



**LIQUOR LICENSE APPLICATION
CITY OF KENTWOOD**

4900 Breton Ave. SE, PO Box 8848
Kentwood, MI 49518

Phone: 616.698.9610 Fax: 616.656.5293 email: eclerk@kentwood.us

Date: _____

1. Applicant's Name: _____

Address: _____

Telephone No.: _____

2. Operator/Manager's Name: _____

Address: _____

Telephone No.: _____

3. Business Name: _____

Business Address: _____

Existing Business: _____ New Business: _____

4. Do you own/operate any other restaurants in Kentwood/Greater Grand Rapids Metro-
politan area? Yes_____ No_____

If yes, does the restaurant have a liquor license? Yes_____ No_____

Restaurant Address: _____

5. Zoning Designation: _____

6. Class of Liquor License applied for:

A _____ B _____ C _____ Tavern _____

7. Seating Capacity: _____ Dining Area Sq. Feet: _____

(Dining Capacity: minimum 15 sq. ft. per person

Class A or B - 75 people Class C - 99 persons

8. Has Applicant applied to the Michigan Liquor Control Commission: Yes_____ No_____

Attach to application: Menu; Site Plan, Floor Plan,

**Application Fee: (payable to the City of Kentwood; non-refundable)
\$100.00 for license transfer**

I understand the requirements of the City of Kentwood Code of Ordinances Sections 6-31 through 6-93
(as attached) and affirm that the proposed facility complies with such requirements.

Signature of Applicant

Chapter 6 - ALCOHOLIC LIQUOR

State Law reference— Michigan Liquor Control Code of 1998, MCL 436.1101 et seq.

ARTICLE 1. - IN GENERAL

Sec. 6-1. - Adoption of Michigan Liquor Control Code of 1998.

There is hereby adopted by reference as if fully set out in this chapter the Michigan Liquor Control Code of 1998, Public Act No. 58 of 1998 (MCL 436.1101 et seq.).

(Code 2004, § 6-1; Comp. Ords. 1987, §§ 21.651—21.655, 21.657(A), 21.660, 21.662(F)(1), 21.665—21.667, 21.669—21.671, 21.675; Ord. No. 8-08, §§ 1—3, 7-25-2008; Ord. No. 2-12, § 1, 6-11-2012; Memo of 8-2-2012; Ord. No. 2-14, §§ 1—6, 5-14-2014)

Secs. 6-2—6-30. - Reserved.

ARTICLE 2. - SALE FOR ON-PREMISES CONSUMPTION

DIVISION 1. - GENERALLY

Sec. 6-31. - Definitions.

The following words, terms and phrases, when used in this article, shall generally have the same meaning provided in the Michigan Liquor Control Code where not in conflict with the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Alcohol service area means the portion of an establishment which is licensed to sell alcohol for consumption on the premises where persons are permitted to consume alcoholic liquor.

Applicant means any person who seeks approval from the city commission to sell alcoholic liquor.

Conference center means a building or any portion which, in the judgment of the city commission, is a bona fide conference center and meets the following requirements and such other requirements as the city commission deems appropriate:

- (1) The conference center is used solely pursuant to a rental agreement signed in advance by a member of the organization, institution, entity or group desiring to use the conference center or any portion thereof;
- (2) More than 50 percent of the gross receipts of the conference center are derived from rents, charges, fees and sales of food and beverages, not including sales of alcoholic liquor;
- (3) The conference center is rented predominantly for functions, such as meetings, conferences, lectures, seminars, live speaking engagements, weddings, receptions and banquets;
- (4) If a bar or counter space is provided in the conference center for the dispensing and sale of alcoholic liquor, such bar or counter space occupies not more than ten percent of the seating capacity of the conference center;
- (5) The conference center contains a business office which maintains regular and normal business hours of operation;
- (6) The seating and/or table configuration in each room of the conference center is transitory;
- (7) The conference center provides a minimum approved occupancy of at least 500 persons;
- (8) The conference center provides a minimum approved table seating capacity of at least 300 persons;
- (9) The conference center provides at least one approved occupancy area of 5,000 square feet or more; and
- (10) In addition to the area required by subsection (9) of this definition, the conference center provides at least one separate approved occupancy area of 250 square feet or more.

