

**City of Aztec
ORDINANCE 2020-502**

An Ordinance Amending Chapter 4, Alcoholic Beverages

WHEREAS, the City of Aztec approved Resolution 2019-1161 on November 12, 2019 placing the question to “Allow Sunday Alcohol Sales by the Drink for Consumption on a Licensed Premises of Licensees” on the March 3, 2020 Municipal Election ballot; and

WHEREAS, the Citizens of Aztec voted in favor of the question: 542 for and 270 opposed, during the March 3, 2020 Municipal Election; and

WHEREAS, the City of Aztec is amending Chapter 4 to allow for the Sunday Alcohol Sales by the Drink for Consumption on a Licensed Premises of Licensees; and

WHEREAS, in the process of reviewing Chapter 4, it was determined that the City’s Chapter 4 required updating; and

WHEREAS, except as otherwise provided in this article, the following sections of the New Mexico Business License Code, Chapter 60, as pertaining to Alcohol Beverage Control Division, shall be adopted by reference pursuant to section NMSA 1978, Chapter 60, Business Licenses; and

WHEREAS, all amendments to the section of the NMSA 1978, Chapter 60 pertaining to Alcohol and Gaming Division and all new sections passed by the state legislature shall be incorporated by reference and adopted by the City of Aztec without further action on the part of the city commission.

NOW, THEREFORE, BE IT ORDAINED by the governing body of the City of Aztec has amended Chapter 4 of the Aztec City Code (as attached).

PASSED, APPROVED, SIGNED AND ADOPTED THIS _____ day of _____ 2020.
By the Aztec City Commission, City of Aztec, New Mexico

Mayor Victor C. Snover

ATTEST:

Karla Sayler, City Clerk CMC

APPROVE AS TO FORM:

City Attorney

Advertised Date of Final Adoption:

Effective Date of Ordinance:

Chapter 4
ALCOHOLIC BEVERAGES

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Chapter 4 ALCOHOLIC BEVERAGES

Sec. 4-1. Penalty. Administration, Powers and Duties.

Any person found guilty of violating the provisions of this chapter by the municipal court shall be sentenced pursuant to [Section 1-12](#) of this Code.

The Business License Officer will administer and oversee the liquor licensing for the City of Aztec. The Business License Officer will be appointed by the City Manager. The Business License Officer is responsible for licensing and supervision of administrative operations pertaining to the issuance of liquor licenses within the city limits of Aztec.

Sec. 4-2. Adopted by Reference, Amendments.

1. Except as otherwise provided in this article, the following sections of the New Mexico Business License Code, [Chapter 60](#), as pertaining to Alcohol Beverage Control Division, Liquor Licenses, are adopted by reference pursuant to section [NMSA 1978, Chapter 60, Business Licenses](#). All references are to sections of the NMSA 1978:

<u>Section(s)</u>	<u>Title</u>
Section 60-3A-1 to 60-3A-12	General Provisions
Section 60-5A-1 to 60-5A-2	Local Option
Section 60-6A-1 to 60-6A-36	State Licenses
Section 60-6B-1 to 60-6B-21	License Provisions
Section 60-6C-1 to 60-6C-9	Suspension and Revocation of Licenses
Section 60-6E-1 to 60-6E-12	Alcohol Server Education
Section 60-7A-1 to 60-7A-25	Offenses
Section 60-7B-1 to 60-7B-13	Regulation of Sales and Service to Minors
Section 60-8A-1 to 60-8A-19	Trade Practices

2. All amendments to the sections of the [NMSA 1978, Chapter 60](#) pertaining to Alcohol and Gaming Division and all new sections passed by the state legislature shall be incorporated by reference and adopted by the City of Aztec without further action on the part of the city commission.

Sec. 4.3. Money Placed in General Fund.

All moneys derived from license fees under this chapter, together with all monies received from the New Mexico Alcohol and Gaming Division shall be placed in the general fund of the City.

Sec. 4-4. Licenses; Fees; Expiration Dates.

1. The City of Aztec requires all liquor establishments obtain a City of Aztec Liquor License and annual renewal of such license and undergo the annual renewal process. An application for the issuance or renewal shall be accompanied by a license fee and a copy of the most current Liquor License issued by the State Of New Mexico Alcohol and Gaming Division. License fees are referenced in [Chapter 16](#) of the Aztec City code.
2. All liquor license applicants shall submit a fee to the City of Aztec, as provided in [Chapter 16 Fee](#) Schedule, Article IX, Liquor License Fees.
3. Dispenser, canopy, and retailer licenses expire on June 30th of each year; restaurant, club, wholesaler and manufacturer licenses expire October 31st of each year. All other license types expire on February 28th of each year.

Sec. 4-5. Public Celebration Permits; Outdoor Public Places; Permit Required for Consumption of Alcoholic Beverages.

1. Permit Required

It shall be unlawful for any person to consume alcoholic liquors, or to manage or conduct a meeting, assembly, rally, gathering, concert, contest, celebration or other event where alcoholic liquors and/or beverages are provided on public lands within the city limits for which a written permit has not been issued in accordance with the provisions of this Chapter. The purpose of this section is to allow organized private groups, companies and organizations to consume alcoholic beverages as a part of that group's social or business gathering. Therefore, no permit will be authorized for an assembly and/or any other gathering where alcoholic beverages are sold rather than furnished, or where the event is open to the public, regardless of whether the alcoholic beverages are to be sold or furnished unless permitted by a Special Dispenser's Permit or a Public Celebration Permit approved by the New Mexico Alcohol and Gaming Division.

2. Application Process

An Alcohol and Gaming Division application for a Public Celebration Permit or Special Dispenser's Permit shall be in writing and directed to the Business License Officer, Police Chief and/or the City Manager. The application shall be complete and include (if applicable):

- 1) Complete Application
- 2) Detailed Floor Plan
- 3) Complete List of Servers (full names)
- 4) Servers Permit Number and Expiration Date
- 5) Any Other Applicable Documents

The Business License Officer or other City representative may request further information as deemed necessary in order to conduct a complete review before granting approval for the issuance of the application to the Alcohol and Gaming Division.

3. Security - Certified Police Officers

Any person granted use of a City facility for a public celebration, festival or similar event, where alcoholic beverages are sold and/or served, will be required to have security for the event. Security must be provided by and under the control of the Aztec Police Department. The number of officers required will depend on the type of event and number of people that will be attending event. The number of officers will be determined by the Aztec Police Department.

4. Revoke of Permit

The Police Chief, City Manager or designee may revoke any permit issued pursuant to this section if any term, condition or limitation of said permit has been violated or is being violated, or any provision in this section has been violated, or if any section of City Code is being violated.

Sec. 4-6. Sunday Sales of Alcoholic Beverages by the Drink for Consumption on the Licensed Premises of Licensees.

1. Sunday sales of alcoholic beverages by the drink for consumption on a licensed premise was authorized by Municipal Election.
2. Sunday sales of alcohol by the drink for consumption must be on the premise of the licensed establishment as outlined and regulated in Section 4-1 et seq and NMSA 1978, as incorporated as in reference herein.
3. Sunday sales of alcohol by the drink for consumption are limited from 11:00 a.m. until midnight.