

Chapter 4

ALCOHOLIC LIQUORS*

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***Charter reference**—Power of city to regulate sale of beverages, § 2.1(b)(2).

State law reference—Michigan Liquor Control Code of 1998, MCL 436.1101 et seq.

ARTICLE I. IN GENERAL

Sec. 4-1. Alcoholic liquor defined.

For the purposes of this chapter the term "alcoholic liquor" shall include any spirituous, vinous, malt or fermented liquor, liquids and compounds whether or not medicated, proprietary, patented, and by whatever name called, containing one-half of one percent or more of alcohol by volume which are fit for use for beverage purposes.

(Code 1972, § 20.241; Ord. No. 86, § 1, eff. 3-15-1972)

State law reference—Similar provisions, MCL 436.1105.

Sec. 4-2. Consumption in public prohibited.

No alcoholic liquor shall be consumed nor shall any person possess an open container of an alcoholic liquor in any public place in the city; and the term "public place" shall include, but is not limited to, any street, alley, park, public building, place of business not properly licensed for same, place of assembly not properly licensed for same, parking lot of the city and parking lots of businesses, or in any other place to which the public has access, unless specifically permitted by another ordinance or resolution approved by the city council.

(Code 1972, § 20.242; Ord. No. 86, § 2, eff. 3-15-1972; Ord. No. 145, eff. 3-19-1983; Ord. No. 145A, § 1, eff. 7-11-2013)

State law reference—Consumption of alcoholic liquor on public highways, in public parks and places of amusement, MCL 436.1915.

Sec. 4-3. Resolution of conflicts.

If any other provision of this code or other ordinance of the city or any state statutes imposes greater restrictions than set forth in this chapter, the provisions imposing the greater restriction shall govern.

(Code 1972, § 20.243; Ord. No. 86, § 3, eff. 3-15-1972)

Sec. 4-4. Minors prohibitions.

It shall be unlawful for any person licensed under this chapter to do any of the following acts:

- (1) Sell or serve any alcoholic liquor to any person who has not attained the age of 21 years;

- (2) Permit any person under the age of 21 years to consume any alcoholic liquor on the licensed premises; or

- (3) Permit any person under the age of 18 years to sell or serve any alcoholic liquor or to entertain or work either on a paid or voluntary basis in that portion of the premises where alcoholic liquor is being served.

(Code 1972, § 20.248; Ord. No. 86, § 8, eff. 3-15-1972; Ord. No. 130, eff. 6-10-1979)

State law references—Sales to minors, MCL 436.1701; purchases and transporting by minors, MCL 257.624b.

Sec. 4-5. Intoxicated persons on premises.

(a) No person licensed under this chapter shall sell or serve any alcoholic liquor to any person in any intoxicated condition or permit any person in an intoxicated condition to consume any alcoholic liquor upon the licensed premises.

(b) No person licensed under this chapter shall be in an intoxicated condition upon the licensed premises or allow an intoxicated person to frequent, loiter or be employed upon the licensed premises.

(Code 1972, § 20.249; Ord. No. 86, § 9, eff. 3-15-1972)

State law reference—Sales to intoxicated person, MCL 436.1707.

Secs. 4-6—4-28. Reserved.

ARTICLE II. LICENSING

Sec. 4-29. Licenses; issuance; transfer; classification.

The city council shall not approve the issuance, transfer or improvement and classification of a license for sale of alcoholic liquor for consumption on the premises except in accordance with the terms and conditions of this chapter.

(Code 1972, § 20.261; Ord. No. 86, § 1, eff. 3-15-1972)

Sec. 4-30. State license; required.

No person shall engage in the business of selling alcoholic liquor for consumption on the premises in the city without first obtaining a license therefor, as required by state law. (Code 1972, § 20.261; Ord. No. 86, § 2, eff. 3-15-1972)

State law reference—State liquor licenses, MCL 436.1501 et seq.

Sec. 4-31. Council approval; prerequisite to state.

No person shall sell alcoholic liquor for consumption on the premises within the city without having first obtained the approval of the city council through an application for a license as required by state law. (Code 1972, § 20.261; Ord. No. 86, § 3, eff. 3-15-1972)

State law reference—City council approval required, MCL 436.1501.

