

**SUPERIOR CHARTER TOWNSHIP
WASHTENAW COUNTY, MICHIGAN**

ORDINANCE NO. 67

PUBLIC AMUSEMENTS

Section 67-01. Title

An ordinance to license and regulate public billiard and pool rooms, dance halls, bowling alleys, amusement and music halls.

Section 67-02. Purpose

This ordinance shall regulate and license public billiard and pool rooms, public dance halls, public bowling alleys, public music halls and other such businesses open to the general public as places of entertainment, amusement or recreation specifically excluding, however, those places of business where alcoholic beverages are offered for sale and which businesses are licensed by the Michigan Liquor Control Commission of the State of Michigan.

Section 67-03. License Required

No person, firm, corporation, association, or partnership shall, after the effective date hereof, own, operate manage or maintain a business of the type described in Section 3 whereof, within the Charter Township of Superior, without first obtaining from the Superior Township Board a license as hereinafter provided.

Section 67-04. License Application

To obtain such license, a written application shall be made to the Superior Township Clerk upon forms to be provided by said Clerk. Said application shall be under oath and shall contain, among other things, the following information:

(a) The names and addresses of the owners, co-partners, or if incorporated, the names and addresses of the stockholders, showing ,the number of shares owned by each and the names and addresses of the corporate officers of said corporation, and previous experience, if any, in this or similar business.

(b) The name, address and age of the person entrusted with management and operation of such business and shall state where such person has resided for the five (5) years immediately preceding the date of application:

(c) The criminal record, if any, of any of the following: owner or owners, co-partners, corporate stockholders and officers, business managers and/or operator showing the date, place and nature of all such offenses, excluding traffic violations.

- (d) The address of the location of the proposed business giving the property dimensions.
- (e) The nature of the business to be conducted; the size and type of building in which such business shall be conducted and the hours during which such proposed business shall be operated.
- (f) The telephone number of said business.
- (g) The legal description of the land on which said business is located.
- (h) The application shall also state whether said premises are equipped with sanitary facilities complete with a sewage disposal system.
- (i) Such application shall be accompanied by a written recommendation of at least two (2) reputable citizens of the Township as to the moral character of the applicant or applicants and shall state the names of at least five (5) persons in the Township as references.

Section 67-05. License Procedure; Fee

Upon receipt, said application shall be submitted by the Clerk to the Superior Township Planning Commission, the Sheriff Department, the Fire Department, and Building Department, each of whom shall, within thirty (30) days after receipt thereof, forward to the Clerk of the Township a report in letter form stating that the place or premises for which such a license is sought is, or is not, properly zoned and otherwise suitable for the operation of such a business.

The Clerk of the Township shall, at the next regular meeting of the Township Board, submit said application, together with the report of the Planning Commission, to the Township Board, for its consideration. The Township Board, upon receiving such application, if presented in due form shall pass upon the same at its next regular meeting or at any special meeting called for such purpose, or at any adjournment thereof, and if satisfied that such applicant possesses the qualifications herein prescribed and, if satisfied that the issuance of such license would not be detrimental to the health, safety and morals of the citizens of the Township, shall grant such license for the term of one year.

The fee for a license issued hereunder shall be the sum of Two Hundred and No/100 (\$200.00) Dollars, payable in cash, certified check or bank money order at the time of issuance of such license.

The Township Board may require as a condition to issuing a license that a particular business or named enterprise supply uniformed guards in a number to be determined by the Township Board. The same may also be required subsequent to the issuance of the operating license and/or the commencement of business upon a determination by the Township Board that such guards are necessary to maintain order, assist in crowd control, to control traffic and parking on the premises.

Section 67-06. License Denial

No person shall be granted a license under the provisions of this ordinance who is under eighteen (18) years of age and who has not resided within this State for a period of at least one (1) year immediately prior to the application for such license, nor shall any such license be granted to any person who has been convicted of any crime involving moral turpitude, nor to any person who has general reputation in any community in which he has resided during the five (5) years next preceding such application is that of a gambler or promoter of vice and immorality.

