

**PORTLAND TOWNSHIP**  
**LIQUOR CONTROL ORDINANCE**  
**ORDINANCE NO.100-6-10-C**

**PORTLAND TOWNSHIP, IONIA COUNTY, MICHIGAN ORDAINS:**

**SECTION 1:**

The Portland Township Code of Ordinances is hereby amended by adding Part 10, Article 1, Portland Township Liquor Control Ordinance, which shall read as follows:

**PART 10 – LIQUOR CONTROL**

**Article 1: General Provisions**

**Section 10.1.01: Purpose**

An Ordinance to secure the public peace, health and safety of the residents and property owners of the Township of Portland, Ionia County, Michigan (the "Township"), a municipal corporation, for the regulation of alcoholic liquor traffic within the Township through the enforcement of the Michigan Liquor Control Code of the State of Michigan within the Township; to provide penalties, for the violation of this Ordinance; and to repeal all ordinances and parts of ordinances in conflict with this Ordinance.

**Section 10.1.02: 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 the Township 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.*) and the rules and regulations of the Michigan Liquor Control Commission (collectively the "Code").

**Section 10.1.03: Enforcement**

For the purpose of the enforcement of the Code within the Township, there is hereby established a Liquor Control Enforcement Officer ("Enforcement Officer") with full power, authority, and duty to see that the provisions of the Code are enforced within the Township.

The Township Board shall appoint the Enforcement Officer and, in its discretion, any other personnel the Township Board deems necessary to ensure that the provisions of the

Code are enforced within the Township. The Enforcement Officer and other appointed personnel, if any, shall be paid such compensation as determined by the Township Board.

The Enforcement Officer shall be available at all times to investigate complaints received under this Ordinance and enforce the provisions hereof.

#### **Section 10.1.04: Inspection**

The Enforcement Officer shall inspect, no less than monthly, all liquor establishments licensed under the Code and report the results of all inspections promptly to the Township Board.

The Enforcement Officer shall further promptly investigate all complaints received by the Township or the Enforcement Officer concerning violations of the Code or improper operations and practices concerning alcoholic traffic within the Township and report the same to the Township Board and, where appropriate under the Code, to the Michigan Liquor Control Commission, for appropriate proceedings against the violator.

The Enforcement Officer shall carry appropriate identification issued by the Township Clerk clearly identifying him or her as the Township Liquor Control Inspector and shall present said identification card to the owner or manager of every place inspected by them, when making an inspection, upon demand for identification by such owner or manager.

The Enforcement Officer 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 Enforcement Officer suspects the same is being manufactured, sold, offered for sale, kept for sale, possessed or transported within the Township.

Whenever possible, all inspection reports shall be made on liquor law enforcement forms furnished by the Michigan Liquor Control Commission.

#### **Section 10.1.05: Appropriation**

For the purpose of carrying out the provisions of this ordinance, the Township Board hereby appropriates the revenue for Liquor Inspections submitted by the State of Michigan for such use, and 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 for the ensuing fiscal year of the Township.

#### **Section 10.1.06: Penalties**

Any person, other than persons required to be licensed under the Code, who shall violate any of the provisions of this Ordinance 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 \$500 or both, in the discretion of the court.

Any licensees who shall violate any of the provisions of the Code, or who shall violate any of the provisions of this Ordinance, and any person who shall prohibit or interfere with the duties of the Enforcement Officer as authorized by the Township 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 \$500 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 the Code.

**SECTION 2: Severability:**

Should any provision or part of this Ordinance be declared by any court of competent jurisdiction to be invalid or unenforceable, the same shall not affect the validity or enforceability of the balance of this Ordinance, which shall remain in full force and effect.

**SECTION 3: Effective Date and Repealer:**

This ordinance shall take effect on the 20<sup>th</sup> day of July, 2010 (30 days after publication). All ordinances or parts of ordinances in conflict with any of the provisions of this ordinance are hereby repealed.

ADOPTED:

YEAS: 5

NAYS: 0

STATE OF MICHIGAN                    )  
                                                          )  
COUNTY OF IONIA                    )

I, the undersigned, the duly qualified and acting Township Clerk of Portland Township, Ionia County, Michigan, DO HEREBY CERTIFY that the foregoing is a true and complete copy of certain proceedings taken by the Township Board of said Township at a regular meeting held on the 9<sup>th</sup> day of June, 2010.

Charlene Keilen, Portland Township Clerk