

VILLAGE OF DECATUR DDA MEETING AGENDA

Wednesday
February 9,
2021



VILLAGE OF DECATUR
REGULAR DDA MEETING
Wednesday, February 9, 2022 – 1:00PM
Village Hall – 114 N. Phelps Street, Decatur, MI 49045

1:00 PM DDA Meeting (Action to be taken by DDA on the following agenda items)

Note: Please be courteous and turn cell phones off during the meeting.

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL (Excused Absences if Any)

4. PUBLIC COMMENT

5. APPROVAL OF CONCENT AGENDA ITEMS

5A.1 - Approval of the Regular DDA Meeting Agenda for February 9, 2022.

5A.2 – Approval of meeting minutes for January 12, 2022

6. COMMUNICATIONS TO THE COUNCIL – PRESENTATIONS & GUEST

7. UNFINISHED BUSINESS

7A – Banners

7B – Projects, Events, Goals

7C – Social Districts Discussion

7D – DDA Plan 1981

7E - Redevelopment Ready Communities (RRC) certification

8. NEW BUSINESS

9. PUBLIC COMMENTS – SECOND OPPORTUNITY

10. DDA MEMBER COMMENTS

11. ADJOURNMENT

PLEASE NOTE

AUDIENCE PARTICIPATION:

In addition to addressing the DDA during public hearings and under “Public Comment,” members of the audience may address the DDA, please limit your comments to three minutes or less per item. Please step up to the Podium and state your name and address.

The proposed process for items listed under agenda items above shall be as follows:

1. Announcement of the agenda item by the Chairperson.
 2. Verbal report provided by staff.
 3. Chairperson asks DDA members if they have any questions for staff to clarify the staff report.
 4. Motion is made by a DDA member and seconded by another DDA member.
 5. Chair then calls on DDA members to discuss the motion if DDA members wish to discuss.
 6. Chair calls for a vote on the item after discussion has occurred.
-

Village of Decatur
Downtown Development Authority

Wednesday, January 19, 2021, at 1:00 P.M
Village Hall, 114 N. Phelps Street
Decatur, MI 49045

I. James Creagan called the meeting to order at 1:00 P.M.

II. Roll Call

James Creagan (First State Bank), Jay Newell (Newell Insurance), Lee Moser (Moser Financial Group) excused David Moormann (Moornman Printing), excused Roger Kemp (RA Decatur Supply) Mary Miller (Mousse Lodge) Jami Swihart (Honor Credit Union), excused and Fred Reeder (CPA) excused, Village Manager Tapper, Megan Duncan, Clerk/Treasurer, Rebecca Harvey, Village Planner present.

III. Public Comments

- a. Let the record show, no public comment was offered

IV. Approval of Agenda, Meeting Minutes, Accounts Payable

- a. Creagan offered a motion to approve the corrected agenda for January 19, 2022, support by Newell, motion carried unanimously 4-0.
- b. Miller offered a motion to approve the meeting minutes for November 10, 2021, support by Kemp, motion carried unanimously 4-0.
- c. Miller offered a motion to approve the meeting minutes for December 10, 2021, support by Kemp, motion carried unanimously 4-0.

VI Unfinished Business

- d. Manager Tapper, still gathering information regarding the downtown banners. A copy of the FY 23 budget was provided. An update regarding the Social District's was discussed. The Board requested additional information from staff.

V. New Business – Adoption of FY 2023 Budget

- a. Newell offered a motion to approve to approve the Fiscal Year Budget 2023, support by Kemp, motion carried unanimously 4-0.

VI. New Business – DDA Development Plan

- a. Miller offered a motion to approve the request to submit proposals for an update to the DDA Development Plan dated 1981, supported by Creagan, motion carried unanimously 4-0.

VII. New Business – DDA, Projects, Events, Goals for 2022

- a. A general discussion ensued regarding the DDA goals, projects and events. Harvey asked the DDA to include the topic of updating the Board's By-Laws. The Board also discussed the topic of the July 4th Firework presentation.

VIII. Adjournment

- a. Kemp made a motion with support from Miller to adjourn the meeting at 2:16 P.M.
Minutes submitted by: Megan Duncan, Village Clerk/Treasurer

Social Districts

Introduction

The State of Michigan enacted a new law intended to spur economic activity and provide flexibility for hospitality businesses by enabling the on-site sale and off-site consumption of alcoholic beverages in designated “Social District” areas. On July 1, 2020, Governor Whitmer signed House Bill 5781 into law (MCL 436.1551) creating the “Social District Permit,” which allows local governments to designate a Social District within their jurisdictions. Businesses that are granted a Social District Permit may sell alcoholic liquor (beer, wine, mixed spirits, or mixed drinks) on their licensed premises to customers who may then consume the alcoholic liquor within the commons area of the Social District.

Permit Information for Local Governments

Local governments may now designate a Social District that contains a “commons area.” Once designated, “qualified licensees” whose licensed premises are contiguous to the commons area within the Social District and who obtain a license from the Michigan Liquor Control Commission (MLCC) may permit patrons to leave the licensed premises with the alcohol and consume it within the commons area.