In addition to the foregoing, the Township Board, may for just cause, refuse to grant a license when, in its judgment, such refusal shall be in the best interest of the public health, safety, and welfare of the Charter Township of Superior.

Section 67-07. License Revocation

It shall be unlawful and a license shall be revoked by the Township Board upon a determination by the Township Board that any or all of the following situations, exists:

(1) That intoxicating liquor\$ are either sold or drunk on the premises, or that persons under the influence of intoxicating liquors are permitted to frequent, be in, or remain on said premises;

(2) That drugs or narcotics are sold, used or found on the premises or on the person of anyone on the .premises, or that persons under the influence of drugs or narcotics are permitted to frequent, be in, or remain on the premises

(3) That gambling in any form is permitted in or about said premises;

(4) That such places are frequented habitually by persons of low repute, or that the place is conducted in such a manner as to be generally reputed in the immediate vicinity thereof to be immoral and a menace to the morals and good citizenship of the community;

(5) That said business is operated in a manner as to create or cause to be created noise of a kind, type or level which materially interferes with the health, welfare and general rights of citizens of the community to live in and enjoy residing in the community free from exposure to and the interruption of loud, shrill, sustained, inordinate noise or other commotion.

It is not necessary to show that all citizens of the Township are affected to sustain a violation under this section but only that those in the immediate vicinity of the business are so affected and that anyone else who came into the immediate vicinity thereof reasonably would be expected to be so affected.

In any of the foregoing cases, the Township Board shall revoke said license and give notice of such revocation to the holder. For the purpose of enforcing these provisions for revocation the Township Board may act on its own initiative, or on written complaint of any resident. When such revocation is sought, the Township Clerk shall give a written notice to the licensee personally, or by leaving the same with his agent or employee at his place of business, in which notice shall be stated the charges made against him for which revocation of his license is sought, the time and place at which he may appear to defend against such charges, which time shall be not sooner than three (3) full days from the serving of said notice. For such hearing the Township Board may subpoena witnesses in the same manner as such witnesses are now subpoenaed in criminal cases in District Court. Such hearings need not follow the strict legal requirement of court trials.

If, after an impartial and unbiased investigation, the Township Board is convinced that the charges have been sustained, it shall revoke the license. If the Township Board shall determine that such license shall be revoked, the Township Clerk shall personally, notify the licensee, or his agent or employee in, charge of his place, in writing, and the said license shall be revoked from and after midnight of the said day.

Section 67-08. License Renewal

Any license issued in accordance with this act may be renewed for an additional year upon the same terms and subject to the same requirements as provided herein for an original license. Whenever the holder of such license desires to effect a change of place of doing business he shall notify the Township Board and make application for a license for such new place in the same manner as in the first instance excepting that proof of good character may be dispensed with by such Township Board. No license issued pursuant to this act shall be assignable or transferable, nor shall any person excepting the person to which it was issued be permitted to do business thereunder either directly or indirectly.

Section 67-09. Violations

The proprietor of any establishment regulated under the terms of this ordinance who violates any provision of this ordinance shall be guilty of a misdemeanor upon conviction before a Court of competent jurisdiction.

Each business day the establishment is operated contrary to any provision of this ordinance shall be a separate and distinct violation, each such violation triable and punishable separately.

A "business day" is defined as a 24 hour period commencing with the opening for business and concluding with the next following closing of business regardless of the difference between the actual dates on which these respective events occur.

Section 67-10. Exemptions

Nothing in this act contained as to the making of application for a license and the payment of a license fee shall be construed to apply to any fraternal lodge, church organization incorporated under the laws of this state or chartered by a superior governing body incorporated under the laws of this state, organized exclusively for fraternal, religious or charitable purposes, and conducting its affairs in a room or auditorium occupied by and under the control of such lodge or church organization: Provided, however, that the exemption herein contained shall not extend so as to exempt such lodge or church organization from prosecution for violation of any of the other provisions of this act whether licensed under the act or not.

November 19, 1979