

**VERGENNES TOWNSHIP, KENT COUNTY, MICHIGAN**  
**Ordinance 2004-10**  
***Renamed and Amended June 2007***  
***Formerly Titled "Township Beer and Wine License Ordinance"***  
***Amendments eliminated term "beer and wine"***  
***and replaced with "alcoholic liquor"***

**Township Alcoholic Liquor License Ordinance.**

**The Township of Vergennes (The township) hereby ordains an ordinance to establish procedures and standards for the review of applications, renewals, and revocation of a license to sell alcoholic liquor.**

**Section A. Definitions**

All words or phrases within this ordinance shall have the same meaning given to such words or phrases by the Michigan Liquor Control Code of 1998, MCL 436.1101, as amended.

**Section B. Application for new Michigan Liquor Control Commission license or transfer of a license:**

Applications for a license or transfer of a license to sell alcoholic liquor 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, corporation or limited liability company 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 name of the partners ("owners"); in the case of a corporation, ("officers"), the names and addresses of the officers and directors, the names and addresses of all stockholders (owners) owning more than five percent (5%) of the corporation's stock; and in the case of a limited liability company, the names of the members and managers (owners).
2. The citizenship of the applicant, the officers, and owners and their place of birth, and, if a naturalized citizen, the time and place of their naturalization.
3. The character of business of the applicant, and in the case of a corporation, partnership or limited liability company, 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, partnership or limited liability company, the date when its organizational documents were 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 or owners or officers have or have not been convicted of a felony or misdemeanor and if so, explain the reasons for the conviction.
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 plat 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.
10. Each applicant requesting the approval of a new license application, the transfer of ownership or location of an existing license, or the approval of any permits related to the license under this ordinance, shall pay to the township a nonrefundable application fee in the amount set forth by a resolution of the township board in effect at the time the request or application is filed (see fee schedule).
11. An application shall be accompanied by a complete copy of the submittal the applicant has made or will make to the Michigan Liquor Control Commission.
12. The personal financial statement of the applicant in the case of an individual; or, in the case of a partnership, corporation or limited liability company, the personal financial statements of all owners, and, the financial statements for the applicant including income history and balance sheet information for the previous three (3) year operating period.
13. Show on the site plan described in section B 9 the distance(s) of the proposed facility/building if located within 500 feet of a school or church as measured via a line down the middle of the road from the nearest corner of each building. If the distance is less than 500 feet, then a written approval of an authorized representative of the school or church must be submitted

**Section C. Restrictions on licenses:**

No application shall be approved to:

1. A person whose license, under this ordinance, 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 partnership or limited liability company, unless all of the owners of such partnership or limited liability company shall qualify to obtain a license.
4. A corporation, if any owner 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 beverage 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 therefore for the full period for which the license is issued, or to a person, corporation, partnership or limited liability company that does not have sufficient financial assets to carry on or maintain the business.
8. With respect to premises where there exists a violation of any applicable building, electrical, mechanical, plumbing or fire code, applicable zoning regulations, applicable public health regulations, or any other applicable township ordinance.
9. For any new license or for the transfer of any existing license unless the sale of alcoholic liquor is shown to be incidental and subordinate to other permitted or special business uses as described in the Vergennes Township Zoning Ordinance upon the site, such as, but not limited to, food sales, motel operations, or recreational activities. Incidental and subordinate shall mean 50% or less of gross sales.
10. Any 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 or where a nuisance does or will exist.
11. Any situation 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 legitimate concerns 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 any inconsistent zoning classification; and accessibility from primary roads or state highways.

**Section D. Term of application:**

Approval of an application shall be valid for a period of one (1) year subject to compliance with the regulations of this ordinance. Approval of an application shall be with the understanding that any necessary remodeling or new construction for the use of the license shall be completed within one (1) year 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 cause the township to object to a license renewal by the Michigan Liquor Control Commission or request revocation.

**Section E. Reservation of authority:**

No such applicant for a alcoholic liquor license has the right to the approval of such license to him, her or it, and the township board reserves the right to exercise reasonable discretion to determine who, if anyone, shall be entitled to the approval of such license. Additionally, no applicant for a alcoholic liquor license has the right to have such application processed and the township board further reserves the right to take no action with respect to any application filed with the township board. The township board further reserves the right to maintain a list of all applicants and to review the same when, in its discretion, it determines that the issuance of an additional alcoholic liquor license is in the best interests of the township at large and for the needs and convenience of its citizens.

**Section F. License hearing:**

Upon its discretion the township board may hold a public hearing upon the license application.

**Section G. Objections to renewal and request for revocation:**

Reasons for renewal objection or revocation may include taxes not paid, neighbor complaints of excessive noise, parking, lighting, screening, underage serving violations or littering problems.

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 thereon and shall serve the license holder, by first class mail, mailed not less than ten (10) days prior to the 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 the hearing
4. A statement that the license holder may present evidence and testimony and control 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 H. 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 the hearing either of the following exist:

1. Violation of any of the restrictions on licenses as set forth in Section C, 1 through 11, or,
2. Maintenance of a nuisance upon the premises.

**Section I. Special Activity Permits:**

In conjunction with any license application as described above, the application must also describe any special activity permits that will be applied for and applicable through the Michigan Liquor Control Commission. The restrictions in section C shall also apply to any special permit application.

1. Prior to action on an application by the Township Board, all such permits shall be referred to the various Township or local departments as follows:
  - a. To the Building Inspector for a report as to the compliance and/or noncompliance with all applicable building and safety codes;
  - b. To the Zoning Administrator for a report as to the compliance and/or noncompliance with all zoning and planning ordinances.
  - c. To the Kent County Sheriff

**Section J. Penalties and Remedies:**

In addition to those other penalties set forth herein, a violation of this ordinance shall constitute a municipal civil infraction and, further, the township may pursue a claim for injunctive relief and/or damages.

**Section K. Severability:** Should any section or part thereof of this ordinance be declared unconstitutional, null or void by a court of competent jurisdiction, such declaration shall not affect the validity of the remaining sections or parts thereof of this ordinance.

**Section L. Effective date**

This ordinance shall take effect on the 1<sup>st</sup> day of January, 2005. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

VERGENNES TOWNSHIP

Dated: December 1, 2004

By: \_\_\_\_\_  
Mari Stone, Clerk

Date Published: December 1, 2004