

ORDINANCE NO. 2002-11

LIQUOR LICENSE ORDINANCE

An Ordinance to establish procedures and standards for the review of applications, renewals, and revocation of licenses to sell beer, wine or spirits within the Charter Township of Allendale, Ottawa County, Michigan; to provide penalties for the violation of this Ordinance; and to repeal all ordinances and parts of ordinances in conflict with this Ordinance.

THE CHARTER TOWNSHIP OF ALLENDALE, COUNTY OF OTTAWA, MICHIGAN
ORDAINS:

Section 1: Title. This ordinance shall be known and may be cited as the Allendale Charter Township Liquor License Ordinance.

Section 2: Application for new license.

A. Application: Applications for license to sell beer, wine or spirits on-premises shall be made to the Township Board in writing, signed by the applicant, if an individual, or by a duly authorized agent thereof, if a partnership or corporation, verified by oath or affidavit, and shall contain the following statements and information.

1. The applicant's name, age and address in the case of an individual; or, in the case of a co-partnership, the name, age and address of all persons entitled to share in the profits; in the case of a corporation, the purposes for which the corporation is organized, along with the names and addresses of the officers and directors, and, if a majority interest in the stock of the corporation is owned by one person, the name and address of such person. If the business to be licensed will be conducted or overseen by one or more managers (or agents), then in addition to the above information concerning the applicant, the application shall also include the name, age and address of each manager (or each agent).
2. The applicant's citizenship, place of birth, and, if a naturalized citizen, the time and place of naturalization.
3. The type of business of the applicant, and in the case of a corporation, the purpose for which it was formed, along with a business plan which includes a financial plan of the business to be licensed.
4. The length of time the applicant has been in business of that type, or, in the case of a corporation, the date when its charter was issued.
5. The location and description of the premises or place of business which is to be operated under the license.
6. A statement whether applicant has ever made an application for a similar or other

license on any other premises than the premises described in the current application, and the disposition of any such other application(s).

7. A statement that applicant has never been convicted of a felony and is not disqualified to receive a license by reason of any matter or thing contained in this ordinance or the laws of the State of Michigan.
8. A statement that the applicant will not knowingly violate any of the laws of the State of Michigan or of the United States or any ordinances of the township in the conduct of its business.
9. 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 submitted shall demonstrate adequate off-street parking, lighting, refuse disposal facilities and where appropriate, adequate plans for screening and noise control, as required by the Allendale Charter Township Zoning Ordinance, and any other applicable local ordinances, rules and regulations.

B. Restrictions on licenses: No license shall be issued to or for:

1. An applicant whose license, under this Ordinance, has been revoked for cause.
2. A person who, at the time of application or renewal of any license issued pursuant to this Ordinance, would not be eligible for such license upon a first application.
3. A co-partnership, unless all of the members of such co-partnership shall qualify to obtain a license.
4. A corporation, if any officer, manager or director of the corporation, or a stock owner or stockholders owning in the aggregate more than five percent (5%) of the stock of the corporation, would not be eligible to receive a license pursuant to this Ordinance for any reason.
5. A person whose place of business is conducted by a manager or agent unless the manager or agent possesses the same qualifications required of the licensee.
6. A person who has been convicted or found responsible by any administrative tribunal such as the Michigan Liquor Control Commission or a local governing authority tribunal, of three (3) or more liquor license violations at any one licensed establishment.
7. A person who does not own the premises for which a license is sought or does not have a lease therefore for the full period for which the license is issued, or to a person, corporation or co-partnership that does not have sufficient financial assets to carry on or maintain the business.
8. A premises where there exists a violation of the applicable building, electrical,

mechanical, plumbing or fire codes, applicable zoning regulations, applicable public health regulations, or any other applicable Township ordinance.

