

TEMPORARY LIQUOR LICENSE POLICY

BACKGROUND

The Michigan Liquor Control Commission (MLCC) has final authority regarding the issuance and revocation of liquor licenses. This policy outlines the City of Mt. Pleasant process for providing input and/or recommendations to the MLCC on temporary liquor licenses.

Throughout the year, various organizations ask the City of Mt. Pleasant to approve temporary liquor licenses for special events. The City intends to assist non-profit organizations conducting community-wide or business development focused events.

The chief local law enforcement officer is required to provide the MLCC with a recommendation to approve or deny the application. Applicants must fulfill all requirements of the MLCC as well as those of this policy. Carefully planned and implemented management, oversight and control of the service of alcohol at an event are key to City approval of any temporary liquor license.

APPLICATION PROCESS

1. Applicant submits all of the following to the Special Event point of contact at least sixty (60) days prior to the event:
 - a. MLCC application
 - b. Application fee as set by resolution of the City Commission *
 - c. Certificate of Insurance
 - d. Volunteer and risk management plan
 - e. If event to be held on public property, a complete City of Mt. Pleasant Special Event Application
2. For temporary licenses on private property: MLCC application, along with certificate of insurance is provided to Department of Public Safety. Public Safety will review the application and forward findings to the Director of Public Safety.
3. For temporary licenses on public property: The Special Event point of contact initiates an investigation of the application by forwarding the special event and MLCC applications, along with all attachments to the Special Events Committee. The Special Events point of contact compiles a report of the investigative findings and submits to the Public Safety Director for review.
4. The Public Safety Director determines whether to approve, approve with conditions, or deny the application and notifies the applicant.
5. If approved, the Public Safety Director forwards the approved application to the MLCC.

**The application fee will be waived for nonprofit organizations for those events which are determined by the Director of Public Safety to be substantially the same as a previous event held by the same organization in regard to location, facilities, event type and scope, and for which event the application fee was paid in full. All other application requirements set forth in this policy must be met for each licensed event.*

VOLUNTEERS AND RISK MANAGEMENT

The minimum number of volunteer or employed staff required for the event must be equal to one per every 25 persons attending.

Twenty-five percent of licensed location and activity volunteer or employed staff must be seminar trained and certified in Techniques of Alcohol Management (TAM), with the remaining 75 percent to be TAM tape trained prior to the event. Training is offered by the Michigan Liquor and Beverage Association.

At least 30 days prior to the event the applicant shall file with the Division of Public Safety a list of volunteer and/or employed staff who has received the TAM training.

NON-COMPLIANCE

Violation of any requirement may result in the immediate revocation of the license as well as non-issuance of future licenses for that organization/applicant.

ADDITIONAL COSTS AND FEES

If, during the review of the application and event plan, the Director of Public Safety, in consultation with other City staff, determines that City employees will be required to be on-site during the event or that the City will incur extraordinary costs in preparation for, during or after the event, the Director of Public Safety may present the City Manager and the applicant an itemized list of those anticipated extraordinary costs. The City Manager may, if it is determined such costs are out of proportion to the City's general benefit from the event, condition approval of the temporary liquor license on the applicant's agreement to reimburse the City for itemized costs as the City Manager determines are extraordinary.

PUBLIC LOCATION REQUIREMENTS

Approval of temporary liquor license for City-owned or controlled public property will depend on the Public Safety Director's findings on:

- Whether or not the event will meet the purposes of this policy and the requirements of this policy as stated in the notes of interest above and other provisions of this policy.
- How the proposed location and event will affect residents and residential areas.
- How the location and event will affect vehicular and pedestrian traffic and access.
- How the location and event meet the other criteria in this policy.
- Such other information and considerations as he or she may find important with respect to any given request.

The City will accept temporary liquor license applications for the following public properties:

- Island Park
- Areas within the Central Business District
- Other locations within the City that meet all requirements of this policy.

Liability Coverage

The applicant must obtain liquor liability and general commercial liability insurance coverage of at least \$1,000,000 that names the City (including its officers and employees) as an insured or additional insured and certificate holder. A Certificate of Insurance must be submitted to the City Clerk with the temporary liquor license application.

Performance Bond

Applicants must post with the City Clerk a \$1,000 performance bond for every 100 persons expected to attend, but not to exceed a total bond of \$5,000. The bond shall protect the City against unexpected costs the City may incur due to violations of this policy, violations of any agreed upon event layout or security measures or violations of any state laws, rules or regulations or local ordinances applicable to liquor licenses. Such bond shall be returned within 30 days after the event if all requirements for the event were fulfilled. The City Manager may order payment on the bond to recover the added costs incurred by the City in those instances where there is repeated response from Public Safety officials during the event, individuals at the event are not cooperative when Public Safety officials arrive, or public property is significantly damaged. The parties agree that if any of these circumstances result in costs to the City that exceed the total amount of the bond, the City reserves the right to also recover from any licensee the amount of costs the City incurs in these situations that exceeds the amount of the required bond. If the event organizer wishes to appeal the decision to order payment, the appeal would be made to the City Commission with appropriate justification as to why the expenses seem unreasonable.

PRIVATE PROPERTY REQUIREMENTS

1. All security, safety, convenience, product storage, on-site parking and other required or desired on-site needs are met, accommodate 110% of the anticipated maximum number of patrons and event staff (paid and volunteer) to be on the site at any given time during the event.
2. Is zoned for business and church facility uses and is in a location so that the event will not be incompatible with or unreasonably interfere with uses of nearby property. Applicants may address potential concerns about incompatibility or interference by providing the City with the written consents of those who may be affected by the proposed event.
3. Provide for adequate, unencumbered parking within a 300- foot radius of one space per every two persons who are anticipated to patronize and staff the event as provided in above. Unencumbered parking means parking that is not already designated or reasonably required for a specific structure or, if the event is conducted during a normal business day, is not needed to support normal business activities in the vicinity.
4. Meet all State and local public assembly requirements of the MLCC, Building Code and Fire Code as they relate to the minimum number of persons stated in the request proposal. Inspection and approval by the Building Official and Public Safety Officials must be obtained to determine acceptability of the structure, size capacity, and review of LCC and public assembly requirements.
5. Proof of liability insurance as may be required by the City.

BASIS FOR DENIAL

In addition to other requirements of this policy, the following are reasons why the Director of Public Safety may decide against the issuance of a temporary liquor license as requested by an applicant:

1. The Director of Public Safety determines the applicant has not adequately planned for the activity or demonstrated the capability to control participants.
2. There are other events scheduled within the community that may draw heavily on public safety resources.
3. The applicant or others involved in the event have previously violated this policy, or have violated laws, rules, regulations or ordinances including the sale or distribution of alcohol or controlled substances.
4. The Director of Public Safety determines that a sufficient amount of temporary liquor licenses have already been issued for events during the calendar year.
5. The Director of Public Safety determines that the proposed location or dates for the event are not in the community's best interest. Examples might include: due to circumstances such as public improvement projects in its general vicinity, private construction in the general vicinity, private events occurring at or near the same time, or other circumstances explained during the consideration of the request.