Under MCL 436.1551(8)(a), a “commons area” is defined as: “an area within a social district clearly designated and clearly marked by the governing body of the local governmental unit that is shared by and contiguous to the premises of at least two other qualified licensees. Commons area does not include the licensed premises of any qualified licensee.”

Along with designating a Social District that contains a commons area, which must be clearly defined and marked with signs, a local government must establish local management and maintenance plans, including hours of operation, for a commons area. The statute provides that a local governmental unit shall not designate a Social District that would close a road unless the governing body receives prior approval from the road authority with jurisdiction over the road. In addition, the commons area must be maintained in a manner that protects the health and safety of the community.

A Social District designation must be filed with the MLCC, and include:

- A copy of the resolution passed by the governing body designating the Social District and commons area;
- A copy of management and maintenance plans, including the hours of operation, established by the local governmental unit for the Social District and commons area; and
- A diagram or map that clearly shows the boundaries of the Social District and commons area and identifies the qualified licensees that are contiguous to the commons area on the diagram or map.

To the extent a commons area threatens the health, safety, or welfare of the public or has become a public nuisance, a local government may revoke the Social District designation. Before revoking the designation, the local government must hold at least one public hearing on the proposed revocation, with appropriate notice being given under the Open Meetings Act (OMA). Any revocation of the Social District must be filed with the MLCC.

Bars and Restaurants May Apply for a Social District Permit

Bars and restaurants who are “qualified licensees” and wish to take advantage of the new law must first seek application approval from the governing body of their local government. Qualified licensees may then apply to the MLCC for a Social District Permit.

Pursuant to the statute, with some restrictions, qualified licensees include holders of Class C, Tavern, A-Hotel, B-Hotel, Club, G-1, G-2, and Brewpub licenses as well as licensees with on-premises and off-premises tasting rooms.

Upon receiving a Social District Permit, and upon additional approvals that may or may not be required by the municipality, a licensee may sell alcohol on its licensed premises in approved containers for customers to remove and consume in the commons area. A licensee is not permitted to sell alcohol in a commons area.

Approved containers must be glass free and not more than 16 oz., must prominently display the licensee's trade name or logo or some other mark that is unique to the licensee that sold the alcohol as well as a logo or mark unique to the commons area.

This Fact Sheet was provided by Sarah J. Gabis of the law firm of Foster Swift Collins & Swift, P.C.

Tecumseh documents:

Resolution

Map

Qualified licensees

Common Areas Management and Maintenance Plan

Commons Area Use Application



CITY OF TECUMSEH
CITY COUNCIL

Resolution R-16-20

Resolution #16-20 - Establishing Social Districts

WHEREAS, Michigan Public Act 124 of 2020 was signed into law on July 1, 2020; and

WHEREAS, the law allows Michigan municipalities to establish Social Districts that allow for Commons Areas where two or more contiguous licensed establishments could sell alcoholic beverages in special cups to be taken into the Commons Areas for consumption; and

WHEREAS, the Tecumseh Social District would be created and managed by the City through a collaboration with its Downtown Development Authority; and

WHEREAS, the Tecumseh Social District boundaries are generally Logan Street, Ottawa Street, Pottawattamie Street, and Pearl Street; and

WHEREAS, the Commons Areas boundaries incorporate the City-owned parking lots in the downtown area as well as the adjoining sections of North and South Evans Street. The Commons Areas include the sidewalks and streets along with the public parking lots within the boundaries that are not included in the qualified licensees' premises; and

WHEREAS, the City of Tecumseh will follow all stipulations of Michigan Public Act 124 of 2020 and follow established best practices in the creation and maintenance of the Social District; and

WHEREAS, the creation of the Tecumseh Social District will assist our downtown businesses in adapting to the social distancing requirements of the COVID-19 crisis as well as attract customers for enhanced outdoor dining and entertainment experiences in downtown Tecumseh.

NOW, THEREFORE, BE IT RESOLVED, that the Tecumseh City Council does hereby approve the creation of the Tecumseh Social District as depicted in the attached map (Exhibit A) for consideration by the Michigan Liquor Control Commission.

Motion for adoption by: Naugle

Supported by: Harmon


AYES Harmon, Naugle, Riddle, See, Wimple, Baker, Fox

NAYS

ABSENT

This is to certify that this resolution was duly adopted at the meeting of the City Council on **Sep 8, 2020**.



