

LIQUOR CONTROL ORDINANCE ORDINANCE NO. I

An ordinance to secure the public peace, health and safety of the residents and property owners of the Township of Gerrish, Roscommon 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 GERRISH, ROSCOMMON COUNTY, MICHIGAN,
ORDAINS:

Section 1: Title

This ordinance shall be known and cited as the Gerrish 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 Gerrish Township, Roscommon 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, the Gerrish Township Police Department is hereby appointed as the Liquor Control Enforcement Department ("the 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. In addition, the Township Board may, in its discretion, appoint such other personnel as a Liquor Control Officer and a member of the Department. Each member of the department shall be considered a Liquor Control Officer. All personnel of the department shall be entitled to such compensation as the Township Board may determine.

The 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 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 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 within 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 officers shall carry appropriate cards issued by the Township clearly identifying them as Township Liquor Control Officers 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.

Township Liquor Control Officers 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 department.

Section 5: Appropriation

For the purpose of carrying out the provisions of this ordinance and establishing the department herein provided for, the department shall be entitled to apply for and receive all applicable reimbursements from the State of Michigan. If any funding or reimbursement which the department receives from the State of Michigan to conduct inspections and enforce the Code is insufficient to cover the department's costs, 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 the department for the ensuing fiscal year of the Township not exceeding, however, 10 mills of the assessed valuation of the Township in any one year for vehicles, apparatus and equipment and housing for the same, plus any amount necessary per year for the maintenance and operation of the department.

Section 6: Penalties

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 be guilty of a misdemeanor.

Any licensees who shall violate any of the provisions of the Michigan Liquor Control Code or any rule or regulation of the Michigan 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 Department shall be guilty of a misdemeanor, punishable by imprisonment in the county jail not more than 90 days or by a fine of not more than \$100.00 or both, in the discretion of the court. Each day that a violation continues to exist shall constitute a separate offense.

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 upon publication. All ordinances or parts of ordinances in conflict with any of the provisions of this ordinance are hereby repealed.

Amended: May 7, 2007