

ORDINANCE ESTABLISHING PROCEDURES AND STANDARDS
FOR THE APPROVAL AND REVIEW OF APPLICATIONS FOR
LICENSES TO SELL BEER AND WINE OR SPIRITS FOR
CONSUMPTION ON THE PREMISES, AND TO PROVIDE FOR THEIR REVOCATION

LIMA TOWNSHIP ORDINANCE NO. 7

ADOPTED: October 15, 1990

EFFECTIVE: October 31, 1990

AN ORDINANCE TO ESTABLISH PROCEDURES AND STANDARDS FOR
REVIEW OF APPLICATIONS, RENEWALS, AND REVOCATION OF LICENSES TO
SELL BEER AND WINE OR SPIRITS FOR CONSUMPTION ON THE PREMISES

THE TOWNSHIP OF LIMA ORDAINS:

SECTION I

1. GENERAL REQUIREMENT. No person, partnership, corporation, or entity shall sell beer and wine or spirits for consumption upon or on the premises, pursuant to any license granted by the Michigan Liquor Control Commission, for such purposes, without complying with this Ordinance. All persons applying for such licenses must obtain the express approval of the Township Board for such license in accordance with this ordinance. No person shall apply for renewal of any such license issued by the Michigan Liquor Control Commission if the holder of such license is in violation of any provision of this ordinance, without first applying for approval to the Township Board and obtaining the approval of the Township Board for the renewal of such licenses in accordance with this ordinance. A violation of this ordinance by a person who holds such a license shall be reason for the Township Board to request revocation of such license by the Michigan Liquor Control Commission.

A. Application for License: Applications for licenses or transfer of existing licenses to sell beer and wine or spirits for consumption on the 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 name, age and address of the applicant in the case of an individual; or, in the case of a 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 of the laws of the State of Michigan.

An applicant may comply with sub-sections 1 through 7, above, by submitting a true copy of the application made to the Michigan Liquor Control Commission for the issuance of a license or transfer of existing licenses and true copies of all documents and information requested by the Michigan Liquor Control Commission. In addition to the above required information, the applicant shall furnish the following information and documents:

- (8) A statement that the applicant will not violate any of the laws of the State of Michigan or of the United States of America, or any ordinances of the Lima Township in the conduct of its business.
- (9) The application shall be accompanied by a Certificate of Zoning Compliance issued by the Lima Township Zoning Inspector under the Township Zoning Ordinance and building and site plans which demonstrate adequate off-street parking, lighting, refuse disposal facilities, and where appropriate, adequate plans for screening, and noise control.

B. Restrictions and Required Conditions Attached to the Issuance of Licenses: No such license shall be approved by the Township Board, and/or no holder of such license shall apply for its renewal, if the applicant, holder, or the premises, is:

- (1) A person whose license has been revoked.
- (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 partnership, unless all of the members of such 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 (5%) 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 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 a controlled substance.
- (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, or any such official who is interested in any way, directly or indirectly, in the manufacture, sale or distribution of alcoholic liquor.
- (9) Any premises where there exists a violation of the applicable Building, Electrical, Mechanical, Plumbing or Fire Codes, Zoning Regulations, or Public Health Regulations, or any Lima Township Ordinance.
- (10) Any premises which on the date of application for the license or for renewal has a presently outstanding violation notice from the Michigan Liquor Control Commission.
- (11) Any premises which are not or will not reasonably soon after commencement of operations have adequate off-street parking, lighting, refuse disposal facilities, screening, noise, or nuisance control, or otherwise fail to meet the requirements of the Lima Township Ordinances.
- (12) Any premises where the proposed location is detrimental and injurious to the surrounding properties and persons, and/or does not have appropriate provision for 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, distance from inconsistent neighboring zoning districts, capacity to control and monitor noise and amplified music, and accessibility from primary roads or state highways.