Grocer/market means a retail establishment of which not less than a majority of its sales consist of staple foodstuffs, meats, produce and dairy products, but which is also licensed by the State of Michigan to sell beer and/or wine for consumption on the premises. A grocer/market must have: a retail/service area of at least 25,000 square feet of enclosed building area; annual sales volume in excess of \$7.5 million; at least 75 percent of the gross receipts of the business are derived from the sale of items other than alcoholic liquor; and, no more than ten percent of the establishment's gross receipts shall be for beer or wine sales for consumption on the premises.

Licensee means any person who has been granted a license to sell alcoholic liquor in the city by the state liquor control commission.

Motel and hotel mean buildings which, in the judgment of the city commission, are to be regularly used and kept open as such in a bona fide manner for the feeding and lodging of guests, where all who conduct themselves properly and are able and ready to pay for such services are received, if there be any accommodations for them.

Movie theater complex means a motion-picture theater complex comprised of not less than six screens, total seating for not less than 800 patrons and a minimum of 40,000 square feet of space.

Premises includes all of the areas used in carrying out the primary normal functions of the business of the licensee, except such areas as are specifically excluded in other provisions of this article.

Restaurant means either of the following:

- (1) Full menu restaurant means a sit down establishment that prepares food on the premises and serves meals selected by the patron from a menu which includes choices of appetizer, salad, entree (featuring a variety of meat, poultry, vegetarian or fish dishes) vegetable, bread, dessert and beverage; all meals and beverages are served by wait staff; and its food service is available to the public not less than ten hours per day/five days per week.
- (2) Limited menu restaurant means a sit down establishment serving short order type foods from a menu, such as pizzas, chicken, hamburgers or tacos. Foods must be available and prepared on site. A limited menu restaurant shall make its food service available to the public at all times that alcoholic liquor is available for purchase.

(Code 2004, § 6-31; Comp. Ords. 1987, § 21.651; Ord. No. 8-08, § 1, 7-25-2008; Ord. No. 2-14, § 1, 5-14-2014; Ord. No. 3-16, § 1, 5-17-2016)

Sec. 6-32. - Authority of city commission.

This article shall not operate to limit any power or authority vested in the city or the city commission by virtue of any existing constitutional or statutory provision, and shall be considered to be only supplementary to the exercise or use of such vested authority.

(Code 2004, § 6-32; Comp. Ords. 1987, § 21.671)

Sec. 6-33. - Special restricted licenses.

- (a) Notwithstanding any and all other provisions of this article, the city commission may, at its discretion, authorize various classes of restricted licenses for the use of private clubs and other organizations which operate on a membership basis. Such special restricted licenses may be revoked by the city commission if the restrictions are violated.
- (b) The restrictions imposed by the city commission shall be listed on the face of the license.
- (c) The city commission may waive the requirement for food service and the related sections in this article, as amended; however, it shall not waive the other requirements of this article.

(Code 2004, § 6-33; Comp. Ords. 1987, § 21.675)

Sec. 6-34. - Inspections.

- (a) *Authority.* Inspections shall be made of all premises licensed under this article in order to safeguard the health, safety and welfare of the public. The city officials conducting such inspections may enter any licensed premises during any hours in which the premises are open to the public for the purpose of conducting an inspection, and shall be entitled to inspect all portions of the premises, including, but not limited to, those portions used for storage, or food or beverage preparation. The licensee, as well as every employee or agent of the licensee, shall give the city official conducting such inspection free access to all areas of the licensed premises.
- (b) *Basis.* An inspection shall be conducted in the manner best calculated to secure compliance with this Code. Inspections may be on any one or more of the following basis:
 - (1) When any inspecting city official has reasonable cause to believe that a violation of any city ordinance has occurred or is occurring.
 - (2) Periodically and at such times deemed reasonable and appropriate by the city.
- (c) *Administrative search warrant.* If any person shall deny access to a city official performing an inspection pursuant to this section, the city shall be entitled to the issuance of an administrative search warrant from a court of competent jurisdiction. The city attorney or county prosecutor shall prepare the warrant application, which shall include the name of the business; the address of the building to be inspected; the nature of the inspection; and the facts attesting that access to the premises has been denied in contravention to this section. Upon a finding by the court that the warrant application is in proper form and in accord with this section, an administrative search warrant shall be issued forthwith. In the event of an emergency, or where probable cause exists to believe that evidence of criminal activity is present within the licensed premises, no such warrant shall be required.

