

## Chapter 6. ALCOHOLIC LIQUOR

### ARTICLE I. IN GENERAL

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**\*State law references:** Michigan liquor control code of 1998, MCL 436.1101 et seq., MSA 18.1175(101) et seq.

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#### Sec. 6-1. Annual inspections.

(a) *Generally.* Each year the liquor technical review committee of the city council shall cause investigations to be made, following which it shall make a report to the city council relating to each class C license operating within the city.

(b) *Inspections.* By February first of each year the liquor technical review committee shall cause the following inspections to be made:

(1) An inspection of the premises housing a class C license to determine whether all applicable provisions of the Code, particularly the provisions of the fire code and building code, are being complied with. Any report generated by an inspection performed within the prior year by the county health department shall also be submitted to the city council.

(2) An inspection of the premises to determine that all provisions of the license itself, as well as any conditions imposed by either the city council or the liquor technical review committee at the time of license issuance, are being complied with.

(3) An inspection to determine the general condition of the licensed premises, both interior and exterior.

(4) An inspection of a written statement provided by the licensee, or any other source of such information, setting forth the percentage of the licensee's gross income received annually from the following:

- a. The sale of food; and
- b. The sale of alcoholic beverages.

(c) *Inspection procedures.*

(1) *Written notice.* The building department shall serve on the licensee, by regular mail, written notice requesting the licensee to pay the annual inspection fee, which shall be in accordance with the fee schedule in section 54-91, and schedule an inspection with the building department within 14 days. A second notice, if necessary, will be served within seven days by certified mail. If the licensee fails to schedule the annual inspection within 14 days after the second notice, the building department shall report the failure to schedule an inspection to the liquor technical review committee and the city council.

(2) *Inspection.* The building and fire departments shall inspect the licensed premises, at the scheduled time, and provide a written report to the licensee. If violations are found, the licensee shall schedule a re-inspection. Any corrections and re-inspection must be completed and approved within 30 days. If the licensee fails to satisfactorily correct violations, the building department shall notify the liquor technical review committee of the violations. Any unsafe conditions or safety violations, as defined by the current edition of the building code and/or fire prevention code, may be subject to prosecution or other ordinance enforcement action.

(3) *Report to council.* As soon as possible after February 1 each year, the liquor technical review committee shall submit a report to the city council containing information requested by the city council, inspection results, and other pertinent information related to the licensed premises.

(4) *Violations.*

a. Meeting with licensee. If, upon receipt of the inspection report, the liquor technical review committee determines that the licensee's business appears to be in violation of the city's ordinances or policies, state law, or any conditions attached to the approval of the license, the liquor technical review committee shall notify the licensee of any violation and request the licensee to meet with the liquor technical review committee to discuss the violation and possible non-compliance with such laws, ordinance code provisions, and conditions. The liquor technical review committee shall report the results of such informal meeting to the city council.

b. Action. If the alleged violation has not been resolved in a manner satisfactory to the city council, the city council may determine, by resolution, to commence proceedings to terminate the license, or objecting to its renewal by the liquor control commission.

c. Reservation of authority. Nothing in this section shall waive the right of the city to prosecute city ordinance violations against a licensee, regardless of whether such violation may be a basis for revocation or nonrenewal proceedings against the licensee.

(Code 1976, § 3-09.05; Ord. No. 466, § 1, 11-28-2001; Ord. No. 518, § 1, 6-27-2007)

Secs. 6-2--6-30. Reserved.