building code, zoning ordinance, zoning map, land use plan, master plan and the anticipated impact on nearby businesses and residences;
  - (5) Proximity to residences, schools and churches, with consideration of any adverse effect the proposed establishment may have on such land uses;
  - (6) Whether or not the location of the proposed licensed premises is, when considering the location of licensed locations already in existence, in the best interest of the city;
  - (7) Whether it is in the best interest of the city to approve of the issuance of another liquor license at the time an application is before it for consideration;
  - (8) Whether or not an applicant's business, whether existing or proposed, will generate at least 50 percent of its gross revenues from the sale of food for on-site consumption and whether the applicant's premises are or will be, prior to commencing liquor sales, equipped to serve the required volume of food sales;
  - (9) Whether traffic and parking requirements generated by the proposed licensed premises will cause unnecessary congestion or inconvenience on the public highways;
  - (10) The applicant's experience, if any, in conducting a business holding a license from the state liquor control commission;
  - (11) The applicant's management experience and reputation in connection with the operation of other businesses or facilities;
  - (12) The applicant's moral character, with special consideration given to any convictions for crimes involving moral turpitude, violence or alcoholic liquor violations by the applicant or those who are intended to manage the facility;
  - (13) Crowd control;
  - (14) Pedestrian and vehicle movement;
  - (15) Input from residents and other business owners;
  - (16) Number of similar licensed premises in the city;

- (17) Concentration and capacity of similar establishments;
- (18) The adequacy of the applicant's financial resources to establish and operate the proposed establishment;
- (19) Association or integration with multi-use development;
- (20) Substantial renovation of existing building or preservation or restoration of historic resources;
- (21) Public safety and policing requirements;
- (22) Business history and experience;
- (23) Proportion of floor area devoted to dining compared with bar area;
- (24) Size of kitchen;
- (25) Size of dance floor, if any;
- (26) Character of the establishment (e.g., night club, hotel, restaurant, dance club); and
- (27) Non-payment of taxes or other obligations due and payable to the city.

(Code 1976, §§ 3-09.04.01—3-09.04.04; Ord. No. 489, § 1, 5-19-2004; Ord. No. 518, § 2, 6-27-2007; Ord. No. 531, § 2, 2-23-2009; Ord. No. 591, § 1, 9-28-2015)