Jackson L. Baker
Mayor


Tonya A. Miller
Tecumseh City Clerk

CERTIFICATION

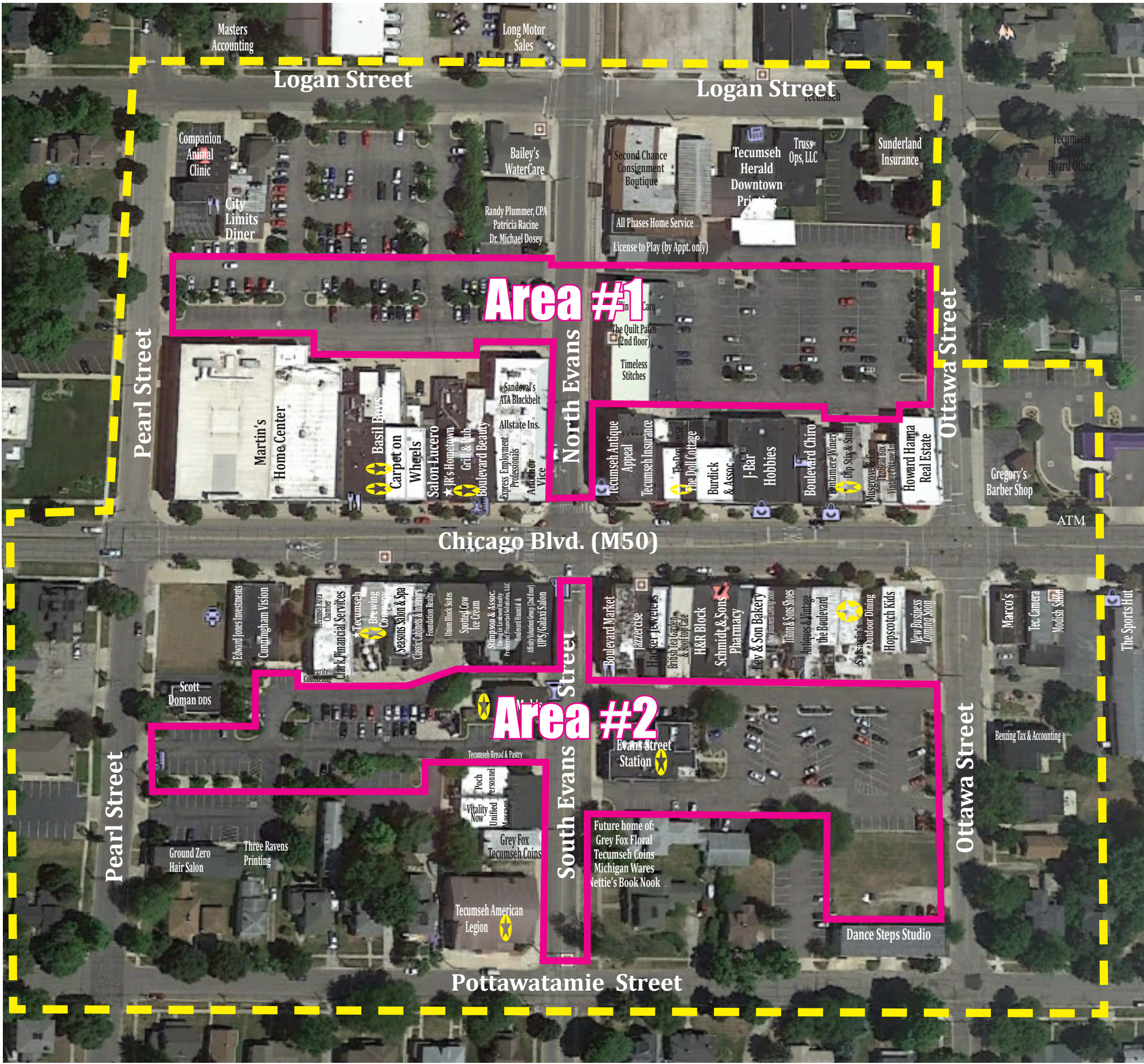
I, the undersigned, the duly qualified City Clerk for the City of Tecumseh, County of Lenawee, Michigan do hereby certify that the foregoing constitutes a true and complete copy of a motion adopted by the City Council of the City of Tecumseh, on **September 8, 2020**, the original of which is in my office, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, as amended, and that the full set of minutes from said meeting will be made available, as required by said Act.

Dated: 9/10/2020


Tonya A. Miller
Tecumseh City Clerk



Downtown Tecumseh Social District Commons Area



City of Tecumseh
Social District
Qualified Licensees

LARA ID	Account Name	DBA	Address
2098	Wrong Way Pub Inc.	Wrong Way Pub	107 S. Evans St. Tecumseh 49286
8127	American Legion Memorial Home Assn. of Tecumseh	American Legion Memorial Home Assn. of Tecumseh	101 W. Pottawatomie St. Tecumseh 49286
133417	Pentamere Winery, LLC	Pentamere Winery	131 E. Chicago Blvd. Tecumseh 49286
134702	Evans Street Station LLC	Evans Street Station	110 S. Evans St. Tecumseh 49286
153852	The Tecumseh Club	The Tecumseh Club	123 W. Chicago Blvd. Tecumseh 49286
215099	Devniks, Inc.	Basil Boys	125 W. Chicago Blvd. Tecumseh 49286
226011	LRS Restaurant Holdings, LLC	JR's Hometown Grill & Pub	111 W. Chicago Blvd. Tecumseh 49286
227486	The Dog House Restaurant, LLC	The Doghouse Restaurant	107 E. Chicago Blvd. Tecumseh 49286
235137	Salsaria's LLC	Salsarias	146 E. Chicago Blvd. Tecumseh 49286
237108	Tecumseh Brewing Company, LLC	Tecumseh Brewing Co	128 W. Chicago Blvd. Tecumseh 49286



P.O. Box 396, Tecumseh, MI 49286 • www.mytecumseh.org

Commons Areas Management and Maintenance Plan

Overview

In an effort to support local restaurants, microbreweries, bars, and similar food service businesses, the City of Tecumseh has established a permitting process for temporary outdoor social districts and commons areas ("Commons Areas"). Commons Areas are intended to allow for outdoor dining and alcoholic beverage consumption on City properties that are adjacent to or near associated business establishments. This application package is designed to ensure compliance with the Michigan Liquor Control Commission (MLCC) guidelines and Public Act 58 of 1998 as amended by Public Act 124 of 2020.