9. A premises unless the sale of beer, wine or spirits is shown to be incidental and subordinate to other permitted business uses upon the site, such as, but not limited to, food sales, motel operations, or recreational activities.
10. A premises where it is determined by a majority of the Township Board that the premises does not or will not reasonably soon after commencement of operations, have adequate off-street parking, lighting, refuse disposal facilities, screening, noise, or nuisance control, as required by the Allendale Charter Township Zoning Ordinance, and any other applicable local ordinances, rules and regulations, or where it is determined by a majority of the Township Board that a nuisance does or will exist.
11. A premises where it is determined by a majority of the Township Board the proposed location is inappropriate considering the desirability of establishing a location in developed, commercial areas, in preference to isolated, undeveloped areas; the attitude of adjacent residents and property owners; traffic safety; accessibility to the site from abutting roads; capability of abutting roads to accommodate the commercial activity; distance from public or private schools for minors; proximity of the inconsistent zoning classification; adequate public utilities including public sewer and water; and accessibility from primary roads or state highways.

C. Term of license: Approval of a license shall be for a period of one (1) year subject to annual renewal by the Township Board upon continued compliance with the regulations of this ordinance. Approval of a license shall be with the understanding that any necessary remodeling or new construction for the use of the license shall be commenced within six (6) months of the action of the Township Board or the Michigan Liquor Control Commission approving such license whichever last occurs. Any unusual delay in the completion of such remodeling or construction may subject the license to revocation.

D. Reservation of authority: No such applicant for a liquor license has the right to the issuance of such license to him, her or it, and the Township Board reserves the right to exercise reasonable discretion to determine who, if anyone, shall be entitled to the issuance of such license. Additionally, no applicant for a liquor license has the right to have such application processed and the Township Board further reserves the right to take no action with respect to any application filed with the Township Board. The Township Board further reserves the right to maintain a list of all applicants and to review the same when, in its discretion, it determines that the issuance of an additional liquor license is in the best interest of the township at large and for the needs and convenience of its citizens.

E. License hearing: The Township Board shall grant a public hearing upon the license application when, in its discretion, the Township Board determines that the issuance of an additional liquor license is in the best interests of the Township at large and for the needs and convenience of its citizens. Following such hearing, the Township Board shall submit to the applicant a written statement of its findings and determination. The Township Board's determination shall be based

upon satisfactory compliance within the restrictions set forth in Section 2, Paragraph B, 1 through 11.

Section 3: Objections to renewal and request for revocation.

A. Procedure: Before filing an objection to a renewal or request for revocation of a license with the Michigan Liquor Control Commission, the Township Board shall serve the license holder, by first class mail, mailed not less than ten (10) days prior to the hearing with notice of a hearing, which notice shall contain the following:

1. Notice of proposed action
2. Reasons for the proposed action
3. Date, time and place of the hearing
4. A statement that the license holder may present evidence and testimony and examine adverse witnesses.

Following the hearing, the Township Board shall submit to the license holder and the commission, a written statement of its findings and determination.

B. Criteria for nonrenewal or revocation: The Township Board shall recommend nonrenewal or revocation of a license upon a determination by the Township Board that based upon a preponderance of the evidence presented at the hearing either of the following exist:

1. Violation of any of the restrictions on licenses set forth in Section 2, Paragraph B, 1 through 11 above, or,
2. Maintenance of a nuisance upon the premises.

Section 4: Severability. Should any section or part of this Ordinance be declared unconstitutional, null or void by a court of competent jurisdiction, such declaration shall not affect the validity of the remaining sections or parts of this Ordinance.

Section 5: Effective Date. This Ordinance was approved and adopted by the Township Board of Allendale Charter Township, Ottawa County, Michigan, on October 28, 2002, after introduction and a first reading on October 14, 2002, and publication after first reading as required by Act 359 of the Michigan Public Acts of 1947, as amended. This Ordinance shall be effective immediately upon publication on November 5, 2002, in the Advance, a newspaper having general circulation in the Township.

