

**TOWNSHIP OF ALPINE
ORDINANCE NO. 13-05**

ALPINE TOWNSHIP LIQUOR LICENSE REQUIREMENTS

AN ORDINANCE TO REGULATE THE ISSUANCE OF LIQUOR LICENSES, THEIR RENEWAL, REVOCATION AND TO PROTECT THE HEALTH, SAFETY AND WELFARE OF THE INHABITANTS OF THE TOWNSHIP OF ALPINE.

THE TOWNSHIP OF ALPINE ORDAINS:

ARTICLE I. APPLICATION FOR NEW LICENSE

Section 1.1. License Required. No person shall sell any alcoholic liquor for consumption on the premises in any establishment in the Township without first obtaining a license as required by all applicable local, state and federal laws and regulations.

Section 1.2 Application. Applications for an on-premises liquor license including associated permits shall be submitted to the Township Clerk, in writing, signed by the applicant, in 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:

- (a) The name, age and address of the applicant in the case of an individual; or, the name and address of the applicant in the case of a co-partnership, plus the names and addresses of each partner; or the name and address of the applicant in the case of a corporation, plus 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.
- (b) In the case of an individual, the citizenship and place of birth of the applicant and, if a naturalized citizen, the date and place of his naturalization.
- (c) The nature or kind of establishment associated with the license and, in the case of a corporation or other legal entity, the purpose for which it was formed.
- (d) The length of time the applicant has been in a business of that nature, or, in the case of a corporation or other legal entity, the date of its creation.
- (e) The location and description of the premises or place of business which is to be operated under such license.
- (f) A statement whether the applicant has made application for a similar or other license on premises other than described in this application, and the disposition of such application.
- (g) 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.
- (h) 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 associated with the license.

- (i) The application shall be accompanied by building and site plans showing the entire structure and premises and in particular the specific areas where the license is to be utilized in accordance with Section 1.3(l). Among other matters 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 further identify in a manner consistent with the provisions of this Ordinance the establishment's dining table capacity, counter space for the dispensing and sale of spirits, and the square footage for associated dining table capacity, seating capacity, and kitchen and food storage facility areas.
- (j) The application shall be accompanied by payment of such fees as the Township Board may establish by resolution from time to time.
- (k) The applicant shall provide as a part of the application all information which is required by the Michigan Liquor Control Commission for an application to the state for the license and, in addition, any other information deemed necessary by the Township Board to adequately review the application as provided by this Ordinance and authorized by law.

Section 1.3. Restrictions on Licenses. A license shall not be issued:

- (a) To a person whose license, under this Ordinance has been revoked for cause.
- (b) To a person who, at the time of application for renewal of any license issued hereunder, would not be eligible for such license upon a first application.
- (c) To a co-partnership, unless each of the members of such co-partnership would qualify to obtain a license.
- (d) To 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.
- (e) To a person whose place of business is conducted by a manager or agent unless such manager or agent possesses the qualifications required of the licensee.
- (f) To a person, co-partnership or corporation who has been convicted of a violation of any federal or state law concerning the manufacture, possession or use or sale of alcoholic liquor.
- (g) To a person who does not own or have an option to purchase 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.
- (h) To any law enforcing public official within Kent County 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.
- (i) 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 violations of any ordinance of the Township or state statute or rule or regulations or any agency thereof.

- (j) For premises where it is determined 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, security, or nuisance control.
- (k) 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 inconsistent zoning classifications; and accessibility from primary roads or state highways.
- (l) To a person whose establishment does not meet the following minimum seating capacity requirements:
 - 1. All establishments which are not part of a hotel and/or motel operation selling alcoholic beverages for consumption on the premises shall have a restaurant with a dining table capacity for not less than one hundred fifty (150) persons, and if a bar or counter space is provided for the dispensing and sale of alcoholic beverages, the bar or counter space will occupy not more than twenty percent (20%) of the seating capacity of the dining room.
 - 2. In determining the dining table and seating capacity in the preceding paragraph, the square footage of the dining area shall provide a minimum of fifteen (15) square feet of space per person seated.

Section 1.4. Term of License. Approval of a license shall be as established by the Michigan Liquor Control Commission and contingent on continued compliance by the licensee with the regulations of this Ordinance. Approval of a license shall be further contingent on 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. An unreasonable delay in the completion of such remodeling or construction will subject the license to revocation.