The Commons Areas are proposed to be administered through the City's Developmental Services Office and permits from both the MLCC and the City are required prior to utilization by any qualified establishment(s).

Intent

Commons Areas are intended provide extra outdoor space for dining and consumption of alcoholic beverages while ensuring sufficient separation between unrelated parties. This is in response to the social distancing requirements necessitated by the COVID-19 crisis. The areas will accommodate tables, chairs, barriers, boundaries, and accessory materials related to the offered services. Qualified establishments, as defined by PA 124 of 2020 may apply to utilize **certain specifically designated places within** the established Commons Areas:

1. City owned parking lots in the Central Business District.
2. The North and South Evans Street road right-of-way.
3. In accordance with the MLCC guidelines, all Commons Areas must be "contiguous to the premises of at least 2 qualified licensees."

It is also intended that Commons Areas may be shared by multiple businesses, so long as the shared use is defined by the City authorization and joint operation and maintenance guidelines are established.

However, public spaces immediately in front of or behind a business establishment will be reserved solely for that business (exp. public sidewalks and parking spaces).

All designated spaces will be subject to review by Tecumseh Police and Fire Departments for traffic and safety considerations.

City of Tecumseh
Commons Areas Management and Maintenance Plan

Page 2 of 5

Other Options for Outdoor Dining and Alcoholic Beverage Consumption

The establishment of the Commons Areas in accordance with the new MLCC provisions in no way negates the ability of businesses to establish sidewalk cafes for outdoor dining and alcoholic beverage consumption in accordance with the pre-existing MLCC guidelines and City ordinances. The Commons Areas are intended to be supplemental and in addition to these previous provisions.

Signage and Barriers

The City will prepare generic signs as required by the MLCC Rules that identify the general boundaries of the Commons Areas. The individual establishments may be required to provide additional barriers to define the portion of the Commons Area they plan to utilize and provide for the safety of their customers/patrons. Additional barriers or barricades as specified by the City **will** be required when the area utilized is within a public parking lot and/or on a public street or sidewalk. The City will assist in coordination between the permitted establishments to minimize the necessary investment in additional barriers/barricades.

Application Process

Commons Area permits must be requested by the business owner or an authorized representative. Applications and supplemental information must be provided in complete form for review and approval by the Building Official.

Required checklist items are the following:

1. Completed City application form.
2. Copy of Michigan Liquor Control Commission Permit. *Note: The City will conduct a preliminary review prior to the applicant submitting their MLCC permit in order to determine if the proposed use of the Commons Area is acceptable to the City.*
3. Certificate of Liability Insurance, naming the City of Tecumseh additionally insured.
4. Commons Area layout plan (drawn to-scale with dimensions noted and all information in legible form).
 - a. Lot lines, portion(s) of Commons Area intended for use, and proposed barriers/barricades.
 - b. Existing entries/exits, sidewalks, structures, and building footprints.
 - c. Proposed location of tables, chairs, tents, shelters, and other fixtures, allowing for at least 6 feet minimum between unrelated parties. *Note: The City may*

City of Tecumseh
Commons Areas Management and Maintenance Plan

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require the removal or relocation of these furnishings and fixtures at the end of each business day in order to facilitate access to the surrounding properties.

- d. Outdoor service and host area(s) (if any).
- e. Proposed occupancy. *Attached is the section of the International Building Code (IBC) which has been adopted as the standard for the State of Michigan related to occupancy calculations to provide you with a starting point. This does not consider the requirements in item (c) above.*

General Requirements

Commons Areas are subject to the following requirements:

1. Boundaries, structures, and materials associated with Commons Areas shall:
 - a. Not impede drivers, pedestrians, or wheelchair users. *Note: The City will consider the extended closure of sections of public parking lots and streets, subject to maintaining adequate access to the surrounding properties.*
 - b. Not block sight visibility of remaining parking lot aisles or intersections.
 - c. Not impede emergency vehicle and personnel access.
 - d. Not prevent access to nearby businesses or homes.
 - e. Be approved by City of Tecumseh Police and Fire Departments.
2. Alcohol service shall conform to all Michigan Liquor Control Commission requirements, including any Social District and Commons Areas Permit requirements. Specifically:
 - a. The serving container must prominently display the licensee's trade name or logo or some other mark that is unique to the licensee that sold the alcohol.
 - b. The serving container must prominently display a logo or some other mark that is unique to the commons area.
 - c. The serving container is not made of glass.
 - d. The serving container does not have a liquid capacity over 16 ounces.
3. **Hours of operation shall begin no earlier than 10:00 AM and food and beverage service shall discontinue in the Commons Areas no later than 11:00 PM.** However, hours shall be further restricted when adjacent to residential land uses. Service shall not extend beyond the range established in the MLCC or City permits.
4. Service shall conform to the permitted days of operation.
5. The layout of boundaries, structures, and materials shall conform to the proposed outdoor Commons Area layout plan during open hours. Tables, chairs, and temporary barriers may be permitted to remain outdoors during closed hours but must be secured. Service items, decorations, cleaning materials and equipment and other easily stored items must be removed from

