ORDINANCE NO. 24

THE CHARTER TOWNSHIP OF GARFIELD

ORDINANCE ESTABLISHING PROCEDURE AND STANDARDS
RE: LICENSE TO SELL BEER AND WINE OR SPIRITS

An Ordinance to establish procedures and standards for review of applications, renewals and revocation of license to sell beer and wine or spirits.

THE CHARTER TOWNSHIP OF GARFIELD

GRAND TRAVERSE COUNTY, MICHIGAN

ORDAINS:

SECTION I

APPLICATION FOR NEW LICENSE

A. Applications for license to sell beer and wine or spirits 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 name, age and address of the applicant in the case of an individual; or, in the case of a co-partnership, the persons entitled to share in the profits thereof; in the case of a corporation, the objects for which organized, the names and addresses of the officers and directors, and, if a majority interest in the stock of such corporation is owned by one person or his nominee, the name and address of such person.

(2) The citizenship of the applicant, his place of birth, and, if a naturalized citizen, the time and place of his naturalization.

(3) The character of business of the applicant, and in the case of a corporation, the object for which it was formed.

(4) The length of time said applicant has been in business of that character, 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 such license.

(6) A statement whether applicant has made application for a similar or other license on premises other than described in this application, and the disposition of such application.

(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 violate any of the laws of the State of Michigan or of the United States or any ordinance of the township in the conduct of its business.

(9) The application shall be accompanied by building and plat plans showing the entire structure and premises and in particular the specific areas where the license is to be utilized. The plans shall demonstrate adequate off street parking, lighting, refuse disposal facilities and where appropriate, adequate plans for screening, and noise control.

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

(1) A person 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 hereunder, 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 thereof, or a stock owner or stockholders owning in the aggregate more than five percent (5%) of the stock of such corporation would not be eligible to receive a license hereunder for any reason.

(5) A person whose place of business is conducted by a manager or agent unless such manager or agent possesses the same qualifications required of the licensee.

(6) A person who has been convicted of a violation of any federal or state law concerning the manufacture, possession or sale of alcoholic liquor.

(7) A person who does not own the premises for which a license is sought or does not have a lease therefor for the full period for which the license is issued.

(8) Any law enforcing public official or any member of the township board, and no such official shall be interested in any way either directly or indirectly in the manufacture, sale or distribution of alcoholic liquor.

(9) For premises where there exists a violation of the applicable Building, Electrical, Mechanical, Plumbing or Fire Codes, applicable Zoning Regulations, or applicable Public Health Requirements.

(10) For any 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.

(11) For premises where it is determined by a majority of the board that the premises do not or will not reasonably soon after commencement of operations have adequate off-street parking, lighting, refuse disposal facilities, screening, noise or nuisance control.

(12) Where the board determines, by majority vote, that 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; and accessibility from primary roads or state highways.

C. Term of license: Approval of a license shall be for a period of one 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 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. License Hearings: The Township Board shall grant a public hearing upon the license application. Following such hearing the Board shall submit to the applicant a written statement of its findings and determination. The Board's determination shall be based upon satisfactory compliance with the restrictions set forth in paragraph 1.B (1) through (12) above.

SECTION II

OBJECTIONS TO RENEWAL AND REQUEST FOR REVOCATION

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

(1) Notice of propsed action

(2) Reasons for the proposed action

(3) Date, time and place of hearing

(4) A statement that the licensee may present evidence and testimony and confront adverse witnesses. Following hearing, the township board shall submit to the licenseholder 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 it that based upon a preponderance of the evidence presented at hearing either of the following exist:

(1) Violation of any of the restrictions on licenses set forth in paragraph 1.B (1) through (12) above; or

(2) Maintenance of a nuisance upon the premises.

SECTION III

SEVERABILITY

Should any section of this Ordinance be declared unconstitutional, such declaration shall not affect the validity of the remaining sections of this ordinance.

SECTION IV

EFFECTIVE DATE

This ordinance shall take effect on the 25th day of May, 1989. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

LEE F. WILSON, Supervisor
KAY JACOBS, Clerk
Charter Township of Garfield
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Traverse City, Michigan 49684

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Charter Township of Garfield

Grand Traverse County

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I hereby certify that the foregoing constitutes a true and complete copy of **Ordinance 24**, Ordinance Establishing Procedure and Standards Regarding License to Sell Beer and Wine or Spirits, duly adopted by the Township Board of the Charter Township of Garfield, County of Grand Traverse, Michigan, at a meeting held on May 25, 1989 and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.

Kay Jacobs, Clerk
Charter Township of Garfield
Traverse City, MI