

20.0400

**LIQUOR LICENSE REGULATION ORDINANCE  
TOWNSHIP OF GRAND HAVEN, MICHIGAN  
ord. no. 69 eff. June 10, 1985**

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

THE TOWNSHIP OF GRAND HAVEN, OTTAWA COUNTY, MICHIGAN,  
ORDAINS:

20.0401

**Sec. 1 APPLICATION FOR NEW LICENSE**

1. **APPLICATION:** Applications for a license to sell beer and 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 of affidavit, and shall contain the following statements and information;
  - A. 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.
  - B. The citizenship of the applicant, his place of birth, and, if a naturalized citizen, the time and place of his naturalization.
  - C. The character of business of the applicant, and in the case of a corporation, the object for which it was formed.
  - D. The length of time the applicant has been in business of that character, or, in the case of a corporation, the date when its charter was issued.
  - E. The location and description of the premises or place of business which is to be operated under such license.
  - F. A statement whether the applicant has made application for a similar or other license on the premises than described in this application, and the disposition of the application.
  - G. The statement that the applicant has not been convicted of a felony within the preceding ten (10) years, and that the applicant is not

disqualified to receive a license by reason of any matter or thing contained in this Ordinance or of the laws of the State of Michigan.

- H. A statement that the applicant will not violate any laws of the State of Michigan or of the United States or any Ordinances of the Township in the conduct of its business.
- I. The application(s) 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.

2. **RESTRICTIONS ON LICENSES:** No such license shall be issued to:

- A. A person whose license, under this Ordinance, has been revoked for cause.
- B. A person who, at the time of application or renewal of any license issued hereunder, would not be eligible for such license upon first application.
- C. A co-partnership, unless all of the members of such co-partnership shall qualify to obtain a license.
- D. A corporation, if any 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 receive a license hereunder for any reason.
- E. 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.
- F. 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 of controlled substances within the preceding ten (10) years.  
If a person has ever been convicted of a violation of any Federal or State law concerning the manufacture, possession, or sale of alcoholic liquor or of controlled substances, then that person shall submit to the Township Board written references from persons who are not related to the applicant which show the good moral character of the applicant. The Township Board shall thereafter conduct a public hearing to receive information or objections to the issuance of a

liquor license to the applicant.

- G. 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.
- H. 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.
- I. 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.
- J. For any new license or for the transfer of any existing license 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 operation, or recreational activities.
- K. For premises where it is determined by a majority of the Township Board that the premises do not or will not reasonably soon after the 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.
- L. Where the 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 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 from public or private schools for minors; proximity of the inconsistent zoning classification; and accessibility from the primary roads or state highways.
- M. For any premises to which the Liquor Control Commission has issued a "dance" or "entertainment" permit if any of the following conduct occurs or happens on the licensed premises:
  - 1) The licensee suffers or allows in or upon the licensed

premises a person who exposes to the public view the pubic region, anus, or genitals;

- 2) The licensee suffers or allows in or upon the licensed premises the showing of films, television, slides, or other electronic reproduction depicting scenes wherein any person exposes to the public view the pubic region, anus, or genitals, or other types of nudity as defined in this Ordinance;
- 3) The licensee suffers or allows in or upon the licensed premises a person who performs or simulates performance of the following explicit sexual activities: sexual intercourse, masturbation, sodomy, bestiality, fellatio, cunnilingus, or the actual or simulated touching, caressing, or fondling of the following:
  - a) breasts of a female person;
  - b) buttocks of a male or female person;
  - c) anus or genitals of a male or female person.
- 4) The licensee suffers or allows in or upon the licensed premises a person who exposes to public view the areola of the breasts or breasts of a female, or of the buttocks of a male or female person.
- 5) The licensee suffers or allows in or upon the premises other bizarre or unusual behavior which shocks or offends commonly accepted standards of public behavior, such as, but not limited to the following: dwarf tossing contests, which real persons are thrown through the air by contest participants; mud wrestling; bathing suit contests, in which contestants model or wear bathing suits; lingerie shows, in which participants model or wear men's or women's underwear, undergarments, or sleeping attire.

3. **TERM OF LICENSE:** Approval of a license shall be subject to continued compliance with the regulations of this Ordinance and of the laws of the State of Michigan. Approval of a license shall be with the understanding that any necessary remodeling or construction shall be commenced within six (6) months of the action of the Township Board or 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.

(amend. by ord. no. 459 eff. Nov.1, 2008)

4. **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 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 interests of the Township at large and for the needs and convenience of its citizens.
  
5. **LICENSE HEARING:** The Township Board shall grant a public hearing upon the license application when, in its discretion, the Board determines that the issuance of an additional liquor license is in the best interests of the Township at large and for the needs and convenience of its citizens. Following such hearing, the Board shall submit to the applicant a written statement of its findings and determination. The Board's determination shall be based upon satisfactory compliance with the restrictions set forth in Section 1.2 above.  
(ord. no. 69 eff. June 10, 1985; amend. by ord. no. 97 eff. Sept. 14, 1987; amend. by ord. no. 190 eff. Oct. 17, 1993)

**20.0402      Sec. 2                      OBJECTIONS TO RENEWAL AND REQUEST FOR REVOCATION**

1. **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 at least ten (10) days prior to the hearing with a notice of a hearing. The notice of hearing shall contain the following information:
  - A. Notice of the proposed action.
  - B. Reasons for the proposed action.
  - C. Date, time, and place of hearing.
  - D. A statement that the licensee may present evidence and testimony and confront adverse witnesses.

Following the hearing the Township Board shall submit to the license holder and to the Michigan Liquor Control Commission a written statement of its findings and determination.

2. **CRITERIA FOR NON-RENEWAL OR REVOCATION:** The Township Board shall recommend non-renewal or revocation of a license upon a determination by it, based upon a preponderance of the evidence presented at the hearing, that any of the following conditions exist:
- A. A violation of any of the restrictions on licenses set forth in Section 1, Subsection 2, Paragraphs A through M, above; or
  - B. Maintenance of a nuisance on the premises; or
  - C. A violation of any requirements, conditions, or terms of the license issued to the licensee by the Liquor Control Commission.  
(ord. no. 69 eff. June 10, 1985; amend. by ord. no. 190 eff. Oct. 17, 1993)

**20.0403 Sec. 3 SEVERABILITY**

Should any section of this Ordinance, or any part thereof, 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.

(ord. no. 69 eff. June 10, 1985)

Adopted: April 8, 1985  
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