City of Tecumseh
Commons Areas Management and Maintenance Plan

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the area at the end of each business day. Solid barriers, if incorporated, may remain for the duration of the permitted timeframe.

6. Sites and surfaces shall be cleaned before service hours and upon close.
7. Tents and other temporary shelter structures shall be approved by the Fire Department and Building Official.
8. Amplified music shall be set at reasonable levels so as not to disturb owners and occupants of neighboring properties.
9. Temporary lighting shall be established to ensure safe conditions during evening hours but shall not result in excessive glare onto adjacent properties.
10. Waste receptacles shall be provided within the Commons Area and shall be emptied regularly during open hours and at close each day.
11. Heaters must be approved by the Fire Department (type and location).
12. Smoking is not permitted within designated Commons Areas.

Review and Approval

The review of Commons Areas will occur in conjunction with the Developmental Services Office and Police Department and Fire Departments. The City reserves the right to request additional details and information to ensure the protection of public health, safety, and welfare.

If requirements and standards are met, the proposed outdoor social zone will be permitted for a period of time specified by the Building Official. Reasonable conditions may be applied by the City to ensure the protection of public health, safety, and welfare. Plan amendments may be considered at any time but must comply with all requirements for Commons Areas.

**Building Services Department**

P.O. Box 396, Tecumseh, MI 49286

Ph: 517-424-6544

www.mytecumseh.org**COMMONS AREA USE APPLICATION**

Date of Application:

Name of Business:

Requested Date Range for Commons Area Use

From:

To:

Recurring Dates Requested:

(Attach additional sheet if needed)

Name of Owner / Responsible Party:

Mailing Address:

Business Address:

(If different from above)

Contact Person:

Phone #:

E-Mail:

Description of Commons Area Services/Uses:

Required Attachments:



Layout Plan

(See Management Plan for Requirements)

Proof of MLCC Approval



Proof of Liability Insurance

*(Naming City Additionally Insured)***X**

Signature of Owner/Responsible Party

Date: _____

*I verify all of the information on and attached to this application is accurate to the best of my knowledge; and I commit to adhere to the City of Tecumseh Commons Area Management Plan and the MLCC requirements for Social Districts/Commons Areas.***CITY USE ONLY BELOW THIS LINE**☐ ALL Required Attachments Provided☐ Logistics Meeting NeededDepartment Approval Needed: ☐ Police ☐ Fire ☐ Building ☐ DPW

Permit #:

☐ Approved

Date of Approval: _____

Conditions of Approval:

X

Signature of Building Official

Printed Name: _____

Date: _____



Michigan Department of Licensing and Regulatory Affairs
Liquor Control Commission (MLCC)
Constitution Hall – 525 W. Allegan - Lansing, Michigan 48933
Toll-Free 866-813-0011 • www.michigan.gov/lcc

Updated December 21, 2021

Local Governmental Units That Have Established Social Districts

The following is an ongoing list of local governmental units (city, village, township, county) that have established a Social District under [MCL 436.1551](http://mcl.michigan.gov/436.1551).

Allegan County

- Allegan City
- Douglas City
- Fennville City
- Otsego City
- Saugatuck City

Alpena County

- Alpena City

Antrim County

- Central Lake Village

Barry County

- Hastings City

Branch County

- Coldwater City

Bay County

- Bay City

Berrien County

- Bridgman City
- Buchanan City
- Niles City
- St. Joseph City

Calhoun County

- Battle Creek City
- Marshall City

Charlevoix County

- East Jordan City
- St. James Township

Crawford County

- Grayling City

Emmet County

- Petoskey City

Ingham County

- Lansing City
- Webberville Village

Iosco County

- Oscoda Township

Jackson County

- Jackson City

Kalamazoo County

- Kalamazoo City
- Vicksburg Village

Kent County

- Cedar Springs City
- Grand Rapids City
- Lowell City
- Rockford City

Lapeer County

- Lapeer City

Lenawee County

- Adrian City
- Clinton Village
- Tecumseh City

Livingston County

- Brighton City
- Howell City

Macomb County

- Mt. Clemens City
- New Baltimore City
- St. Clair Shores City

Manistee County

- Manistee City

Mason County

- Ludington City

Midland County

- Midland City

Monroe County

- Dundee Village

Montcalm County

- Greenville City

Muskegon County

- Muskegon City

Newaygo County

- Newaygo City

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Updated December 21, 2021

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Oakland County

- Clarkston City
- Clawson City
- Farmington City
- Ferndale City
- Holly Village
- Lake Orion Village
- Oak Park City
- Oxford Village
- Pontiac City
- Royal Oak City
- Wixom City

