

BEAR CREEK TOWNSHIP
EMMET COUNTY, MICHIGAN

Summary of a Liquor Control Ordinance, No. 23-06, adopted by the Bear Creek Board of Trustees at its regular meeting on June 7, 2006.

Section 1: Title. Indicates that the ordinance shall be called the Bear Creek Township Liquor Control Ordinance.

Section 2: Liquor Control Code of the State of Michigan. Requires that the handling and sale of alcoholic liquor within the township comply with the Michigan Liquor Control Code.

Section 3: Enforcement. Establishes a Liquor Control Enforcement Department for enforcement of the Michigan Liquor Control Code and the rules and regulations of the Michigan Liquor Control Commission.

Section 4: Inspection. Provides for periodic inspections of licensed liquor establishments and reports of such inspections and violations to the township board.

Section 5: Appropriation. Authorizes and directs the township board to annually appropriate funds for the operation of the Liquor Control Enforcement Department.

Section 6: Penalties. Provides for the manner and method of enforcement of ordinance violations. Further provides that a violation of the ordinance is a municipal civil infraction.

Section 7: Effective Date. Provides that the ordinance will take effect 30 days following publication. Provides that any other ordinances or parts thereof that conflict with any provisions of this ordinance are repealed to the extent of such conflict.

A true copy of the entire Bear Creek Township Liquor Control Ordinance may be inspected or obtained at the Bear Creek Township Hall, 373 N. Division Road, Petoskey, Michigan, 49770.

Judy Mays
Bear Creek Township

BEAR CREEK TOWNSHIP
EMMET COUNTY, MICHIGAN

LIQUOR CONTROL ORDINANCE:

23-06

An ordinance to secure the public peace, health and safety of the residents and property owners of the Township of Bear Creek, Emmet County, Michigan, a municipal corporation, for the regulation of alcoholic liquor traffic within said Township through the enforcement of the Michigan Liquor Control Code of the State of Michigan within said Township; to provide penalties for the violation of said ordinance; and to repeal all ordinances and parts of ordinances in conflict therewith.

THE TOWNSHIP OF BEAR CREEK, EMMET COUNTY, MICHIGAN, ORDAINS:

Section 1: Title

This ordinance shall be known and cited as the Bear Creek Township Liquor Control Ordinance.

Section 2: Liquor Control Code of the State of Michigan

All alcoholic liquor traffic, including, among other things, the manufacture, sale, offer for sale, storage for sale, possession and/or transportation thereof within Bear Creek Township, Emmet County, Michigan, shall comply with the provisions of the Michigan Liquor Control Code of 1998, being Public Act 58 of 1998, as amended, (MCL 436.1101, *et seq.*).

Section 3: Enforcement

For the purpose of the enforcement of said Michigan Liquor Control Code within said Township, there is hereby established a Liquor Control Enforcement Department with full power, authority, and duty to see that the provisions of the Code and the rules and regulations of the Michigan Liquor Control Commission adopted pursuant to the Code are enforced within said Township.

Such department shall consist of not less than one person appointed by the Township Board. The personnel of such department shall be entitled to such compensation as the Township Board may determine.

Such department or a member thereof shall be available at all times to investigate complaints received under this ordinance and enforce the provisions hereof.

Section 4: Inspection

The Township Liquor Control Enforcement Department shall inspect, not less than monthly, all liquor establishments licensed under the Liquor Control Code of the State of Michigan and report the results of all inspections promptly to the Township Board.

The Township Liquor Control Enforcement Department shall further promptly investigate all

complaints received by it concerning violations of the Michigan Liquor Control Code or improper operations and practices concerning alcoholic liquor traffic with the Township and report the same to the Township Board and, where appropriate under the Michigan Liquor Control Code, to the Michigan Liquor Control Commission, for appropriate proceedings against the violator.

All Inspectors shall carry appropriate cards issued by the Township Clerk clearly identifying them as Township Liquor Control Inspectors and shall present said cards to the owner or manager of every place inspected by them when making an inspection upon demand for identification by such owner or manager.

Inspectors shall have the right to inspect any place in the Township where alcoholic liquor is manufactured, sold, offered for sale, kept for sale, possessed or transported, or where the inspector suspects the same is being thus manufactured, sold, offered for sale, kept for sale, possessed or transported.

Whenever possible, all inspection reports shall be made on liquor law enforcement forms furnished by the Michigan Liquor Control Commission or on similar forms otherwise obtained by the Township Liquor Control Enforcement Department.

Section 5: Appropriation

For the purpose of carrying out the provisions of this ordinance and establishing the Liquor Control Enforcement Department herein provided for, the Township Board is hereby authorized and directed to annually appropriate such an amount as will, in its discretion, be sufficient to maintain and operate such Liquor Control Enforcement Department for the ensuing fiscal year of the Township.

Section 6: Penalties

Any person or entity that violates this Ordinance shall be deemed to be responsible for a municipal civil infraction as defined by Michigan statute which shall be punished by a civil fine determined in accordance with the following schedule:

	<u>Minimum</u>	<u>Maximum</u>
1st Offense within 3-year period*	\$ 75.00	\$ 500.00
2nd Offense within 3-year period*	150.00	500.00
3rd Offense within 3-year period*	325.00	500.00
4th or More Offense within 3-year period*	500.00	500.00

* Determined on the basis of the date of commission of the offense(s).

Additionally, the violator shall pay costs which may include all expenses, direct and indirect, to which Bear Creek Township has been put in connection with the municipal civil infraction. Each day that a violation exists shall constitute a separate offense.

A violation of this Ordinance is also declared to be a public nuisance, and the Township shall have the right to proceed in any court of competent jurisdiction for the purpose of obtaining an injunction, restraining order, or other appropriate remedy to compel compliance with this Ordinance, including the right to correct the violation and to recover for any damages caused by Ordinance violations.

Any penalty provided for by this ordinance shall be in addition to, rather than in lieu of, any other penalty or sanction that may be imposed pursuant to state laws relating to liquor control.

It is the intent of the Township Board that the court, in imposing punishment under the provisions of this ordinance, should discriminate between casual or slight violations and habitual sales of alcoholic liquor or attempts to commercialize violations of this ordinance or any of the rules or regulations of the Michigan Liquor Control Commission promulgated under the Michigan Liquor Control Code.

Section 7: Effective Date

This ordinance shall take effect thirty (30) days after publication of the ordinance or an ordinance summary in the manner provided by law. All ordinances or parts of ordinances in conflict with any of the provisions of this ordinance are hereby repealed.

CLERK'S CERTIFICATION

I hereby certify this Ordinance was adopted by the Bear Creek Township Board at a regular meeting held on June 7, 2006, and that the vote was as follows:

FOR: Hoffman, Notestine, VanHorn, Mays, Keiser

AGAINST: none

I further certify this Ordinance or, a summary thereof, was published in the *Petoskey News-Review* on 6 - 9, 2006.

Judy Mays, Clerk
Bear Creek Township