

Draft Liquor Control Compliance Standards Resolution

WHEREAS, the Dexter City Council may desire to make recommendations to the Michigan Liquor Control Commission (LCC) regarding liquor license renewals or revocations; and

WHEREAS, the Michigan Liquor Control Commission requires that local governments base renewal or revocation recommendations on standards adopted by a governing body; and

WHEREAS, responsible use of a liquor license is important to the health, safety and welfare of the residents of the City of Dexter; and

WHEREAS, many communities throughout the State of Michigan have adopted similar standards;

THEREFORE BE IT RESOLVED, that the Dexter City Council hereby adopts the following standards related to liquor license control:

1. Each year the Dexter City Council will undertake a review of liquor licenses for the purpose of considering recommendations to the Michigan Liquor Control Commission regarding renewals of said licenses. The Council shall consider whether a licensed establishment has been operated in a manner consistent with the provisions of this resolution and all other applicable laws, and regulations of the City and State of Michigan.
2. Each year, the City Manager shall cause an investigation to be made relative to each existing on-premises licensed establishment. A report of the investigation shall be provided to City Council by the first meeting in February each year. The investigation shall include, but not be limited to, the following:
 - A. An inspection of City records to determine whether all taxes and other monies due the City are timely paid.
 - B. A review made in conjunction with the Dexter Area Fire Department and Washtenaw County Sheriff to determine whether any activity in connection with the licensed premise is in violation of the law, disturbs the public peace and tranquility, constitutes a nuisance, or contributes to the disruption of the normal activities of those in the area of the licensed premise.
 - C. A review with the Community Development Manager and Public Services Superintendent to identify any violations of City ordinance.
 - D. A review and possible site inspection to determine compliance with the guidelines in Section 7.
3. Each establishment within the City for which a liquor license is granted shall be operated and maintained in accordance with all applicable laws and regulations of the City of Dexter and State of Michigan. Upon any violation of this section, the City Council may, after notice and hearing, request the Michigan liquor Control Commission to revoke such license.
4. Upon any violation(s) of this ordinance, the City will notify the licensee of the specific violation(s) and afford the licensee an opportunity to come into compliance with this article. Licensee must reach compliance in that time established by the City Manager, but in no event more than ten days after notification to licensee by City of such violation. Absent compliance within that time established by the City Manager, the City may hold the above mentioned hearing and request that the Michigan Liquor Control Commission not renew and/or revoke such license and/or permit.
5. Before filing any objection to renewal or request for revocation of a license or permit with the Michigan Liquor Control Commission, the City shall serve the licensee with notice and proceed in accordance with this article, as amended. The City shall serve the licensee by first class mail mailed at least ten days prior to the hearing with notice of the hearing, which shall contain the following:
 - A. Date, time and place of the hearing.
 - B. Notice of the proposed action.
 - C. Reasons for the proposed action.
 - D. Names of witnesses known at the time who will testify.
 - E. A statement that the licensee may present evidence or any testimony that may refute or respond to the claims of adverse witnesses.

- F. A statement requiring the licensee to notify the City Manager's office at least three days prior to the hearing date if they intend to contest the proposed action, and to provide the names of witnesses known at the time who will testify on their behalf.

6. Upon completion of the hearing, the City Council shall submit to the licensee and the Michigan Liquor Control Commission a written statement of its findings and determination.

7. The City Council may recommend non-renewal or revocation of a license to the Liquor Control Commission upon a determination based upon a preponderance of the evidence presented at the hearing that any of the following exists:

- A. Violations of the state liquor laws or regulations of the Liquor Control Commission.
- B. Violations of state laws, or local ordinances including, but not limited to those laws or ordinances concerning the public health, safety or public welfare.
- C. Maintenance of a nuisance upon or in connection with the licensed premises including but not limited to any of the following:
 - 1) Failure to correct violations of building, electrical, mechanical, plumbing, zoning, health, fire or other applicable regulatory codes, to include the history thereof;
 - 2) Failure to correct violations of the water and sewer ordinance, including back flow prevention and grease trap requirements.
 - 3) c) A pattern of patron conduct in the vicinity of the licensed premises, which is a violation of the law and /or disturbs the peace, order and tranquility of the area; including types of police, fire or medical services related to this operation.
 - 4) Failure to maintenance the grounds and exterior of the licensed premises, including litter, debris, or refuse blowing or being deposited upon adjoining properties or rights-of-way
 - 5) Entertainment on the premises or activity in connection with the licensed premises which by its nature causes, creates or contributes to disorder, disobedience to rules, ordinance or laws, or contributes to the disruption of normal activity of those in the area of the licensed premise.
 - 6) An off-premises licensee has sold alcoholic liquor on at least 2 separate occasions in a single calendar year to a person who is less than 21 years of age.
 - 7) An on-premises licensee has sold alcoholic liquor to a person who is less than 21 years of age.
- D. Failure by the licensee to permit the inspection of the licensed premises by the City's agents or employees in connection with the enforcement of this article.
- E. Failure to pay taxes or make other payments due to the City in a timely manner.

8. Once adopted, the standards outlined in this resolution shall be effective 30 days after the resolution is published in the paper and mailed via certified mail to all establishments holding a Class C liquor license.