Oceana County

- Hart City

Osceola County

- Reed City

Otsego County

- Gaylord City

Ottawa County

- Grand Haven City
- Holland City
- Spring Lake Village
- Zeeland City

Schoolcraft County

- Manistique City

Shiawassee County

- Owosso City

St. Clair County

- Port Huron City

St. Joseph County

- Sturgis City
- Three Rivers City

Van Buren County

- Lawton Village

Washtenaw County

- Ann Arbor City
- Chelsea City
- Dexter City
- Manchester Village
- Milan City

Wayne County

- Belleville City
- Dearborn City
- Grosse Pointe Park City
- Northville City
- Trenton City
- Wyandotte City

Wexford County

- Cadillac City

Downtown Allegan Social District Plan

Summer 2020

Introduction

In accordance with Public Act 124 of 2020 (MCL Section 436.1551) which authorizes the issuance of Social District Permits for the sale of alcohol by the MLCC, the governing body of a local governmental unit may designate a Social District within its jurisdiction and establish Commons Areas. Qualified licensees whose license premises are contiguous to the Commons Area within the Social District, and that have been approved for and issued a Social District Permit, may sell alcoholic liquor on their licensed premises to customers who may then consume the alcoholic liquor within a Commons Area of the Social District.

The City of Allegan has developed this Social District Plan and supplemental Social District Plan Maps to establish the Downtown Allegan Social District, the Commons Area, and provide for the administration of these areas. The Plan and associated Maps define the Downtown Social District, Commons Area, and hours of operation as well as plans for signage, security, and sanitation, and other considerations.

- A) Management.** The Downtown Allegan Social District will be managed by the City of Allegan through the City Manager's Office. Decisions will be made in consultation with the Downtown Development Authority. Day-to-day Operations will be assisted by the Allegan Police Department and the Department of Public Works.
- B) Social District Boundaries.** The Downtown Allegan Social District is generally located in Downtown Allegan, reflecting much of the Downtown Development Authority Boundaries. The northern most point of the Downtown Allegan Social District is bounded by Cutler Street, with the Kalamazoo River serving as the Southern Boundary. The western boundary primarily runs along Chestnut Street, though extends to capture the Griswold Auditorium and Hanson Park, while the eastern boundary captures the commercial portion of the Mill District. A Downtown Allegan Social District Map defining the exact boundaries is included as Appendix A to this plan.
- C) Commons Area.** The Commons Area within the Downtown Social District is defined on the Downtown Allegan Social District Commons Area Map included as Appendix B.

D) Businesses within the Downtown Allegan Social District.

- 1) Liquor Licenses Eligible for Social District Permit.** As of October 12, 2020, the following businesses located within the Downtown Social District are eligible to receive a Social District Permit:
 - i. Bubba's Sports Bar & Grill – 211 Locust St.
 - ii. Fraternal Order of Eagles Aerie 2315 – 110 Chestnut St.
 - iii. Iron Bridge Sports Bar – 118 Brady St.
 - iv. Schaendorf Brewing Company – 412 Water St.
 - v. Sherwood's Cove – 132 Brady St.

- 2) Pending Liquor Licenses Eligible for Social District Permit.** As of October 12, 2020, the following businesses that will be located in the Downtown Social District have submitted liquor license applications and are pending eligibility to receive a Social District Permit:
 - i. Tantrick Brewing Company – 243 Hubbard St.
 - ii. Tantrick Brewing Company – 134 Water St.

- 3) Businesses Ineligible to allow Alcohol on Premises.** As per MCL 436.1913, downtown commercial establishments that sell food but are not licensed under the Michigan Liquor Control Code (Act 58 of 1998) are not permitted to allow the consumption of alcoholic liquor on its premises. Other businesses, including those licensed under Act 58 of 1998 may otherwise be restricted by one or more sections of the Act.

- 4) Businesses Eligible to allow Alcohol on Premises.** Other businesses located in the Downtown Social District that are not otherwise restricted from allowing alcohol on their premises by the Michigan Liquor Control Code or other State or local law may allow beverages from the Downtown Allegan Social District in their store if their business is accessible from the Commons Area in the District. Such businesses choosing to allow alcohol in their establishment will be provided a window cling or other identifier by the City.

E) Commons Area Hours of Operation. The Downtown Allegan Commons Area is open year-round, seven days a week, from the earliest time a participating Social District Permit holder opens for alcohol sales until 11:00 pm. After 11:00 pm, consumption of alcoholic beverages must be contained within the license holders' service areas. For an individual Social District Permit holder, sale of Downtown Allegan Social District beverages for consumption in a Commons Area may only occur during the legal hours for sale of the Permittee as per Section 436.1551 of Act 58 of 1998.