Section 1.5. License Review Process and Hearing.

- (a) The Township Clerk, after receiving an application under this Ordinance and any associated fee as established from time to time by resolution of the Township Board, shall refer the application to the Township's law enforcement officer, building official and planning director for review and recommendation to the Township Board. After receiving reports from such offices, the Township Clerk shall present the application to the Township Board for its review and possible approval or disapproval.
- (b) Subject to the terms of this Ordinance, the Township Board shall schedule a public hearing upon the receipt of a completed license application and the payment of all associated fees. Following such hearing, the Board may submit to the applicant a written statement of its findings and determination. The Board's determination shall

be based upon compliance with the provisions of this Ordinance in the Board's discretion.

- (c) If approved, the Township Clerk shall furnish a resolution of approval to the applicant, which he or she shall forward to the Michigan Liquor Control Commission.

Section 1.6. Definitions. For purposes of this Ordinance, the following words and terms shall be defined as follows:

- (a) "Applicant" shall mean any person who seeks approval from Alpine Township for a license to sell alcoholic beverages on premises as required by law.
- (b) "Hotel and/or Motel" shall mean a building or buildings which is to be regularly used and kept open as such in a bona fide manner for the commercial feeding and lodging of guests.
- (c) "Person" shall mean any legal entity including, but not limited to, an individual, partnership, association, corporation, business or trust.
- (d) "Premises" shall mean all areas used in carrying out the principal functions of the business of the licensee, except such areas as are specifically exempted in other provisions of this Ordinance.
- (e) "Restaurant" shall mean a dining facility preparing and serving complete dinners and meals, and shall not be construed to mean an establishment selling only sandwiches, appetizers or other short-order foods such as, but not limited to, tacos, pizzas and hamburgers. A restaurant is an establishment serving prepared foods selected by the patron from a menu and which is serviced by a waiter or waitress.

Section 1.7. No Duty to Issue. Notwithstanding any provision of this Ordinance, the Township Board is under no obligation to approve any available license within the Township at any time. No applicant shall have a right to the issuance of a license and the Township Board reserves its rights to exercise discretion to determine which applications, if any, to approve as it deems to be in the best interests of the Township. Further, no applicant has the right to have its application processed and the Township Board reserves its right to take no action with respect to any application for approval filed with the Township. The Township Board may maintain a list of all applicants and review the list when, in its discretion, it determines that the issuance of a license is in the best interests of the Township at large and for needs, benefit, and convenience of its citizens. This Ordinance shall not operate to limit any power or authority vested in the Township Board under applicable laws, regulations and constitutions, and shall be vested authority and not in derogation of that authority.

Section 1.8. Criteria. Where there are competing applications for an available liquor license, the Township Board may choose which of such applicants, if any, should receive approval for such license. In making such determination the Township Board may consider but not be limited to the following:

- (a) Zoning of parcel and adjacent parcels.
- (b) Availability to utilities.

- (c) What uses will be conducted with the license.
- (d) Traffic on adjacent streets and the existence of any traffic hazards in the area or produced by the applicant's proposed use.
- (e) Economic backing of applicant sufficient to conduct such a use.
- (f) The design and layout of improvements of the applicant for his proposed use.
- (g) Effect upon existing adjacent uses.
- (h) The location of other licensed establishments as relates to potential traffic effects or hazards.
- (i) Any information contained in the application or requirements of this Ordinance.

Section 1.9. Non-Transferable. An approval given an applicant pursuant to this Ordinance by the Township Board is not transferable without the consent of the Township Board. The location of an establishment for which approval was given shall not be transferred without the consent of the Township Board.

Section 1.10. Exceptions. The Township Board may waive the requirement for a restaurant and/or a particular seating capacity as provided for in Section 1.3 where the Board finds that an unnecessary hardship would result from the application of such requirements.

ARTICLE II. OBJECTIONS TO RENEWAL AND REQUEST FOR REVOCATION

Section 2.1. Procedure. Before filing an objection to renewal or request for revocation of a license with the Michigan Liquor Control Commission, the Township Board shall hold a public hearing. The Township Board shall serve the license holder, by first class mail, mailed not less than ten days prior to the hearing, with notice of a hearing, which notice shall contain the following:

- (a) Notice of proposed action.
- (b) Reasons for the proposed action.
- (c) Date, time and place of the hearing.
- (d) 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 the Commission a written statement of its findings and determination.