(Code 2004, § 6-34; Comp. Ords. 1987, § 21.669)

Sec. 6-35. - Conduct on the premises.

No licensee or agent, servant or employee of a licensee shall:

- (1) Either directly or indirectly sell, furnish or deliver any alcoholic liquor, beer or wine to any person unless such person shall have attained the age of 21 years; nor shall any licensee, either directly or indirectly by himself or by any agent, servant or employee, at any time, sell, furnish or deliver any alcoholic liquor to any person who is under the influence of alcoholic liquor.
- (2) Refuse, fail or neglect to cooperate with any law enforcement officer in the performance of such officer's duties.
- (3) Allow in or upon his licensed premises any improper conduct, disturbances, lewdness, indecent, profane or obscene language, songs, entertainment, literature, pictures or advertising materials; or cause to have printed or distributed any lewd, immoral, indecent or obscene literature, pictures or advertising materials.
- (4) Suffer or allow in or upon the licensed premises the annoying or molesting of patrons or employees by other patrons or employees.
- (5) Permit the licensed premises to be frequented by or become the meeting place, hangout or rendezvous for known prostitutes, vagrants or those who are known to engage in the use, sale or distribution of narcotics or any other illegal activity or business.
- (6) Allow upon the licensed premises slot machines, punch or pull cards, dice games, card games, or any gambling or gambling devices, machines or apparatus, or gambling or gaming of any kind whatsoever. The presence of any such device, machine or apparatus upon the premises of any licensed establishment shall be prima facie evidence of a violation of this subsection.
- (7) Serve to or permit any patron to consume an alcoholic liquor unless such patron is either seated or standing at a bar or seated at a table or counter; provided, however, that the sale and/or consumption of alcoholic liquor is permitted in hotels and motels in such areas as meeting rooms, patios, swimming pool areas and guests rooms.

The sale and/or consumption of alcoholic liquor in such area as a hallway, lobby, driveway or parking lot is expressly prohibited.

- (8) Permit the sale of alcoholic liquor upon any portion of the premises which shall have been leased, sold or the right to possession of which shall have been transferred to another person who is not licensed.

(Code 2004, § 6-35; Comp. Ords. 1987, § 21.665)

Sec. 6-36. - Menus.

Every licensee shall present, upon request, a plainly printed list or menu showing the various types and prices of alcoholic liquor which he offers for sale.

(Code 2004, § 6-36; Comp. Ords. 1987, § 21.666)

Sec. 6-37. - Persons under 21 years of age.

Any person under the age of 21 years purchasing or offering to purchase beer or wine, or any alcoholic liquor, who falsely represents himself to be over the age of 21 years, or who gives false information regarding his age to any police officer, licensee, agent, servant or employee in charge of any place where beer, wine and other alcoholic liquor is sold, or any other person who makes false representation in order to procure the sale or furnishing of beer, wine or other alcoholic liquor to a person under the age of 21 years shall be deemed guilty of a misdemeanor and subject to the penalties provided in section 1-7 of this Code.

(Code 2004, § 6-37; Comp. Ords. 1987, § 21.667)

State Law reference— Purchases, etc., of alcohol by underage persons, MCL 436.1703.

Secs. 6-38—6-60. - Reserved.

DIVISION 2. - LICENSES

State Law reference— Local license issuance and revocation recommendations, MCL 436.1501.

Sec. 6-61. - Applications; administrative review; determination; transferability; term; reservation.