- F) Commons Area Signage and Marking.** The Commons Area in the Downtown Allegan Social District will be identified with signage and/or other markings. Flyers identifying the boundaries of the Commons Area will be available at all Social District Permit Holders as well as other strategic locations.
- G) Commons Area Beverage Container Identification.** The City of Allegan will provide to all Participating Social District Permit Holders a Commons Area Logo. This logo must be used on a beverage container, alongside the Social District Permit Holder's logo, compliant with Section 436.1551 of Act 59 of 1998 in order to be removed by a patron into the Commons Area. The City will work with Social District Permit Holder to design the format of the beverage container itself.
- H) Operational Considerations.**
- 1) Public Safety Enforcement.** All Commons Areas will be monitored by the Allegan City Police as part of regular patrol shifts. Patrol needs will be evaluated over the course of time as well as enhanced during activities that would be expected to draw large crowds.
 - 2) Sanitation.** The Commons Area will have public trash receptacles positioned as needed. Trash collection will be handled by a waste service on a regular basis. Sanitation needs, including placement of additional receptacles and/or additional collection times will be evaluated over the course of time as well as enhanced during activities that would be expected to draw large crowds.
 - 3) Insurance.** The City will insure its management and operation of the Downtown Social District and its Commons Area through its municipal umbrella insurance policy. Participating Social District Permit holders are responsible for their own liability insurance.
- I) Festivals/Special Events.** During festivals or special events that do not include issuance of a special license by the Michigan Liquor Control Commission, the Commons Area in the Downtown Allegan Social District will remain open. Where a festival or event located in the Downtown Allegan Social District includes issuance of a special license by the Michigan Liquor Control Commission, as per Section 436.1551 of Act 58 of 1998, holders of a Social District Permit in the District shall not sell or serve alcoholic liquor to be consumed in a Commons Area.