C. Authority of Township Board to Approve Applications and to Attach Conditions to Approval: The Township Board shall by resolution approve, disapprove, or conditionally approve applications for licenses and make findings of fact that the applicant has met the requirements of the ordinance, and/or, that the applicant has failed to meet the requirements of the ordinance, and/or, that the applicant could by meeting additional conditions comply with the ordinance. In the granting of any approval of a license pursuant to this ordinance, the approval shall be subject to the condition that the applicant comply with the terms and provisions of this ordinance and the rules and regulations of the Michigan Liquor Control Commission. If the Township Board deems that additional conditions of operation are necessary to meet the intent and purpose of this ordinance, the Township Board shall set forth said conditions and the granting of approval shall be subject to the condition that the applicant comply with such additional terms and provisions as set forth by the Township Board. Failure to comply with the conditions of this ordinance or with the conditions set forth by the Township Board shall be cause for denying an application to renew a license or for revocation of a license. Approval of a license shall be conditioned upon the completion of any necessary remodeling or

new construction for the use of the license within six months of the action of the Township Board or the Michigan Liquor Control Commission approving such license, whichever last occurs, and the performance of the conditions of this ordinance and any conditions adopted by the Township Board. Any unnecessary delay in the completion of such remodeling or construction or the breach of the conditions of this ordinance and those attached by the Township Board, may subject the license to revocation. The Township Board shall have the authority to modify, amend, vary, and increase any conditions attached to an application for a license, previously granted, at the time of its renewal.

D. Standards for Rejection of Application, Non-Renewal, or Revocation. The Township Board shall recommend rejection of an application for a license or transfer of an existing license, non-renewal of existing license, or revocation of a license, upon a determination by the Township Board, that based upon a preponderance of the evidence presented to the board that any of the following exists:

- (1) That the applicant, holder, or the premises are in violation of any provision of this ordinance.
- (2) That the applicant for a license or the applicant for a transfer of an existing license has failed to submit the application, documents or information required by paragraph A, or any of its sub-sections, (1) through (9), above;
- (3) That the applicant has violated any of the restrictions or requirements attached to the issuance of a license under Section B, and any of its sub-sections (1) through (12), above;
- (4) The violation or breach of any conditions attached by the Township Board in the granting of any approval of a license under paragraph C, hereafter; or
- (5) The maintenance of a nuisance upon the applicant's premises.

E. Term of License: Approval of a license shall be for a period of one year subject to revocation as provided hereafter and to annual renewal upon continued compliance with this ordinance. Unless notified otherwise, the Michigan Liquor Control Commission may presume that the holder is not in violation of this ordinance.

SECTION II

2. PROCEDURE AND ACTION. The Township Board may review any license at any time if there is reason to believe that the holder of such license has violated any provision of this ordinance. The Township Board's approval or disapproval of a license, objection to a license's renewal or request to revoke a license shall be done by filing a certified copy of the Township Board's resolution recommending approval or disapproval, objecting to such renewal, or requesting revocation of such license with the Michigan Liquor Control Commission. Objections to renewal or requests for revocation shall be filed not less than thirty (30) days before the expiration of the current license's term. The Township Board shall submit to the Liquor Control Commission a certified copy of the notice, required by this ordinance, and proof of its service upon the applicant or the holder of the license; a certified copy of the findings made by the Township Board as required by this ordinance; and a certified copy of the resolution adopted by the Township Board.

A. Hearing: Before filing an approval or disapproval, 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 not less than ten days prior to hearing, with notice of a hearing, which notice shall contain the following:

- (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.

A public hearing shall be held and a record of the proceedings shall be made. Following hearing, the Township Board shall submit to the license-holder and the Commission a written statement of its findings and determination.


B. Resolutions: All Township Board action under this ordinance shall be by resolution.

SECTION III

3. 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

4. EFFECTIVE DATE. This ordinance shall take effect on the 10th day of October, 1990. All ordinances or parts of ordinances in conflict herewith are hereby repealed.


LIMA TOWNSHIP CLERK

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