- (a) *Applications.* Applications for licenses to sell alcoholic liquor for on-premises consumption shall be made in writing to the city clerk. The city clerk shall not accept applications if no licenses are presently available. The application shall be made in the manner and on such forms as may be required by the state liquor control commission and city clerk, and shall be signed by the applicant, if an individual, or by a duly authorized agent of the applicant, if the applicant is other than an individual, and verified by oath or affidavit. The application shall contain the following statements and information:

- (1) The name, age, address and e-mail address of the applicant in the case of an individual, or the name and address of the applicant in the case of a copartnership, plus the names and addresses of each partner; or the name and address of the applicant in the case of a corporation, plus the names and addresses of the officers and directors, and, if a majority interest in the stock of such corporation is owned by one person or his nominee, the name and address of such person, plus the name and address of all managers and assistant managers. The social security number and driver's license number shall be provided for each individual, partner, officer, director and stockholder listed.
- (2) In the case of an individual, the citizenship and place of birth of the applicant and, if a naturalized citizen, the date and place of his naturalization.

- (3) The length of time the applicant has been in a business of that nature, or, in the case of a corporation or other entity, the date of its incorporation or formation.
 - (4) The location and description of the premises or place of business which is to be operated under such license.
 - (5) A statement whether the applicant has made application for a similar or other license on a premises other than described in the application, and the disposition of such application.
 - (6) A statement that the applicant has never been convicted of a felony and is not disqualified to receive a license by reason of any matter or thing contained in this Code, or state or federal law.
 - (7) The application shall be accompanied by building and site plans showing the entire structure and premises and, in particular, the specific areas where the license is to be utilized. The plans shall demonstrate adequate off-street parking, lighting, refuse disposal facilities and, where appropriate, adequate plans for screening and noise control, as well as compliance with all other city ordinance and code requirements.
- (b) *Administrative review.* Upon receipt of the application, and if the type of license sought is available for issuance, the city clerk shall forthwith refer the application to the police chief, fire chief and necessary departments. The police chief, fire chief and necessary departments shall each cause a thorough investigation to be made of all of the persons and the premises identified in the application, and shall prepare and forward a report detailing the results of that investigation to the city clerk. In cases where the applicant's premises are not completely built, the applicant shall also file a complete set of plans and specifications as may be necessary to enable the building inspector and fire inspector to determine whether or not such premises, when completed, will meet all the requirements of this article. The city clerk shall assemble the completed reports and forward them to the city commission committee of the whole. The city commission committee of the whole shall review the application and reports, and shall forward them to the city commission with a recommendation or return the application to the city clerk for further investigation. Approval of the city commission shall require a majority vote.
- (c) *Determination.* Upon receipt of the administrative investigation reports, the city commission shall make its determination with respect to the license application. The city commission's determination shall be based upon satisfactory compliance with the provisions of this article as well as Liquor License policy established by resolution of the city commission from time to time.
- (d) *Transferability.* The approval given an applicant is not transferable without the prior consent of the city commission. Once approved, the applicant may not transfer the location of the establishment for which approval was given without the prior consent of the city commission.
- (e) *Term.* Approval of a license shall be for a period of one year, subject to annual renewal by the city commission upon continued compliance with the regulations of this article. Approval of a license shall be conditioned on commencement of any necessary remodeling or new construction for the use of the license within six months of the action of the city commission or state liquor control commission approving such license, whichever occurs last. Failure to complete such remodeling or construction within one year may subject the license to revocation.
- (f) *Reservation.* Nothing in this division shall be construed to require the city or city commission to issue or approve the issuance of a license that may be available. The decision of whether a license should be issued shall be determined in the sole discretion of the city commission.

(Code 2004, § 6-61; Comp. Ords. 1987, § 21.652; Ord. No. 2-12, § 1, 6-11-2012; Memo of 8-2-2012)

Sec. 6-62. - Reasons for denial.

A license application shall be denied:

- (1) For any person, partnership or corporation whose license under this division has been revoked for cause.
- (2) For a partnership, unless each partner would qualify to obtain a license.