ORDINANCE NO. 2002-12

LIQUOR CONTROL ORDINANCE

An Ordinance to regulate alcoholic liquor traffic within the Charter Township of Allendale, Ottawa County, Michigan through the enforcement of the Michigan Liquor Control Act of the State of Michigan within the Township; to provide penalties for the violation of this Ordinance; and to repeal all ordinances and parts of ordinances in conflict with this Ordinance.

THE CHARTER TOWNSHIP OF ALLENDALE, COUNTY OF OTTAWA, MICHIGAN
ORDAINS:

Section 1: Title. This Ordinance shall be known and may be cited as the Allendale Charter Township Liquor Control Ordinance.

Section 2: Compliance with the Liquor Control Act of the State of Michigan. All alcoholic liquor traffic, including but not limited to the manufacture, sale, offer for sale, storage for sale, possession and/or transportation of alcoholic liquor within the Township shall comply with the provisions of the Michigan Liquor Control Act, being Public Act 8 of 1933, as amended.

Section 3: Enforcement. For the purpose of the enforcement of the Michigan Liquor Control Act within the Township, the Township has created a Liquor Control Enforcement Department with full power, authority, and duty to see that the provisions of the Michigan Liquor Control Act and the rules and regulations of the Michigan Liquor Control Commission adopted pursuant to the Michigan Liquor Control Act are enforced within the Township. The Township's Liquor Control Enforcement Department shall consist of not less than one law enforcement officer appointed by the Township Board and such other personnel as the Township Board may, in its discretion, appoint from time to time. The personnel of the Liquor Control Enforcement Department shall be entitled to such compensation as the Township Board may determine is reasonably appropriate. The Liquor Control Enforcement Department or one of its members shall be available to investigate complaints received under this Ordinance and enforce the provisions of this Ordinance.

Section 4: Inspection. The Township Liquor Control Enforcement Department shall inspect all liquor establishments licensed under the Liquor Control Act of the State of Michigan and report the results of inspections to the Township Board. The Township Liquor Control Enforcement Department shall further investigate complaints received by it concerning violations of the Michigan Liquor Control Act or improper operations and practices concerning alcoholic liquor traffic within the Township and report the results of investigations to the Township Board and, where appropriate under the Michigan Liquor Control Act, to the Michigan Liquor Control Commission for appropriate proceedings against the violator.

All inspectors shall carry appropriate cards issued by the Township Clerk clearly identifying them as Township liquor control inspectors and shall present their respective identification cards to the owner or manager of every place inspected by them when making an inspection upon demand for identification by such owner or manager.

Inspectors shall have the right to inspect any premises within the Township licensed under this Ordinance and/or licensed by the Michigan Liquor Control Commission. Whenever possible, all inspection reports shall be made on liquor law enforcement forms furnished by the Michigan Liquor Control Commission or on similar forms otherwise obtained by the Township Liquor Control Enforcement Department.

Section 5: Penalties. Any person, other than persons required to be licensed under the Michigan Liquor Control Act, who shall violate any of the provisions of this ordinance shall be guilty of a misdemeanor.

Any licensees who shall violate any of the provisions of the Michigan Liquor Control Act or any rule or regulation of the Michigan Liquor Control Commission promulgated thereunder, or who shall violate any of the provisions of this Ordinance, and any person who shall prohibit or interfere with the authorized inspection by a member of the Township Liquor Control Enforcement Department shall be guilty of a misdemeanor, punishable by imprisonment in the county jail not more than 90 days or by a fine of not more than \$500 or both, in the discretion of the court. Each day that a violation continues to exist shall constitute a separate offense.

Section 6: Effective Date. This Ordinance was approved and adopted by the Township Board of Allendale Charter Township, Ottawa County, Michigan, on October 28, 2002, after introduction and a first reading on October 14, 2002, and publication after first reading as required by Act 359 of the Michigan Public Acts of 1947, as amended. This Ordinance shall be effective immediately upon publication on November 5, 2002, in Advance, a newspaper having general circulation in the Township.