Section 2.2. Criteria for Non-renewal or Revocation. The Township Board shall recommend non-renewal or revocation of a license upon a determination by it that, based upon a preponderance of the evidence presented at a hearing, the applicant or licensee has engaged in, or has permitted to occur on or involving a licensed premise, any one or more of the following:

- (a) Violation of any of the restrictions on licenses set forth in this Ordinance.
- (b) Maintenance of a nuisance upon the premises.
- (c) Fraudulent information provided upon original application or application for renewal.
- (d) The consumption of spirits, if licensed to sell only beer or wine, or both beer and wine.
- (e) Dancing or live entertainment open to the public, with or without an admission charge, unless holding a valid dance or dancing entertainment permit.
- (f) Any disorderly conduct or action which disturbs the peace and good order of the neighborhood.
- (g) Any incidents of prostitution, solicitation for prostitution, or larceny.
- (h) Any gambling activity or the placing or using of any gambling apparatus or paraphernalia therein.
- (i) Any unlawful possession, sale, or use of any controlled substance.
- (j) Use of interior lighting which is insufficient to enable a person with average vision to clearly see all persons within the premises.
- (k) Any violation of any other Township ordinance, or any violation of Michigan or Federal law which is designed to protect the public health, safety or welfare, or any rule or regulation adopted pursuant to any such provision of this code or of such Michigan or Federal law.
- (l) Any violation of the Michigan Liquor Control Act or any rule or regulation promulgated by the Michigan Liquor Control Commission.
- (m) Nonpayment of any Federal, State of Michigan, or local tax or special assessment.
- (n) Nonpayment of bills outstanding or owing to Alpine Township.
- (o) Any failure by the licensee, or the licensee's agent or employee to fully cooperate with any Federal, State, County or Township official, including Township firefighters acting in the line of duty.
- (p) Any failure by the licensee, or the licensee's agent or employee to fully cooperate with the Sheriff, or any Deputy Sheriff, Police Officer, or State Police Officer.
- (q) The licensee has not engaged in, or has discontinued or terminated, the sale of alcoholic beverages under the license on the premises for 12 or more consecutive months.

ARTICLE III. EFFECT

Any decision made by the Township Board under Article II shall be sent to the Michigan Liquor

Control Commission or agency responsible for issuing State liquor licenses and permits and shall act as a determination by the Township that such State agency should likewise not issue or renew or shall revoke any such permit or license.

ARTICLE IV. ADMINISTRATION, VALIDITY AND SEVERABILITY

Section 4.1. Administration. The Ordinance shall be administered by the Township Clerk or his/her designated agent. The rules, regulations, and standards imposed by this Ordinance shall be considered to be the minimum requirements for the protection of implying them, primary consideration shall be given to these factors.

Section 4.2 Disorderly Conduct on Premises. No person having the management, ownership or control of any premises in the Township where any alcoholic liquor is sold for consumption on the premises shall permit any boisterous conduct, or, in any manner, the disturbance of the peace and good order of the neighborhood; nor shall any person frequenting such premises make or assist in making any noise, disturbance or improper diversion, by which the peace and good order of the neighborhood is disturbed.

Section 4.3. Validity and Severability. If an article, section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be void, ineffective or unconstitutional, or otherwise invalid, such invalidity shall not affect the remaining portions of this Ordinance.


Section 4.4. Effective Date. The Ordinance shall be effective the day following its publication in a newspaper with general circulation within Alpine Township.

Section 4.5. Revocation of Previous Ordinances. Upon the effective date of this Ordinance, Ordinances 92-3 and 96-15, as amended, are revoked in their entirety.

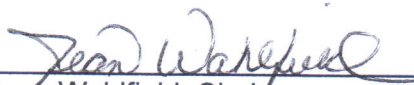
At a regular Township Board meeting, held on July 15, 2013, May offered a motion, seconded by Townsend, to adopt of the preceding Ordinance No. 13-05.

AYE: Arends, Cordes, May, Schweitzer, Townsend, J. Wahlfield, and M. Wahlfield.
NAY: None
ABSENT: None.

