

**LIQUOR LICENSE REGULATION ORDINANCE
JAMESTOWN CHARTER TOWNSHIP, MICHIGAN
ORDINANCE NO. 08-003**

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

1. APPLICATION FOR NEW LICENSE

A. APPLICATION: 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 of 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 character of business of the applicant, and in the case of a corporation, the object for which it was formed.
3. The length of time the applicant has been in business of that character, or, in the case of a corporation, the date when its charter was issued.
4. The location and description of the premises or place of business which is to be operated under such license.
5. A statement whether the applicant has made application for a similar or other license on the premises than described in this application and the disposition of the application.
6. The statement that the applicant has not been convicted of a felony within the preceding ten (10) years, and that the applicant is not disqualified to receive a license due to any matter or thing contained in this Ordinance or of the laws of the State of Michigan.
7. A statement that the applicant will not violate any laws of the State of Michigan or of the United States or any Ordinances of the Township in the conduct of its business.
8. The applications 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. The plans shall also include the recommendation of the Township Planning Commission

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 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 or of controlled substances within the preceding ten (10) years. If a person has ever been convicted of a violation of any Federal or State law concerning the manufacture, possession, or sale of alcoholic liquor or of controlled substances, then that person shall submit to the Township Board written references from persons who are not related to the applicant which show the good moral character of the applicant. The Township Board shall thereafter conduct a public hearing to receive information or objections to the issuance of a liquor license to the applicant.
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. 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, applicable Public Health Regulations, or any other applicable Township Ordinance.
10. For any new license or for the transfer of any existing license 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 operation, or recreational activities.
11. For premises where it is determined by a majority of the Township Board that the premises do not or will not reasonably soon after the commencement of operations have adequate off-street parking, lighting, refuse disposal facilities, screening, noise or nuisance control, or where a nuisance does or will exist.
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 the primary roads or state highways.

13. Any premises where adult uses, as defined and regulated in Section 13.4 T, of the Jamestown Charter Township Zoning Ordinance, occur or happen.

C. BOARD ACTION. At the meeting before the Board to consider the application, the Board shall take one of the following actions:

1. Recommend to the State Liquor Control Commission approval of the application above all others for the issuance of a liquor license;
2. Reject the application stating the reasons for such rejection;
3. Ask the applicant to proceed with the submitted plans so that a more detailed and complete proposal may be heard by Board at a later date, provided however, that this action by Board shall not be interpreted to mean approval of the application or the general details of the proposal; or
4. Postpone action on the application for a period not to exceed sixty days. The sixty-day limitation for postponement of action may be waived by the applicant if the postponement is for the purpose of supplying Board with additional information requested of the applicant by Board, when the applicant is unable to supply the requested information within the stated time period.

D. DECISION CRITERIA. The board, in making its decision, shall consider the following criteria on the application:

1. The applicant's management experience in the alcohol liquor business;
2. The applicants' general business management experience;
3. The applicant's general business reputation;
4. The applicant's financial status and ability to build and/or operate the proposed facility where the proposed liquor license is to be located.
5. The applicant's excessive use of alcoholic beverages;
6. The effect that the issuance of a license would have upon the economic development of the surrounding area;
7. The effect that the issuance of a license would have on the health, welfare and safety of the general public;
8. The recommendations of the local law enforcement agency and the Fire Department with respect to the proposed facility;
9. Whether the applicant has demonstrated the public need or convenience for the issuance of the liquor license for the business facility at the location proposed;
10. The uniqueness of the proposed facility when contrasted against other existing or proposed facilities (if applicable);
11. The number of liquor licenses issued by the Township within the past 72 months;

12. Whether the facility to which the proposed liquor license is to be issued complies, or will comply, with the Building, Plumbing, Electrical, Fire Prevention and Zoning Codes of the Township and any other building, plumbing, electrical, fire prevention and zoning statues and ordinances applicable to the Township;
13. The effect that the business facility to which the proposed license is to be issued will have upon vehicular and pedestrian traffic in the area;
14. The proximity of the proposed business facility to other similarly situated licensed liquor facilities;
15. The effect that the business facility to which the proposed license is to be issued will have upon the surrounding neighborhood and/or business establishments;
16. The permanence of the establishment in the community as evidenced by the proposed or actual commitments made by the applicant; and
17. Such other considerations as Board may deem proper. In making its determination under this section, the Board may weigh variously the above factors.