Sec. 4-32. Application; recommendations to council.

(a) Prior to filing application with the state liquor control commission for a license to sell alcoholic liquors for consumption on the premises, the applicant shall first make a request for approval to the city upon forms to be provided by the city clerk. Such forms shall be filed with the city clerk who shall forthwith transmit the forms to the chief of police who shall endorse upon such application his recommendation concerning the applicant. Following the written endorsement or comment by the police chief, the application shall be transmitted to the city manager and by him delivered to the city council.

(b) The city council shall have the power to appoint a special committee from its membership to make further investigation and recommendations to the city council. (Code 1972, § 20.261; Ord. No. 86, § 4, eff. 3-15-1972)

Sec. 4-33. Grounds for refusal.

The city council may refuse to approve the application made pursuant to section 4-32 if the applicant has not conformed to the provisions of

this article or if the applicant or his partner has been convicted of a criminal offense involving the sale, possession or use of intoxicating liquor or if the applicant or his partner has been convicted of any criminal offense involving moral turpitude or if the applicant or his partner has twice been convicted of any violation involving the operation of such a business.

(Code 1972, § 20.261; Ord. No. 86, § 5, eff. 3-15-1972)

Sec. 4-34. Prerequisites to license approval, transfer or improved classification.

No license for selling alcoholic liquor for consumption on the premises shall be approved by the city council for issuance, transfer or improved classification, except under the following conditions:

- (1) Unless the city council shall be of the opinion that the applicant is a fit person to operate under the license sought;
- (2) Unless the premises for which the application is made are on an approved fire route level and meet with the approval of the city council in terms of quality of construction, attractiveness of decor and suitability to the general environs; or
- (3) Unless the premises for which the application is made shall be more than 500 feet from any church or school.

(Code 1972, § 20.261; Ord. No. 86, § 6, eff. 3-15-1972)

State law reference—Proximity of school or church, MCL 436.1503.

Sec. 4-35. Change of location; consent required.

No person holding a license for the sale of alcoholic liquor shall engage in such business in a location other than that for which the license was approved without first obtaining the consent of the city council.

(Code 1972, § 20.261; Ord. No. 86, § 7, eff. 3-15-1972)

Sec. 4-36. Objection to renewal by city council.

Whenever it shall appear to the city council that a licensee under this article has not maintained the standards upon which the local approval was obtained, the city council, in its discretion, shall file a certified copy of its resolution with the state liquor control commission objecting to a renewal of the license until the cause for the objection shall have been removed. Whether the objection has been removed shall rest solely within the discretion of the city council. Where the objection has been removed the city council may then approve the renewal by certified copy of a resolution to that effect forwarded to the state liquor control commission.

(Code 1972, § 20.261; Ord. No. 86, § 8, eff. 3-15-1972)

State law reference—Revocation of licenses by state upon request of city council, MCL 436.1501.

Secs. 4-37—4-60. Reserved.**ARTICLE III. DANCE PERMITS****Sec. 4-61. Permit required.**

No dancing shall be permitted on any premises for which a license has been issued for the sale of alcoholic liquors unless a dance-entertainment permit, shall first have been obtained from the city.

(Code 1972, § 20.261; Ord. No. 86, § 1, eff. 3-15-1972)

Sec. 4-62. Approval of chief of police, city council and liquor control commission.

No person licensed to sell alcoholic liquor for consumption on the premises shall be given a permit for dancing or entertainment upon his licensed premises until he shall have first obtained approval from the chief of police, the city council and the state liquor control commission.

(Code 1972, § 20.261; Ord. No. 86, § 2, eff. 3-15-1972)

Sec. 4-63. Minimum floor space.

No permit shall be issued pursuant to this article unless there shall be a minimum floor space as required under the rules of the liquor control commission.

(Code 1972, § 20.261; Ord. No. 86, § 3, eff. 3-15-1972)

Sec. 4-64. Music to be controlled after midnight.

After the hour of 12:00 midnight, the music, from any premises issued a permit pursuant to this article, shall be controlled so that the sound will not be audible beyond 100 feet of the building in which the licensed premises is situated.

(Code 1972, § 20.261; Ord. No. 86, § 4, eff. 3-15-1972)