ORDINANCE NO. 13-05 DECLARED ADOPTED.




Alex Arends, Supervisor



Jean Wahlfield, Clerk

I, Jean Wahlfield, Township Clerk of the Township of Alpine, certify that the foregoing Ordinance No. 13-05 was adopted by the Township Board of the Township of Alpine in public session held July 15, 2013 and I further certify that this Ordinance was published in the Advance Newspapers on Saturday, July 20, 2013.

Dated: July 15, 2013


Jean Wahlfield, Clerk

Adoption: July 15, 2013
Publication: July 20, 2013
Effective Date: July 21, 2013



LIQUOR LICENSE APPLICATION ALPINE TOWNSHIP

Intended License Holder is: ☐ Individual ☐ Co-Partnership ☐ Corporation ☐ Other

Request is for: ☐ Class B Hotel ☐ Class C ☐ Class C with Permit (Type)

☐ Other (List) _____

Location for proposed Liquor License: _____

Please list the name, age, title, and address of the applicant in the case of an individual; or, the name and address of the applicant in the case of a co-partnership, plus the names and addresses of each partner; or the name and address of the applicant in the case of a corporation, plus 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. If there is insufficient room, please attach a separate page with your complete list.

Name: _____ Age: _____

Title: _____ Phone #: _____

Address: _____

Name: _____ Age: _____

Title: _____ Phone #: _____

Address: _____

Name: _____ Age: _____

Title: _____ Phone #: _____

Address: _____

If Individual Applicant, please answer the following questions:

What is your citizenship? _____ Place of Birth? _____

If you are a Naturalized Citizen, please give place and date of Naturalization:

(Remainder of page left intentionally blank.)

If the Applicant is a Co-Partnership or Corporation, please answer the following:

State the nature or kind of business, the purpose for which it was formed, the length of time the applicant has been in this type of business, and the date of incorporation (if applicable):

All applicants must answer the following:

Have you ever applied for a liquor license in Alpine Township or another municipality? If yes, please describe the type and disposition of the application.

Describe the premise where you intend to locate this operation:

The nature or kind of establishment associated with the license and, in the case of a corporation or other legal entity, the purpose for which it was formed.

The length of time the applicant has been in a business of that nature, or, in the case of a corporation or other legal entity, the date of its creation.

In addition to this application, the Applicant must submit the following:

1. A building and site plan showing the entire structure and premises and in particular the specific areas where the license is to be utilized in accordance with Section 1.3(1) of Ordinance No. 13-05. The plans shall demonstrate adequate off-street parking, lighting, refuse disposal facilities, screening, noise control, and compliance with Township ordinances. Size and seating capacity for each area of the building must be shown. The Township Planning Department will be able to assist you with details on these requirements. (Phone: 784-9090, Monday through Friday, 8 a.m. to 4 p.m.)

2. Liquor License Application Fee of \$200.
3. An actual or proposed menu. (N/A)
4. An Oath and Affidavit of Identity (attached) for each Applicant, Partner, Officer or Director.
5. Other: _____

(Remainder of page left intentionally blank.)

OATH and AFFIDAVIT OF IDENTITY

I, _____, being duly sworn, depose and say that:
(Please print or type)

_____ I have not changed my name within the past 12 years.

_____ I have changed my name within the past 12 years and was formerly known as: _____

_____ The establishment for which the license is sought will be operated in compliance with the laws of the State of Michigan and the United States and any ordinances of the Township in the conduct of the business.

My current address is: _____

My birthdate is: _____

Phone Number: _____

Fax Number: _____

Email: _____

I, _____, have never been convicted of a felony and I am not disqualified to receive a license by reason of any matter or thing contained in Ordinance No. ____, a copy of which I have received, or the laws of the State of Michigan. I (We) will not violate any of the laws of the United States, State of Michigan, Kent County, or any Ordinances of Alpine Township in the conduct of business.

Witnessed by:

Applicant:

Print or Type Name:

Print or Type Applicant Name:

STATE OF MICHIGAN)
)ss
COUNTY OF KENT)

This Applicant, _____, was subscribed and sworn before me this
_____ day of _____, 201__.

(Notary)

My commission expires: _____

_____ County, _____