E. APPLICANT QUALIFICATION AND GROUNDS FOR DENIAL. Notwithstanding any other section of the Ordinance to the contrary, no license shall be approved for;

1. A person, for any location which Board determines, by a majority vote, is unsuitable for on-premises consumption of beer and wine or spirits, considering;
 - a. The Proximity of other premises licensed to sell beer and wine or spirits for on premises consumption;
 - b. The lack of any other facilities or uses on the premises to be licensed which are compatible with a license for on-premises consumption of beer and wine or spirits (e.g. a restaurant or hotel);
 - c. The distance from public or private schools for minors, playgrounds, public parks or churches;
 - d. The proximity of an inconsistent zoning classification or land use;
 - e. Traffic safety;
 - f. The accessibility to the site from abutting roads;
 - g. The capability of abutting roads to accommodate the commercial activity; and
 - h. Such other relevant factors as Board may deem appropriate;

F. TERM OF LICENSE: Approval of a license shall be for a period of three (3) year(s), subject to renewal on its periodic expiration if the licensee has complied with the regulations of this Ordinance. Approval of a license shall be with the understanding that any necessary remodeling shall be commenced within six (6) months of the action of the

Township Board or 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.

G. 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 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 interests of the Township at large and for the needs and convenience of its citizens.

H. LICENSE HEARING: The Township Board shall grant a public hearing upon the license application when, in its discretion, the 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 Board shall submit to the applicant a written statement of its findings and determination.

I. 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 license holder, by first class mail, mailed at least ten (10) days prior to the hearing with a notice of a hearing. The notice of hearing shall contain the following information:

1. Notice of the proposed 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 the hearing the Township Board shall submit to the license holder and to the Michigan Liquor Control Commission a written statement of its findings and determination.

B. CRITERIA FOR NON-RENEWAL OR REVOCATION: The Township Board shall recommend non-renewal or revocation of a license upon a determination by it, based upon a preponderance of the evidence presented at the hearing, that any of the following conditions exist:

1. A violation of any of the restrictions on licenses set forth in this ordinance.
2. Maintenance of a nuisance on the premises; or
3. A violation of any requirements, conditions, or terms of the license issued to the licensee by the Liquor Control Commission.

J. SEVERABILITY

Should any section of this Ordinance, or any part thereof, 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 thereof of this Ordinance.

EFFECTIVE DATE

This ordinance shall take effect on the 2nd day of April, 2008 in accordance with the provisions and requirements of the *Jamestown Township*. The Township Clerk is hereby directed to publish this Ordinance within twenty-one (21) days after the date of adoption.

ORDINANCE IS HEREBY DECLARED ADOPTED



Ruth Pruis
Township Clerk
Jamestown Charter Township, Michigan

CERTIFICATION

The foregoing is a true and complete copy of an Ordinance adopted by the Township board of *Jamestown Township*, Ottawa County, State of Michigan, at a regular meeting held on the 17th day of March, 2008, and public notice of said meeting was given pursuant to and in accordance with the requirements of Act 267 of the Public Acts of 1976, as amended, being the Open Meetings Act, and the Minutes of said meeting have been or will be made available as required by said Act.

Board Members Present: BROUWER, MIEDEMA, JENSEN, PRUIS, RAU SHAARDA AND SIPE

Board Members Absent: NONE

It was moved by Board Member SIPE and supported by Board Member SHAARDA to adopt the Ordinance.

Board Members Voting Yes: BROUWER, MIEDEMA, JENSEN, PRUIS, RAU, SHAARDA AND SIPE

Board Members Voting No: NONE

This Ordinance was declared adopted by the Township Supervisor and has been recorded in the Ordinance Book.


Township Clerk
Jamestown Township, Michigan