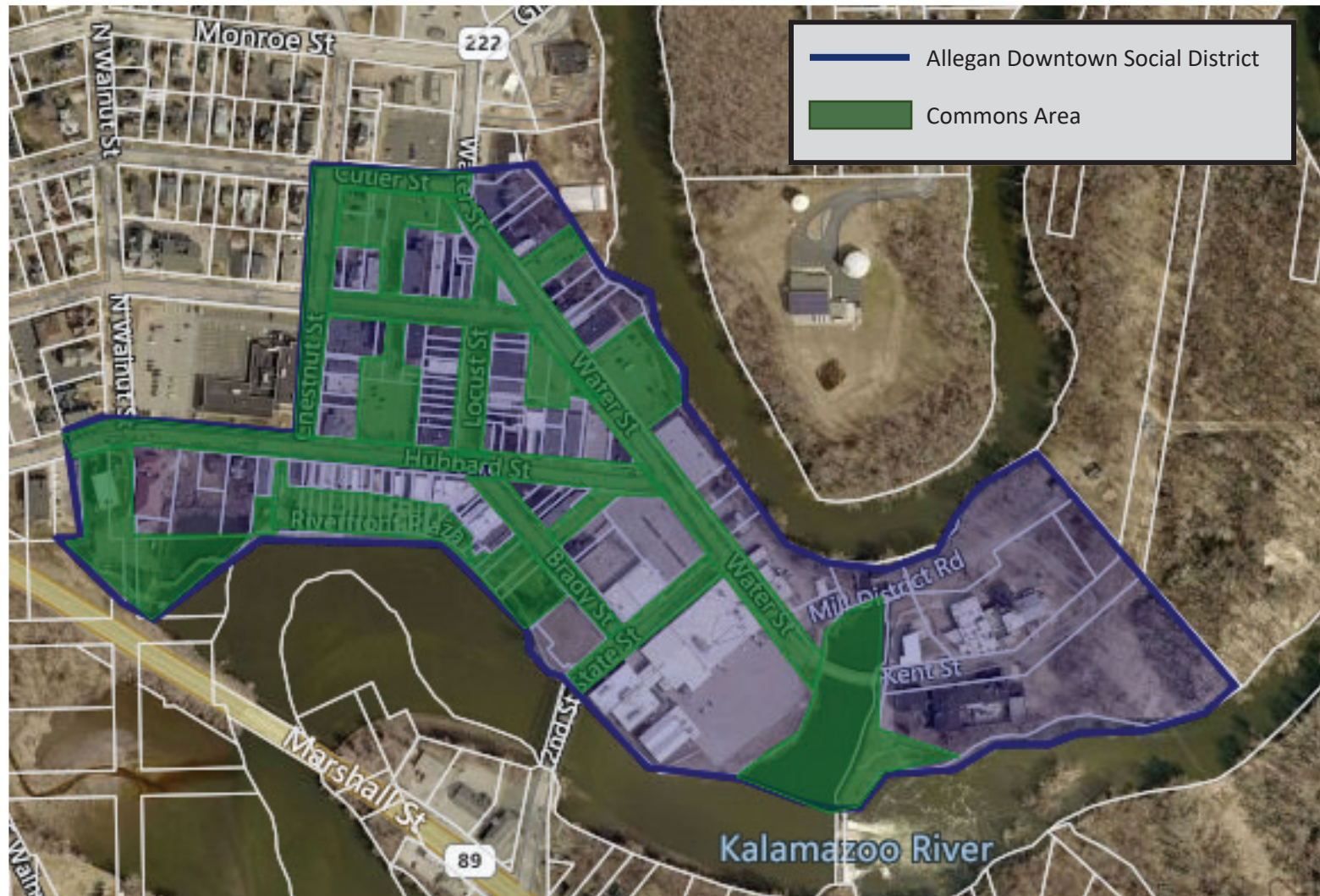
Appendix A

Downtown Allegan Social District Boundaries Map



Appendix B

Downtown Allegan Social District Commons Area Map



MICHIGAN LIQUOR CONTROL CODE OF 1998 (EXCERPT)
Act 58 of 1998

436.1551 Social district permit; local management and maintenance plans; revocation; notice; liquor sale requirements within district; special license; removal of container requirements; annual permit; fee; inapplicable after January 1, 2025; definitions.

Sec. 551. (1) The governing body of a local governmental unit may designate a social district that contains a commons area that may be used by qualified licensees that obtain a social district permit. A governing body of a local governmental unit shall not designate a social district that would close a road unless the governing body receives prior approval from the road authority with jurisdiction over the road. If the governing body of a local governmental unit designates a social district that contains a commons area under this section, the governing body must define and clearly mark the commons area with signs. The governing body shall establish local management and maintenance plans, including, but not limited to, hours of operation, for a commons area and submit those plans to the commission. The governing body shall maintain the commons area in a manner that protects the health and safety of the community. Subject to this subsection, the governing body may revoke the designation if it determines that the commons area threatens the health, safety, or welfare of the public or has become a public nuisance. Before revoking the designation, the governing body must hold at least 1 public hearing on the proposed revocation. The governing body shall give notice as required under the open meetings act, 1976 PA 267, MCL 15.261 to 15.275, of the time and place of the public hearing before the public hearing. The governing body shall file the designation or the revocation of the designation with the commission. As used in this subsection:

(a) "Local road agency" means a county road commission or designated county road agency or city or village that is responsible for the construction or maintenance of public roads within this state.

(b) "Road authority" means a local road agency or the state transportation department.

(2) Subject to subsection (3), the holder of a social district permit may sell alcoholic liquor for consumption within the confines of a commons area if both of the following requirements are met:

(a) The holder of the social district permit sells and serves alcoholic liquor only on the holder's licensed premises.

(b) The holder of the social district permit serves alcoholic liquor to be consumed in the commons area only in a container to which all of the following apply:

(i) The container prominently displays the social district permittee's trade name or logo or some other mark that is unique to the social district permittee under the social district permittee's on-premises license.

(ii) The container prominently displays a logo or some other mark that is unique to the commons area.

(iii) The container is not glass.

(iv) The container has a liquid capacity that does not exceed 16 ounces.

(3) If the commission issues a special license to a special licensee located in a social district, the holder of a social district permit shall not sell and serve alcoholic liquor under subsection (2) during the effective period of the special license.

(4) A purchaser may remove a container of alcoholic liquor sold by a holder of a social district permit under subsection (2) from the social district permittee's licensed premises if both of the following conditions are met:

(a) Except as otherwise provided in subdivision (b), the purchaser does not remove the container from the commons area.

(b) While possessing the container, the purchaser does not enter the licensed premises of a social district permittee other than the social district permittee from which the purchaser purchased the container.

(5) The consumption of alcoholic liquor from a container described in subsection (2)(b) in the commons area as allowed under this section may occur only during the legal hours for the sale of alcoholic liquor by the social district permittee.

(6) A qualified licensee whose licensed premises is shared by and contiguous to a commons area in a social district designated by the governing body of a local governmental unit under this section may obtain from the commission an annual social district permit as provided in this section. The social district permit must be issued for the same period and may be renewed in the same manner as the license held by the applicant. The commission shall develop an application for a social district permit and shall charge a fee of \$250.00 for a social district permit. An application for a social district permit must be approved by the governing body of the local governmental unit in which the applicant's place of business is located before the application is submitted to the commission and before the permit is granted by the commission. The \$250.00 permit fee under this subsection must be deposited into the liquor control enforcement and license investigation revolving fund under section 543(9).

(7) This section does not apply after January 1, 2025.

(8) As used in this section:

(a) "Commons area" means an area within a social district clearly designated and clearly marked by the governing body of the local governmental unit that is shared by and contiguous to the premises of at least 2 other qualified licensees. Commons area does not include the licensed premises of any qualified licensee.

(b) "Local governmental unit" means a city, township, village, or charter authority.

(c) "Qualified licensee" means any of the following:

(i) A retailer that holds a license, other than a special license, to sell alcoholic liquor for consumption on the licensed premises.

(ii) A manufacturer with an on-premises tasting room permit issued under section 536.

(iii) A manufacturer that holds an off-premises tasting room license issued under section 536.

(iv) A manufacturer that holds a joint off-premises tasting room license issued under section 536.

History: Add. 2020, Act 124, Imd. Eff. July 1, 2020;—Am. 2021, Act 64, Imd. Eff. July 13, 2021.