

TOWNSHIP OF ARMADA
COUNTY OF MACOMB
ORDINANCE NO. 113-36
LIQUOR CONTROL ORDINANCE

Title

An Ordinance establishing a Township Liquor Control Enforcement Department, prescribing its powers, duties, and limitations in accordance with the Michigan Liquor Control of 1998 being Act No. 58 of the Public Acts of Michigan of 1998, and prescribing a penalty for the violation thereof, and repealing all Ordinances and/or Resolutions in conflict therewith.

THE TOWNSHIP BOARD OF THE TOWNSHIP OF ARMADA, MACOMB COUNTY, MICHIGAN ORDAINS:

Section 1. Short Title.

This Ordinance shall be known and cited as the Armada Township Liquor Control Ordinance.

Section 2. Purpose.

The purpose of this Ordinance is to protect the property and persons of the Township of Armada from individuals and establishments which violate the Michigan Liquor Control Code of 1998, as amended.

Section 3. Conformance with State Law Required.

All alcoholic liquor traffic, including, among other things, the manufacture, sale, offer for sale, storage sale, possession and/or transportation thereof within the Township, shall comply with the provisions of the Michigan Liquor Control Code of 1998, being MCL 436.1101 et seq.; MSA 18.1175(101) et. seq., as amended.

Section 4. Enforcement.

For the purpose of the enforcement of the Michigan Liquor Control Code within the Township, there is hereby established a liquor control enforcement department with full power, authority and duty to see that the provision of the act and the rules and regulations of the state liquor control commission, adopted pursuant to the act, are enforced within the Township. Such department shall consist of not less than one (1) constable or deputy sheriff appointed by the Township Board and such other personnel as the Township Board may, in its discretion, appoint. The personnel in 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 its provisions.

Section 5. Inspections.

- (a) The Township liquor control enforcement department shall inspect, not less than monthly, all liquor establishments licensed under the Michigan Liquor Control Code 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 of 1998, or improper operations and practices concerning alcoholic liquor traffic within the Township, and report the same to the Township Board and, where appropriate under the Michigan Liquor Control Code, the state liquor control commission for appropriate proceedings against the violator.
- (b) All inspectors shall carry appropriate cards issued by the Township Clerk, clearly identifying them as Township liquor control inspectors and shall present such cards to the owner or manager of every place inspected by them when making an inspection, upon demand for identification by the owner or manager.
- (c) 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 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 state liquor control commission or on similar forms otherwise obtained by the Township liquor control enforcement department.

Section 6. Appropriation.

For the purpose of carrying out the provisions of this Ordinance and establishing the liquor control enforcement department herein provided for in this Ordinance, 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, not exceeding, however, ten (10) mills of the assessed valuation of the Township in any one (1) year for vehicles, apparatus, and equipment and housing for the department, and not exceeding two and one-half (2 1/2) mills of the assessed valuation of the Township per year for the maintenance and operation of the department.

Section 7. Penalty.

- (a) Any person, other than persons required to be licensed under the Michigan Liquor Control Code, who shall violate any of the provisions of this Ordinance, shall upon conviction thereof, be guilty of a misdemeanor, and be subject to a penalty not to exceed \$500.00 or imprisonment in the Macomb County Jail for a period not to exceed 90 days, or both such fines and imprisonment at the discretion of the Judge.
- (b) Any licensee who shall violate any of the provisions of the Michigan Liquor Control Code or any rule or regulation of the state liquor control commission promulgated thereunder, or who shall violate any of the provisions of this Ordinance, and any person who shall prohibit or interfere with the authorized inspection of a member of the township liquor control enforcement department shall be guilty of a misdemeanor, punishable as provided above.

- (c) 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 state liquor control commission promulgated under the Michigan Liquor Control Code.

Section 8. Repeal of Conflicting Provisions.

All Resolutions, Ordinances or parts thereof conflicting with the provisions of this Ordinance are to the extent of such conflict hereby repealed.

Section 9. Severability.

If any section, paragraph, clause or provision of this Ordinance is for any reason held to be invalid or unconstitutional, the invalidity or unconstitutionality of said section, paragraph, clause or provision shall not effect any of the remaining provisions of this Ordinance.

Section 10. Publication.

A true copy of this Ordinance of summary thereof shall be published in the Romeo Observer, a newspaper of general circulation in the Township of Armada.

Section 11. Effective Date.

This Ordinance shall take effect 30 days from and after the publication of a true copy or summary thereof as provided in Section 10.

CERTIFICATE OF PUBLICATION

I, the undersigned Township Clerk for the Township of Armada, do hereby certify that on May 15, 2002, the foregoing Ordinance or a summary thereof was duly published in the Romeo Observer, a newspaper having general circulation within Armada Township.

A handwritten signature in cursive script, appearing to read "Gail Hicks", is written over a horizontal line.

Gail Hicks, Clerk
Armada Township

CERTIFICATE OF TOWNSHIP CLERK

I hereby certify that the attached constitutes a true and complete copy of an Ordinance duly adopted by the Township Board of Armada Township, Macomb County, Michigan at a meeting held on the 8th day of May, 2002.

I hereby further certify that the following Township Board Members were present at the meeting: Eison, Job, LeMieux, Hoxie, Hicks and the following Township Board Members were absent: _____.

I further certify that Member Hicks moved for the adoption of the Ordinance, and that Motion was supported by Member Job.

I further certify that the following Armada Township Board Members voted for the adoption of the Ordinance: Job, LeMieux, Hoxie, Hicks, Eison and that the following Armada Township Board Members voted against adoption of the Ordinance: _____.

A handwritten signature in cursive script, appearing to read "Gail Hicks", written over a horizontal line.

Gail Hicks, Clerk
Armada Township

