

ORDINANCE NO. 280

RESTATED RETAIL ALCOHOL SALES PROHIBITION ORDINANCE

AN ORDINANCE TO PROHIBIT THE RETAIL SALE OF ALCOHOLIC BEVERAGES WITHIN THE TOWNSHIP; TO SUBNUTSUCHPROHIB~ONTOTHEELECTORSOF THE TOWNSHIP; TO PRESCRIBE PENALTIES FOR THE VIOLATION OF THIS ORDINANCE; TO ELIMINATE ANY CONFLICTS WITH OTHER ORDINANCES AND REGULATIONS; AND TO ESTABLISH AN EFFECTIVE DATE.

ZEELAND CHARTER TOWNSHIP, COUNTY OF OTTAWA, AND STATE OF MICIDGAN ORDAINS:

Section 1. Preliminary Finding. As of the date of the adoption of this Ordinance, there are no retail licenses for the sale of alcoholic beverages for stores or establishments located within the borders of the Township.

Section 2. Prohibition of Retail Sale of Alcoholic Beverages. Pursuant to Section 1109 of Act No. 58 of the Michigan Public Acts of 1998, as amended, the retail sale of alcoholic beverages within the Township is prohibited.

Section 3. Submission to Electors. This Ordinance shall be submitted to the electors of the Township for affirmance or revocation at the next general or special election that is held not less than forty-five (45) days after the adoption of this Ordinance.

Section 4. Ballot Question. The question of selling alcoholic beverages with a retail sales license shall be designated as follows on the ballot used in the next general or special election that is held not less than forty-five (45) days after the adoption of this Ordinance.

Ordinance No. 280 prohibits the retail sale of alcoholic beverages in the Charter Township of Zeeland. Should this Ordinance be affirmed so that it remains in effect?

YES \_\_\_\_\_  
NO \_\_\_\_\_

Section 5. Violation. Any person who violates any provision of this Ordinance or fails to comply with any of its requirements shall be responsible for a municipal civil infraction, subject to enforcement procedures as set forth in the Municipal Civil Infraction Ordinance adopted by the Township, and subject to a fine of \$50.00, plus costs and other sanctions, for each infraction. Each day during which any violation continues after due notice has been served shall be deemed a separate and distinct offense. Increased civil fines may be imposed for repeat violations; a repeat violation means a second or subsequent municipal civil infraction violation committed by a person within any 12 month period and for which a person admits responsibility or is determined to be responsible. An increased civil fine for repeat violations shall be as follows:

- A. The fine for any offense which is a first repeat offense shall be \$250.00 plus costs and other sanctions;
- B. The fine for any offense which is a second repeat offense or any subsequent repeat offense shall be \$500.00, plus costs and other sanctions.

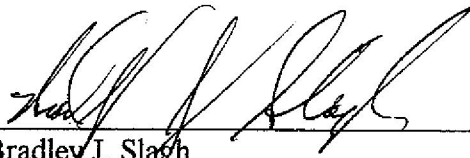
The Township Supervisor, members of the Ottawa County Sheriff's Department assigned to the Township, members of the Ottawa County Sheriff's Department whose services are contracted for by the Township, and any other individuals who may from time to time be appointed by resolution of the Township Board, are designated as the authorized Township Officials to issue municipal civil infraction citations (directing alleged violators to appear in Court).

Section 6. Severability. This Ordinance and its various parts, sections, sentences, phrases, and clauses are declared to be severable. If any part, section, sentence, phrase, or clause is adjudged unconstitutional or invalid, the remainder of this Ordinance shall not be affected.

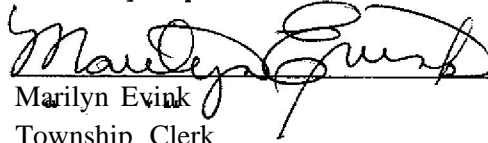
Section 7. Repeal. All resolutions, ordinances, orders or parts thereof, conflict in whole or in part with any of the provisions of this Ordinance are, to the extent of such conflict, repealed. Ordinance No. 186, Retail Alcohol Sales Prohibition Ordinance, shall be repealed as of the effective date of this Ordinance.

Section 8. Administrative Liability. No officer, agent, employee or member of the Township Board shall be personally liable for any damage which may accrue to any person as the result of any act, decision or other consequence or occurrence arising out of the discharge of official duties and responsibilities pursuant to this Ordinance.

Section 9. Effective Date. This Ordinance was approved and adopted by the Township Board of Zeeland Charter Township, Ottawa County, Michigan on March 19, 2002, after introduction and a first reading on February 19, 2002, and publication after such first reading as required by Michigan Act 359 of 1947, as amended. This Ordinance shall be effective on April 5, 2002, which shall be the first day after publication by the Township of a Notice of Adoption and Posting of this Ordinance.



Bradley J. Slagh  
Township Supervisor




Marilyn Evink  
Township Clerk

RB020516

**CERTIFICATE**

I, MARILYN EVINK, the Clerk for the Charter Township of Zeeland, Ottawa County, Michigan, certify that the foregoing Restated Retail Alcohol Sales Prohibition Ordinance was adopted at a regular meeting of the Township Board held on March 19, 2002. The following members of the Township Board were present at that meeting: Slagh, Evink, Myaard,  
Nykamp, Van Ginhoven, Miedema, Wolfert. and  
the following members of the Township Board were absent: none  
-----. The Ordinance was adopted by the  
Township Board with members of the Board Slagh, Evink, Myaard, Nykamp,  
Van Ginhoven, Miedema, Wolfert voting in favor and  
members of the Board -----  
voting in opposition to the Ordinance. Notice of Adoption and Posting of the Ordinance was published in *The Grand Rapids Press - Lakeshore Edition* on April 4, 2002. An attested copy of the Ordinance was sent to the Ottawa County Clerk by first class mail, postage prepaid, on April 18, 2002 (i.e., within one week of the publication date).

  
Marilyn Evink, Clerk  
Zeeland Charter Township

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