

ORDINANCE NO. 240

LIQUOR CONTROL ORDINANCE

The Charter Township of Larkin ordains: An ordinance to secure the public peace, health and safety of the residents and property owners of the Charter Township of Larkin, Midland County, Michigan, a municipal corporation, for the regulation of alcoholic liquor traffic within said township through the enforcement of the Michigan Liquor Control Act 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.

Section 1. Title

This ordinance shall be known and cited as the Larkin Township Liquor Control Ordinance.

Section 2. Liquor Control Act 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 Larkin Township, Midland County, Michigan shall comply with the provisions of the Michigan Liquor Control Act, being Public Act 8 of 1933, as amended.

Section 3. Enforcement

For the purpose of the enforcement of said Michigan Liquor Control Act within said township, there is hereby established a Liquor Control Enforcement Department with full power, authority, and duty to see that the provisions of said act and the rules and regulations of the Michigan Liquor Control Commission adopted pursuant to said act are enforced within said township. Such department shall consist of not less than one constable, deputy sheriff, or ordinance enforcement officer appointed by the township board and such other personnel as the township board may, in its discretion, appoint. The personnel of such department shall be entitled to such compensation as the township board may determine. Such 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 township Liquor Control Enforcement Department shall inspect, not less than quarterly, all liquor establishments licensed under the Liquor Control Act of the State of Michigan and report the results of all inspections promptly to the township board. The township Liquor Control Enforcement Department shall further promptly investigate all complaints received by it concerning violations of the Michigan Liquor Control Act or improper operations and practices concerning alcoholic liquor traffic with the township and report the same to the township board and, where appropriate

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under the Michigan Liquor Control Act, to the Michigan Liquor Control Commission for appropriate proceedings against the violator.

All inspectors shall carry appropriate cards issued by the township clerk clearly identifying them as township liquor control inspectors 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.

Inspectors 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 township Liquor Control Enforcement Department.

Section 5. Appropriation

For the purpose of carrying out the provisions of this ordinance and establishing the Liquor Control Enforcement Department herein provided for, 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 such Liquor Control Enforcement Department for the ensuing fiscal year of the township.

Section 6. Penalties

Any person, other than persons required to be licensed under the Michigan Liquor Control Act, 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 Act 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 township Liquor Control Enforcement 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 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 Act.

Section 7. Effective date

This ordinance shall become effective thirty (30) days after publication thereof.

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

Ordinance No. 240, adopted December 11, 2001

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