

ON-PREMISE LIQUOR LICENSES – OBJECTIONS TO RENEWAL AND/OR REVOCATION

Motion by Mayor Pro-Tem Owen to authorize a resolution establishing a procedure governing the objection to renewal and revocation of On-Premises Liquor Licenses as follows:

RESOLUTION NO. 04-2009

**CITY OF OWOSSO
A RESOLUTION TO ESTABLISH A
COMMUNITY STANDARDS REVIEW PROCESS
FOR ON-PREMISE LIQUOR LICENSES**

WHEREAS, there are currently no community standards in place relative to the issuance, the renewal or the revocation of an on-premises, Class C Liquor License; and

WHEREAS, there are numerous problems at establishments that serve liquor that affect the safety of all City residents and that there are physical fights where persons are injured and danger exists for other people in the vicinity of such fights; and

WHEREAS, there are individuals who are served alcohol at licensed liquor establishments then drive upon the public roadways while drunk, causing danger to all who use the roadways; and

WHEREAS, there are sometimes minors who are served alcohol at licensed liquor establishments, contrary to the law of the State of Michigan and the City of Owosso; and

WHEREAS, there are loud noises from certain licensed liquor establishments that disturb the peace and quiet of nearby residents; and

WHEREAS, there are various criminal and destructive activities that occur in disproportionate frequency after alcohol is served at licensed liquor establishments; and

WHEREAS, the excessive amounts of manpower and resources needed by the City of Owosso and its Police Department to address these various disruptive, criminal and dangerous actions takes the resources of the City of Owosso away from other productive activities that would benefit all City of Owosso residents; and

WHEREAS, the adoption of community standards regarding the issuance, renewal or revocation of an on-premises Class C Liquor License would be in the best interests of the residents of the City of Owosso and provide for their health, safety and welfare: and

WHEREAS, the attached Community Standards properly set forth the standards deemed to be reasonably related to the goals of the City Council.

NOW THEREFORE BE IT RESOLVED:

THAT the City of Owosso, by a majority vote, hereby adopts the attached Community Standards regarding the issuance, renewal or revocation of an on-premises Class C Liquor License.

**CITY OF OWOSSO POLICE DEPARTMENT
COMMUNITY STANDARDS REGARDING ISSUANCE, RENEWAL
OR REVOCATION OF AN ON PREMISES CLASS C LIQUOR LICENSE**

I. Every three (3) years, or as needed, the City Manager or a duly authorized representative of the City shall conduct an investigation and report on each on-premises liquor licensed establishment. The investigation shall determine whether:

1. Licensee must meet all State guidelines as specified by the Michigan Liquor Commission Administrative Rules and the Michigan Liquor Control Code of 1998 or amendments thereto.
2. All licenses, fees, taxes and necessary inspections are current and in compliance.
3. Liquor License issued by the State of Michigan are current.
4. If licensee is a Corporation, Partnership, LLC or other legal entity the licensee must indicate all shareholders, officers, partners, members or managers or other parties.
5. Licensee must be in compliance with all proper zoning and site plan review standards.
6. Licensee meets and complies with all fire and safety standards.
7. The licensee, its agents or employees have violated any Federal, State, local law or regulation, relating to the operation of the Licensee.
8. Licensed establishment has engaged in improper conduct. Improper conduct is defined as:

A. Four (4) complaints or police calls per month or more than 48 complaints or police calls per year. This is inclusive of complaint investigation requests received from the Michigan Liquor Control Commission. (Does not include police response to business entry or hold up alarms.)

OR

B. Five (5) criminal complaints per year involving assault and battery including domestic violence assault and sexual assault occurring within the licensed premises or in the parking lot of the business whether owned by the licensee or not.

OR

C. Two (2) arrests of persons who had been consuming alcoholic beverages at the licensed establishment and are subsequently arrested for driving offences, specifically including OWI as defined by State Law and Local Ordinance within 12 months.

OR

D. Any arrest of persons who are minors for possession of alcoholic beverages or who have consumed or purchased beverages at the licensed premises within 12 months.

OR

E. Two (2) documented complaints of unnecessary loud noise or disturbance, injurious to the health, peace or quiet of the residents and property owners of the City of Owosso as defined by Ordinance Chapter 18 Section 18-8 within 12 months.

II. The City Manager or the duly authorized representative shall forward the report to the City Council. The Council may adopt a resolution setting a hearing date, and complying with Section 2 of the Procedure for Community Standards Review Hearing.

PROCEDURE FOR COMMUNITY STANDARDS REVIEW HEARING

1. A public hearing shall be held before any action shall be taken. That hearing shall be held before the City of Owosso Council.
2. Licensee shall be given timely written notification of the hearing including:
 - a. Date, time and location of the hearing.
 - b. Reasons for the proposed actions the Council may consider taking.
 - c. State the proposed action the Council is being asked to consider which may be objecting to license renewal or seeking revocation of the Class C license.
 - d. Licensee will be informed of their rights at the hearing including the opportunity to defend by confronting any adverse witnesses and by being allowed to present witnesses, evidence, and arguments and their right to be represented by an attorney.
3. At the Council hearing the licensee will be given an effective opportunity to defend themselves by confronting any adverse witnesses and by being allowed to present witnesses, evidence, and arguments.
4. The City Council may object to the renewal of licensee's liquor license for one or more of the following reasons:
 - a. If the Licensee fails to meet all statutes and rules pertaining to liquor licenses.
 - b. If licenses, fees, taxes and necessary inspections are not current and not in compliance;
 - c. If the liquor license issued by the State of Michigan is not current;
 - d. If all interested parties are not revealed;
 - e. If Licensee is not in compliance with zoning or site plan requirements;
 - f. If Licensee is not in compliance with fire and safety standards;
 - g. If Licensee, its agents or employees, have violated an Federal, State or local law or regulation relating to the operation of Licensee;
 - h. If Licensee has engaged in improper conduct as defined in paragraph 8 of the City of Owosso Police Department Community Standards Regarding Issuance, Renewal or Revocation of an On Premises Class C Liquor License.
5. After the hearing process the Council will make a written statement of findings and adopt a resolution indicating the specific action requested.
6. The Council will send the following documents to MLCC:
 - a. Copy of the Community Standards including the date of adoption and, if applicable, the date of publication.
 - b. Certified copy of the notice sent to licensee.
 - c. Proof of service or proof of mailing of the notice.

- d. Certified copy of the resolution that was adopted by the local governing body objecting to the renewal of the license or requesting that the license be revoked.

Motion supported by Councilperson Cline.

Roll Call Vote.

AYES: Councilpersons Forster, Simmons, Martenis, Mayor Pro-Tem Owen, Councilpersons Frederick, Cline, and Mayor Bruff.

NAYS: None.

I hereby certify that the foregoing document is a true and complete copy of action taken by the Owosso City Council at the regular meeting of January 20, 2009.

Amy K. Kohagen, City Clerk