

**SAGINAW CHARTER TOWNSHIP
CODE OF ORDINANCES - ALCOHOLIC LIQUOR
CHAPTER 6**

ARTICLE I. IN GENERAL

Sec. 6-1. Nonlimitation.

This chapter shall not operate in limitation of any power or authority vested in the township board.

(Code 1986, § 7-01.06.03)

Sec. 6-2. Waivers or variances.

In cases of unusual circumstances or unnecessary hardships, the township board may grant a variance or waive the specific provisions of this chapter as it deems necessary.

(Code 1986, § 7-01.06.02)

Sec. 6-3. Inspections.

(a) *Authority.* Inspectors shall have the right to inspect any place in the township where alcoholic liquor is manufactured, sold, offered for sale, kept for sale, possessed or transported or where the inspector suspects the alcoholic liquor is being thus manufactured, sold, offered for sale, kept for sale, possessed, or transported.

(b) *Identification.* All inspectors shall carry appropriate identification and shall present such identification when requested.

(c) *Reports.* Whenever possible, all inspection reports shall be made on liquor law enforcement inspection forms furnished by the state liquor control commission or on similar forms otherwise obtained by the township liquor control enforcement department.

(Code 1986, § 7-01.05)

Sec. 6-4. Compliance with liquor control act.

All alcoholic liquor traffic, including among other things, the manufacture, sale, offer for sale, storage for sale, possession and/or transportation thereof within the township, shall comply with the provisions of the Michigan Liquor Control Code of 1998 (MCL 436.1101 et seq.).

(Code 1986, § 7-01.02)

Sec. 6-5. Alcohol offenses.

Sections 701--915 of the Michigan Liquor Control Code of 1998 (MCL 436.1701--436.1915) relating to minors and intoxicated persons are hereby adopted by reference.

(Ord. No. 608, § 2(d), 4-1-2000)

State law references: Adoption of statutes by reference, MCL 42.23.

Secs. 6-6--6-30. Reserved.

ARTICLE II. LICENSE APPROVAL, TRANSFER OR REVOCATION RECOMMENDATION*

*State law references: License approval, transfer, etc., recommendations, MCL 436.1501.

Sec. 6-31. Definition.

In this article the term "license" means a state license to sell alcoholic liquor for consumption on the premises, or any other liquor license for which local approval is required.

Cross references: Definitions generally, § 1-2.

Sec. 6-32. Applications.

(a) All applications for licenses and for the transfer of licenses shall comply with the following provisions:

- (1) *With site plan review provisions.* All applications for a license or a transfer of an existing license shall comply with the provisions of site plan review as provided by the township planning commission.
- (2) *Accompanied by documents or assurances.* The application shall be accompanied by all necessary documents evidencing compliance or provide assurances for future compliance with all requirements of this chapter.

(b) 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 such 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 chapter or the laws of the state.
- (8) A statement that the applicant will not violate any of the laws of the state or of the United States or any ordinances of the township in the conduct of its business.

(c) The application shall be accompanied by building and plat plans showing the entire structure 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.

(Code 1986, §§ 7-01.03.01, 7-01.03.02)

Sec. 6-33. Criteria for application consideration.

The township board shall consider among other factors, the following criteria when considering new applications for a new on premises liquor license or transfers of location of existing on premises liquor licenses:

- (1) Need for class C liquor license in area requested;
- (2) Residency of business and resident applicants;
- (3) Anticipated increase in township's real and personal property tax base;
- (4) New jobs added to local economy;
- (5) Attractiveness of buildings, furnishings, landscaping, etc.;
- (6) Anticipated positive impact in area requested;
- (7) Past conformance to local/state laws and regulations.

(Code 1986, § 7-01.03.03)

Sec. 6-34. Tentative approval.

The township board may issue a tentative approval upon a determination that all requirements of this chapter plus any modification deemed necessary as provided above will be complied with.

(Code 1986, § 7-01.03.04)

Sec. 6-35. Final recommendation.

(a) *After investigation.* Tentative approval shall result in the final recommendations to the township board of issuance of a liquor license if and when the township police, township code enforcement officer, township building department, township manager, township director of public services, and township fire chief have finalized their reviews and presented their recommendations.

(b) *Forwarded to liquor control commission.* A copy of the resolution granting the township's final approval or disapproval shall be sent to the state liquor control commission for final action.

(c) *Lapse of tentative approval.* Tentative approval lapses if final approval is not achieved within six months of the date of tentative approval unless extended by the township board.

(Code 1986, § 7-01.03.05)

Sec. 6-36. Basis for disapproval.

Approval of a license shall not be recommended for:

- (1) A person whose license, under this chapter, 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 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 license;
- (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 construction or fire codes, applicable zoning regulations, or applicable public health regulations;
- (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 township 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.

(Code 1986, § 7-01.03.06)

Sec. 6-37. Application fees.

(a) *Preliminary request.* All applicants shall make a preliminary request for a license. Request for a new liquor license shall be accompanied by a fee in the amount of \$100.00.

(b) *Final application.* Upon receipt of recommendations by all the departments listed in subsection 6-35(a), the applicant may file a final application. This application shall be accompanied by a \$750.00 fee for a class C resort-type, hotel, or any other license for consumption on premises or a \$175.00 fee for a SDM and SDD license.

(c) *Reimbursement for expenses.* The township treasurer shall give a receipt evidencing payment of such an amount as required, which sum shall be deemed to reimburse the township for all expenses related to the review and processing of such application.

(d) *Nonrefundable.* All fees collected are nonrefundable.
(Code 1986, § 7-01.03.07)

Sec. 6-38. Annual review.

The township supervisor shall cause an annual review of each license.

- (1) *Conducted by township departments.* The annual review will be conducted by the department heads of each department listed in subsection 6-35(a), to review each license prior to February 15 of each year.
- (2) *Results transmitted to township board.* This review with recommendations shall be transmitted to the township board no later than February 28 of each year for their consideration.
- (3) *Compliance.* All applicants and licenses shall comply with all statutes, township Code provisions, and rules and regulations of the liquor control commission as regulated by law including the state, county and township.

(Code 1986, § 7-01.03.08)

Sec. 6-39. Objections to renewal or revocation.

(a) *Hearing.* Before filing an objection to renewal or request for revocation of a license with the state liquor control commission, the township board shall serve the license holder, 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 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.

(b) *Criteria.* 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 part of the restrictions on licenses set forth in section 6-36; or
- (2) Maintenance of a nuisance upon the premises.

(c) *Township board determination in writing.* Following hearing, the township board shall submit to the license holder and the liquor control commission a written statement of its findings and determination.

(Code 1986, § 7-01.03.09)