

21.090

**LIQUOR LICENSES
CITY OF GAYLORD, MICHIGAN
Eff. April 14, 2002**

An ordinance to adopt, establish and codify guidelines and standards in the event the City of Gaylord pursues an objection to the renewal of a liquor license or permit or a request for the revocation of a liquor license or permit with the Michigan Liquor Control Commission.

THE CITY OF GAYLORD ORDAINS:

21.091

Sec. 1. LICENSES SUBJECT TO OBJECTION

Because the City of Gaylord is required to approve public on-premises licenses pursuant to state law, the City may also object to renewal or request revocation of Class C, A-Hotel, B-Hotel, Tavern, Class C Resort, A-Hotel Resort, B-Hotel Resort, Tavern resort, and Micro Brewer licenses. The City may also request revocation of any permit held in conjunction with an on-premises license. The City may also request revocation of off-premises SDD and SDM licenses in their jurisdiction when: (1) the Michigan Liquor Control Commission has determined that the licensee has violated the Liquor Control Code by selling or furnishing alcohol to a person under 21 years of age on at least three occasions within a calendar year, and (2) those violations did not involve the use of false or fraudulent identification by the person under 21 years age under MCL 436.1501 (3).

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Sec. 2. CONDITIONS CONSTITUTING A BASIS FOR REQUESTING NON-RENEWAL OR REVOCATION OF A LICENSE OR PERMIT.

The City of Gaylord may object to renewal or request revocation of a license with the Michigan Liquor Control Commission for any of the following reasons:

1. Failure of the licensee to pay to the City, any delinquent or outstanding personal property taxes, water and/or sewer bills, and/or any other miscellaneous fees, bills or charges owing to the City;
2. Failure of the licensee to conform to the City Zoning Ordinance; or
3. When the Michigan Liquor Control Commission has determined that the licensee has violated the Liquor Control Code by selling or furnishing alcohol to a person under 21 years of age on at least three occasions within a calendar year, and those violations did not involve the use of false or fraudulent identification by the person under 21 years of age under MCL 436.1501 (3).

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Sec. 3. COMMENCEMENT OF PROCEEDINGS AND NOTIFICATION OF GUIDELINES.

1. In the event that the City of Gaylord pursues an objection to the renewal of a

liquor license (or permit) or a request for the revocation of a liquor license (or permit), in each case, the City Clerk, City Treasurer or other City officer shall issue a written Notice directed to the licensee stating the existence and nature of the condition or conditions which constitute the basis for the City to object to renewal or request revocation of a license (or permit) and a copy of this Ordinance (21.090). The Notice may require the licensee to satisfy the condition or conditions set forth in the notice within 48 hours.

2. Service of the Notice and Ordinance shall be made upon the licensee by:
 1. Personally delivering a copy to the licensee or licensee=s agent, or
 2. Mailing a copy by certified mail, postage prepaid, return receipt requested, to the licensee or licensee=s agent, or
 3. In the event service cannot be made upon the licensee or licensee=s agent by either of the above methods, by posting a copy thereof upon the premises in a conspicuous location.

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Sec. 4. FAILURE TO COMPLY; ORDER TO SHOW CAUSE; NOTIFICATION OF HEARING.

1. If at the expiration of the 48 hour time limit in the Notice provided for in Section 3 above, the licensee has not complied with the requirements thereof, the City Clerk, City Treasurer, or other City officer shall report same to the City Council who shall issue a Notice and Order to Show Cause to the licensee. The Notice and Order to Show Cause shall specify the following:
 1. The time, date and location of the hearing;
 2. The proposed action that the City Council is considering taking;
 3. The detailed reasons for the proposed action citing the specific condition(s) the licensee has not complied with;
 4. The licensee's rights at the hearing, including the opportunity to defend by confronting adverse witnesses and by being allowed to present witnesses, evidence and arguments; and
 5. The licensee's rights to be represented by an attorney.
2. Notice shall be given to the licensee in the same manner as provided for in Section 3 above. At the hearing, to be conducted by the City Council, the licensee shall have the opportunity to show cause why the City should not object to renewal or request revocation of the licensee's license or permit with the Michigan Liquor Control Commission.

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Sec. 5. HEARING; TESTIMONY; ORDER.

1. The City Council shall conduct a public hearing in order for the licensee to show cause why the City should not proceed with the proposed action.
2. The City Council shall take testimony of the City Clerk, City Treasurer or other City officer, the licensee and any other interested parties. The licensee

shall be given the opportunity to confront any adverse witnesses, and submit evidence and argument.

3. A statement of findings and adopt a resolution indicating the specific action requested (i.e., an objection to the Michigan Liquor Control Commission to renewal of the license, a request to the Michigan Liquor Control Commission that the license be revoked, or that no objection or request should be made).

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Sec. 6. REQUIRED DOCUMENTATION

1. The City must send the following documents to the Michigan Liquor Control Commission before the Commission can take any action regarding objection to renewal or revocation of a license:
 1. A copy of this Ordinance (21.090) including the date of adoption and the name of the newspaper and date of publication.
 2. A certified copy of the notice sent to the licensee.
 3. A copy of the proof of service of the notice sent to the licensee.
 4. A certified copy of the resolution adopted by the City Council objecting to the renewal of the license or requesting that the license be revoked. If a separate statement of findings is made, then a certified copy of that document must also be included. The resolution should not include both an objection to renewal of the license and a request that the license be revoked, as if such a resolution is received, the Commission will proceed with the objection to renewal only.
2. Because all retail licenses expire on April 30, if the City Council objects to the renewal of a license, the request and all substantiating documents (as outline above) must be received by the Commission by no later than March 31.

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Sec. 7. EFFECTIVE DATE.

This Ordinance shall take effect after legal publication, and in accordance with the City Charter.

Effective April 14, 2002.