

CITY OF HARTFORD
COUNTY OF VAN BUREN
STATE OF MICHIGAN

PROPOSED ORDINANCE No. 322 - 2023

AN ORDINANCE TO REQUIRE LIQUOR LICENSES AND PERMITS

State Law reference— Local recommendations on issuance or revocation of alcoholic liquor licenses, MCL 436.1501.

THE CITY OF HARTFORD, VAN BUREN COUNTY, MICHIGAN, HEREBY ORDAINS:

Section 1. Applications; Contents; Fees.

- A. Whenever a person, partnership, or corporation which is in the process of obtaining a license or related permit to the Michigan Liquor Control Commission to sell alcoholic liquors requests approval from the city for the issuance of the license or permit from the state liquor control commission, the person, partnership, or corporation shall file a formal application for approval with the city clerk.
- B. The initial application for a local liquor license or permit to be filed with the city clerk shall contain the following information:
 - 1. The name, age, and address of the applicant in the case of an individual; or, in the case of a partnership, the persons entitled to share in the profits thereof; in the case of a corporation, the names and addresses of the officers, directors, and shareholders.
 - 2. The location and description of the premises or place of business which is to be operated under such license.
 - 3. Type of license, permit, or alcoholic liquor-related approval desired, the type of establishment proposed, and for on-premises licenses, include the type of location and seating capacity.
 - 4. 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.
 - 5. 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 article or the laws of the state.
 - 6. A statement that the applicant will not violate any of the laws of the state or of the United States or any ordinances of the city in the conduct of its business.
 - 7. A plan of operation that contains an operational statement outlining the proposed manner in which the establishment will be operated, including, but not limited to, the format, schedule of the hours of operation, crowd control, security, alcohol management, use of the facilities, plan for interior use and layout (including the location of any bar and the number of bar seats), and any other pertinent information as requested by the City.
 - 8. 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, noise control and ADA compliance. The premises at

which the license is to be located shall be inspected by the appropriate city official prior to the public hearing set forth in Section 2. The premises shall comply with all ordinances of the city.

- C. In addition to the items outlined in Section 1B, applications for Outdoor Service must include the signed and dated Liquor Control Commission Form 204 Outdoor Service Permanent Permission Application and all required attachments.
- D. Along with the application, the applicant shall pay a processing fee which shall be set by the City Commission by resolution from time to time.

Section 2. Public Hearing; Approval.

The city clerk shall set a date for a public hearing before the City Commission at which time comments can be received from the general public in regard to the application or permit and at which time the application or its agents can be questioned by the council. The city clerk shall cause notice of the hearing to be published in a local newspaper in general circulation in the city at least five business days prior to the hearing. Approval of the application or permit shall be by a majority of the council.

Section 3. Refusal To Approval.

If the City Commission refuses to approve the application or permit, the applicant shall be advised in writing and shall be advised as to the basis for the refusal.

Section 4. Annual License and Permit Review.

- A. The City Commission may undertake a review of any license or permit for the purpose of making a recommendation to the Michigan Liquor Control Commission regarding renewal of said license or permit. The Commission shall consider whether a licensed establishment has been operated in a manner consistent with the provisions of this article and all other applicable laws and regulations of the City of Hartford and the State of Michigan.
- B. Each year, the City Manager shall cause an investigation to be made relative to each existing on-premises licensed establishment. The investigation shall include, but not be limited to, the following:
 - 1. An inspection of the premises to determine whether the licensee is in compliance with all applicable City and state codes.
 - 2. An inspection of the premises to determine whether the licensee is in compliance with the license itself, its approved permits and plan of operation, as well as any conditions imposed by the City or the Michigan Liquor Control Commission or representations made by the licensee at the time of issuance or transfer of the license.
 - 3. An inspection to determine the general condition of the premises, both interior and exterior.
 - 4. An inspection of City records to determine whether all taxes and other monies due the City are timely paid. An inspection of police files or other sources of information to determine total calls for service and whether any activity in connection with the licensed premise is in violation of the law, disturbs the public peace and tranquility,

constitutes a nuisance, or contributes to the disruption of the normal activities of those in the neighborhood of the licensed premises.

5. A review of the operation of the licensed establishment to determine whether the business is being operated in compliance with any and all representations made by the licensee to the City or the City Commission.

Section 5. Standards and Guidelines For Objection To Renewal Of Or Request For Revocation To State Liquor Control Commission.

The City Commission may object to the annual renewal of the license or permit by the state liquor control commission or may request that the license be revoked upon a determination based on a preponderance of the evidence presented at the public hearing described hereafter, that any of the following exist:

1. Violation of any law of the state or United States, or violation of any ordinance of the city.
2. Maintaining of a nuisance upon the premises, including, but not limited to, any of the following:
 - a) A pattern of patron conduct in the neighborhood of the licensed establishment which is in violation of the law and/or disturbs the peace, order, and tranquility of the neighborhood.
 - b) Entertainment which disturbs the peace, order, and tranquility of the neighborhood.
3. Making a false or fraudulent statement or answer in the application described in section 1.
4. Nonpayment of real property taxes and/or personal property taxes as such taxes come due.

Section 6. Public Hearing.

The public hearing referenced in section 5 shall be conducted by the City Commission as a whole at a regular or special meeting. The city clerk shall serve the license holder, by first class mail, mailed not less than ten days prior to the public hearing, which notice shall contain the following information:

1. Notice of proposed action;
2. Date, time, and location of the public hearing;
3. A detailed statement as to the reasons for the proposed action citing specific standards and guidelines the licensee has not complied with or has otherwise violated;
4. A statement as to the licensee's rights at the hearing, including the opportunity to defend against the allegations by confronting any adverse witness and by presenting witnesses, evidence, and arguments;
5. A statement that the licensee has the right to be represented by an attorney.

Section 7. Procedure At Public Hearing; Findings and Determination; Notification.

- A. At the public hearing the mayor shall act as the presiding official. The city representative shall present witnesses and evidence in support of the proposed action; the witnesses called by or on behalf of the city may be cross examined by the licensee or the licensee's attorney. The licensee shall thereafter present any witnesses, evidence or argument against the proposed action; the city representative may thereafter cross examine the licensee's witnesses. Any individual councilmember may question witnesses called by either the licensee or the city. There shall be an opportunity for comments from the general public.
- B. Following the public hearing the City Commission shall make specific findings of fact and determinations in regard to the proposed action.
- C. If the City Commission passes a resolution to request that the license or permit not be renewed by the state liquor control commission or to have the license or permit revoked, a certified copy of the resolution and a certified copy of the separate statement of findings and determinations shall be delivered to the licensee and to the state liquor control commission.

This Ordinance shall become effective upon publication as required by law.

Motion by Commissioner _____ supported by Commissioner _____, to adopt the resolution.

Ayes: Commissioners'

Nays: Commissioners'

Absent:

Resolution declared adopted:

The City of Hartford

RoxAnn Rodney-Isbrecht, Clerk

First Reading: March 27, 2023

Second Reading:

Adopted:

Published: