

TOWNSHIP OF SCHOOLCRAFT
COUNTY OF KALAMAZOO, STATE OF MICHIGAN
SCHOOLCRAFT TOWNSHIP ORDINANCE NO. 90
SCHOOLCRAFT TOWNSHIP LIQUOR LICENSING ORDINANCE

ADOPTED: FEBRUARY 8, 2000

EFFECTIVE: FEBRUARY 17, 2000

(as amended by Ord. No. 198)

An Ordinance establishing procedures and standards with regard to a license to sell beer, wine or spirits for on-site consumption.

THE TOWNSHIP OF SCHOOLCRAFT
KALAMAZOO COUNTY, MICHIGAN

ORDAINS:

SECTION 1

APPLICATION FOR RECOMMENDATION FOR NEW LICENSE

- A. **APPLICATION.** Applications for recommendation 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 legal 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 ordinances of the township in the conduct of its business.
- (9) The application shall be accompanied by building and plot 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. RESTRICTION OF LICENSE. No such application for recommendation for new license shall be issued:

- (1) To a person whose license, under this ordinance, has been revoked for cause.
- (2) To 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) To a co-partnership, unless all of the members of such co-partnership shall qualify to obtain a license.

- (4) To 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) To 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) To 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) To 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) For premises where there exists a violation of the applicable Building, Electrical, Mechanical, Plumbing or Fire Codes, applicable Zoning Regulations, or applicable Public Health Regulations.
- (9) 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.
- (10) Where the township 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 RECOMMENDATION.** Recommendations for approval of license shall be made upon request of the Michigan Liquor Control Commission, but the township board may on an annual basis require the submission of a new application as provided in this Ordinance when the township board determines that there may be a change of circumstances requiring a change of recommendation. Recommendation for 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 recommendation for approval of the license to revocation.

D. **LICENSE HEARING AND BASIS FOR DETERMINATION.** The Township Board shall hold a public hearing on the license application pursuant to such notice as may be required by law and Township policy. Following the hearing, the Township Board shall make a determination on the license application based on the following criteria:

- (1) Whether the applicant has demonstrated satisfactory compliance with the restrictions set forth in Section 1.B.(1) through (10) of this Ordinance.
- (2) Whether the proposed use of the property pursuant to the license application is compliant with the Schoolcraft Township Zoning Ordinance, has received all required zoning approvals, and otherwise complies with all other applicable Township ordinances.
- (3) Whether the nature of the proposed use of the liquor license and the subject facility would likely result in the license being available for use by a broad segment of the community or the public, generally, or by only a narrow segment of the public.
- (4) Whether the type of license requested by the applicant, and the nature of the proposed use of that license, would make full use of a remaining quota license available in the Township (a license based on population).
- (5) Whether approval of the license requested by the applicant for the subject facility would enhance or deter the development/use of adjoining property in a manner consistent with the Schoolcraft Township Land Use Plan and Zoning Ordinance.

SECTION 2

OBJECTION 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 certified mail, return receipt requested, or by personal service, not less than ten (10) days prior to hearing, with a notice of 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; and
- (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 Liquor Control Commission, by first class mail or personal service, 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 exists:

- (1) Violation of any of the restrictions on licenses set forth in paragraph 1.B.(1) through (10) above; or
- (2) Maintenance of a nuisance upon the premises.

SECTION 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 4

EFFECTIVE DATE

This Ordinance shall take effect on August 27, 1983. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

Schoolcraft Township Clerk