

DELTA CHARTER TOWNSHIP EATON COUNTY, MICHIGAN ORDINANCE NO. 24-113

At a duly scheduled and noticed meeting of the Township Board of the Charter Township of Delta, Eaton County, Michigan, held at the Delta Township Offices on January 2, 2024, at 6:00 p.m., Township Board Member Supervisor Fletcher moved to adopt the following Ordinance, which motion was seconded by Township Board Member Trustee Cascarilla:

PREAMBLE

AN ORDINANCE TO AMEND THE PROVISIONS OF THE CODE OF ORDINANCES OF THE CHARTER TOWNSHIP OF DELTA, CHAPTER 4 – ALCOHOLIC LIQUORS.

The Charter Township of Delta, Eaton County, Michigan ordains:

Parts of Sections 4-20, 4-21, and 4-23 (deletions in strikeout – additions in italics) are hereby amended to read as follows:

SECTION I

Chapter 4 - ALCOHOLIC LIQUORS

ARTICLE I. - IN GENERAL

Secs. 4-1 – 4-18. – Reserved.

ARTICLE II. - LICENSES

Sec. 4-19. – Definitions.

Words shall be considered to have their common and customary meanings, except as further defined by the state liquor control code of 1998 (MCL 436.1101 et seq.), or by the liquor control commission.

Sec. 4-20. - Application for new license.

(a) Application. An application for a license to sell beer or wine and/or spirits on premises by the glass shall be made to the Township Board via the ~~clerk~~ *Township Manager or their designee*, 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) - (9) Remains as written.

(b) Receiving applications. The ~~clerk~~ *Township Manager or their designee* shall refuse to accept an application which does not contain all the required information listed in subsection (a) of this section. The ~~clerk~~ *Township Manager or their designee* may also refuse to accept an application if aware the applicant does not meet the requirements of subsection (c)(1), (6), (7), (8), (12) or (13) of this section. Applications

which do not meet subsection (c)(14) of this section shall be accepted by the ~~clerk~~ *Township Manager or their designee* only if the proper petitions for rezoning and/or special land use permits, as applicable, have been filed.

(c) Restrictions on granting new licenses. No new licenses shall be issued to:

(1) - (8) Remains as written.

~~(9) For any premises unless the sale of beer, wine or spirits is shown to be incidental and subordinate to other permitted business uses upon the site, such as but not limited to food sales, motel operations or recreational activities.~~

~~(10)~~ (9) For premises where it is determined by a majority of the 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.

~~(11)~~ (10) Where the board determines that the proposed location is inappropriate, considering any one or more of the following factors:

a. - g. Remains as written.

~~(12)~~ (11) For premises where any real or personal property taxes, special assessments, sewer charges or water charges are delinquent and remain unpaid.

~~(13)~~ (12) For premises lacking public water supply, public sanitary sewer, or adequate stormwater control, unless the applicant has signed agreements with the appropriate governmental agencies to provide said facilities. (Stormwater control must also be acceptable to the township board.)

~~(14)~~ (13) For premises lacking the proper zoning and/or special land use permits as may be applicable.

~~(15)~~ (14) For premises and/or proposed licensees who are in violation of any provisions of this Code of Ordinances.

~~(16) For any premises unless it contains a full service restaurant, which is open to the public, having dining facilities that seat no less than 50 persons, wherein food is prepared and consumed on the premises, and whereby at least 50 percent of the gross receipts of the premises are derived from the sale of the food consumed on the premises.~~

~~(17)~~ (15) For any premises where applicant or licensee suffers or allow or intends to allow in or upon the premises a person who exposes to public view any pubic region, whole or part of the anus, whole or part of the buttocks, whole or part of the genitals, the breast area exposing any portion of the breast below a line immediately above the top of the areola, either directly or indirectly, including but not limited to see through clothing articles, as well as other types of nudity prohibited by statute or local ordinance.

~~(d) Terms and licenses. Approval of a license shall be for a period of one year, subject to annual renewal by the township board upon continued compliance with the regulations of this article. Approval of a license shall be with the understanding that any necessary remodeling or new construction (including utilities) for the use of the license shall be commenced within six months of the action of the township board or the state liquor control commission approving such license, whichever last occurs. Any unreasonable delay in the completion of such remodeling or construction may subject the license to revocation.~~

~~(e) License hearing. The township board shall conduct a public hearing before granting or denying the license application. Following such hearing, the board shall submit to the applicant a written statement of its finding and determination. The board's determination shall be based upon satisfactory compliance with the restrictions set forth in subsection (c) of this section.~~

~~(f)~~ (d) Nongranting of new licenses. Nothing in this article shall be construed to dictate that new licenses must be granted if available even though qualified applicants have applied. The township board may reserve licenses for classes of facilities it believes would especially benefit the community. The board may refuse to grant licenses based upon its perception of the best interest of the community.

Sec. 4-21. - Criteria for nonrenewal or revocation of licenses.

The township board may recommend revocation or nonrenewal of a license upon a determination by it that, based upon a preponderance of the evidence presented at hearing, any of the following exist:

(1) - (16) Remains as written.

Sec. 4-22. - Objections to renewal and request for revocation.

(a) - (b) Remains as written.

Sec. 4-23. - Nonrefundable application fee.

Before considering any application submitted in accordance with the requirements of section 4-20, a nonrefundable fee shall be collected by the ~~township clerk~~ *Township Manager or their designee* in order to defray the cost of the investigation of the applicant as mandated. The application fee shall apply to new and transfer liquor license applications.

SECTION II

SEVERABILITY. If any clause, sentence, paragraph, or part of this Ordinance shall for any reason be finally adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder of this Ordinance but shall be confirmed in its operation to the clause, sentence, paragraph or part thereof directly involved in the controversy in which such judgment is rendered.

SECTION III

REPEAL. All ordinances or parts of ordinances of the Charter Township of Delta inconsistent herein are hereby repealed so far as they may be inconsistent with the provisions of this Ordinance.

SECTION IV

EFFECTIVE DATE. This Ordinance shall take effect upon final publication as required by law.

SECTION V

Effect on Other Ordinances. Except as expressly amended by this Ordinance, all other Delta Township Ordinances shall remain unchanged and in full force and effect.

Roll call vote taken:

YEAS: 4

NAYS: 0

ABSTAIN/ABSENT: 3

ORDINANCE DECLARED ADOPTED

CHARTER TOWNSHIP OF DELTA

MARY R. CLARK, TOWNSHIP CLERK