

GENEVA TOWNSHIP
Liquor License ORDINANCE #27
July 9, 1996

An Ordinance to establish procedures and standards for review of applications, renewals, and revocation of license to sell beer, wine or spirits.

The Township of Geneva, Van Buren County, Michigan ordains:

Section 1. TITLE

This ordinance shall be known and cited as the Geneva Township Liquor License Ordinance.

Section 2. Application for new license

A. Application: Applications for license to sell beer, 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 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 received a license by reason or 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 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.

B. Restrictions on licenses: No license shall be issued to:

1. A person whose licenses, 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 co-partnership, unless all of the members of such co-partnership shall qualify to obtain a license.
4. A corporation, if an 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 received 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 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 or co-partnership that does not have sufficient financial assets to carry on or maintain the business.
8. Any law enforcing public official 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.
9. 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 any other applicable township ordinance.
10. For any new license or for the transfer of any existing license unless the sale of beer, wine or spirits is shown to be an incidental and subordinate to other permitted business uses upon the site, such as, but not limited to, food sales, motel operations, or recreation activities.
11. 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 or where a nuisance does or will exist.
12. Where the township board determines, by majority vote, that the proposed location is inappropriate considering the desirability of establishing a location in developed, commercial area, 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 of not less than 2640' from public or private schools for minors; distance of not less than 2640' from any churches; proximity of the inconsistent zoning classification; and accessibility from primary roads or state highways.

C. **Term of license:** Approval of a licenses shall be for a period of one (1) year subject to annual renewal by the township board upon continued compliance with the regulations of this ordinance. 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 license to revocation.

D. **Reservation of authority:** No such applicant for a liquor license has the right to the issuance 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 issuance of such license. Additionally, no applicant for a 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 liquor license is in the best interest of the township at large and for the needs and convenience of its citizens.

E. **License hearing:** The township board shall grant a public hearing upon the license application when, in its discretion, the township board determines that the issuance of an addition liquor license is in the best interest of the township at large and for the needs and convenience of its citizens. Following such hearing, the township board shall submit to the applicant a written statement of its findings and determination. The township board's determination shall be based upon satisfactory compliance with the restrictions set forth in Section 2, Paragraph B, 1 through 12 and Paragraph E.

Section 3: **Objections 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 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 Liquor Control Commission, a written statement of its findings and determination.

B. **Criteria for non-renewal or revocation:** The township board shall recommend non-renewal or revocation of a license upon 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 set forth in Section 2, Paragraph B, 1 through 12 above or,
2. Maintenance of nuisance upon the premises as referred to in Ordinance #20.

Section 4. **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 5. **Effective Date**

This ordinance shall take effect on the 9th day of July, 1996. All ordinances or parts of ordinances in conflict herewith are hereby repealed. The Township Clerk shall certify the adoption of this Ordinance and cause the same to be published as required by law.

Motion to adopt by Nancy Ann Whaley, seconded by Norman Funk.

Yes: 5

No: 0

Absent: 0

Adopted this 9th day of July, 1996.

Nancy Ann Whaley

Geneva Township Clerk

Liquor License Ordinance #27 duly adopted on July 9, 1996 at a regular board meeting of the Geneva Township Board and will become effective July 9, 1996.

Don Walantyn, Jr. Supervisor

Nancy Ann Whaley. Clerk

M. Jeffery Primmer Treasurer

Robert Trowbridge Trustee

Norman Funk Trustee

Dated: July 9, 1996 in Geneva Township.
Van Buren County, State of Michigan.

I, Nancy Ann Whaley, Clerk of the Township of Geneva, Van Buren County, Michigan do hereby certify that this ordinance was adopted and published as required by law.

Date of adoption July 9, 1996

Date of publication July 10, 1996
South Haven Daily Tribune.

Nancy Ann Whaley

Nancy Ann Whaley, Clerk
Geneva Township
Van Buren County, Michigan

Attached Liquor License Application Fee Resolution

**Geneva Township Resolution
Liquor License Application Fee
April 13, 2004**

Whereas, Geneva Township adopted Liquor License Ordinance #27, July 9, 1996, and

Whereas, An application is required as part of Ordinance which could result in staff time costs; mailing costs; publication costs; attorney costs; public hearing costs; and any other associated costs that are a direct result of the application, and

Whereas, Should the costs of processing and finalization of the application be less than established fee the difference between the actual application processing cost and the fee will be refunded to the applicant.

Now Therefore Be It Resolved,
that the Geneva Township Board of Trustees establishes a Liquor License Application Fee of \$1,000.00 each.

The foregoing resolution offered by Bridgette Gumpert, second offered by Robert Trowbridge.

Upon roll call vote the following voted:

YES: Whaley, Gumpert, Primmer, Trowbridge, Funk.

NO: None

The Supervisor declared the resolution adopted, April 13, 2004 at the Regular Meeting of the Geneva Township Board.

Bridgette Gumpert
Bridgette Gumpert
Geneva Township Clerk

Certification

I, Bridgette Gumpert, hereby certify that the foregoing is a true and complete copy of a resolution adopted by the Township Board of Geneva Township, County of Van Buren, State of Michigan at a Regular Meeting held on April 13, 2004 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 and that the minutes of said meeting were kept and will be or have been made available as required by said Act.

Bridgette Gumpert
Bridgette Gumpert, Clerk
Geneva Township

Dated: April 13, 2004