- (3) For a corporation or other entity, if any officer, manager or director thereof, or a stock owner or stockholder owning, in the aggregate, more than five percent of the stock of such corporation would not be eligible to receive a license under this division for any reason.
- (4) For any person, partnership or corporation whose place of business is conducted by a manager or agent unless such manager or agent possesses the qualifications required of the licensee.
- (5) For a person who has been convicted in a court of law of a felony.
- (6) For any person, partnership or corporation who has been convicted or found responsible for three or more liquor license violations by any administrative tribunal, such as the state liquor control commission, at any one licensed establishment.
- (7) For a person who does not own or have an option to purchase the location for which a license is sought or does not have a lease therefor for the full period for which the license is issued.
- (8) For a location where there exists an uncorrected violation of the applicable construction, building, electrical, mechanical, plumbing or fire codes, applicable zoning regulations, applicable public health regulations or any violation of any ordinance or other applicable law, rule, regulation, order or directive.
- (9) For a location where it is determined by a majority vote of the city commission that the premises does not or will not reasonably soon after commencement of operations have adequate off-street parking, lighting, refuse disposal facilities, screening, or noise or nuisance control.
- (10) Where the city commission determines, by majority vote, that the proposed location is inappropriate considering the desirability of establishing a location in developed, commercial areas, in preference to isolated, undeveloped areas; the attitude of adjacent residents and property owners; traffic safety; accessibility to the site from abutting roads; capability of abutting roads to accommodate the commercial activity; distance from public or private schools for minors; proximity of an inconsistent zoning classification; and accessibility from primary roads or state highways.
- (11) For any person, partnership or corporation in default of any financial or contractual obligation to the city, including, but not limited to, the payment of any administrative fee, civil or criminal fine, real or personal property tax, special assessment or any city administered utility fee or the breach of any contract, pledge or similar binding commitment to which the city is a party.

(Code 2004, § 6-62; Comp. Ords. 1987, § 21.653; Ord. No. 2-14, § 2, 5-14-2014)

Sec. 6-63. - Classifications.

Licenses shall be classified as follows:

- (1) "Class A" license, which shall mean a hotel or motel licensed to sell beer and wine at retail for consumption on the premises.
- (2) "Class B" license, which shall mean a hotel or motel licensed to sell beer, wine and spirits at retail for consumption on the premises.
- (3) "Class C" license, which shall mean any place, other than a hotel or motel, licensed to sell beer, wine and spirits at retail for consumption on the premises.
- (4) "Microbrewery" license, which shall mean a micro brewer licensed to sell only beer that it produces, at retail for consumption on or off the licensed brewery premises.
- (5) "Small distiller" license, which means a small distiller licensed to sell only spirits it produces, at retail for consumption on or off the licensed small distiller premises.
- (6) "Small wine maker" license, which shall mean a small wine maker licensed to sell only wine it produces, at retail for consumption on or off the licensed small wine maker premises.

- (7) "Tavern" license, which shall mean any place, other than a hotel or motel, licensed to sell beer and wine at retail for consumption on the premises only.

(Code 2004, § 6-63; Comp. Ords. 1987, § 21.654; Ord. No. 8-08, § 2, 7-25-2008; Ord. No. 2-14, § 3, 5-14-2014)

Sec. 6-64. - Renewal and revocation.

- (a) Authority of city commission. The city commission may, by resolution, recommend to the state liquor control commission the nonrenewal or revocation of an existing license governed by this division upon its determination, based upon evidence presented at a public hearing, that the licensee has violated any standard or prohibition contained within this article.
- (b) Hearing notice; statement of findings.
- (1) Before filing an objection to a renewal or a request for revocation of a license with the state liquor control commission, the city commission shall hold a public hearing. The city clerk shall cause a notice of hearing to be sent to the license holder, by first class mail, mailed not less than ten days prior to the hearing, which notice shall contain, at a minimum, the following:
- a. A description of the proposed action.
 - b. The reasons for the proposed action.
 - c. The date, time and place of the hearing.
 - d. A statement that the licensee may present evidence and testimony.
- (2) Following the hearing, the city commission may file with the state liquor control commission a written statement of its findings and determination. The city commission shall cause a copy of any such statement to be sent to the license holder by first class mail.
- (c) Standards for recommendations. The city commission may recommend to the state liquor control commission that a license not be renewed or that a license be revoked upon its determination, based upon evidence presented at a public hearing, any one or more of the following has been engaged in or has been permitted to occur on the licensed premises:
- (1) A violation of any of the restrictions on licenses provided in this division.
 - (2) Maintenance of a public nuisance.
 - (3) The licensee has provided false, fraudulent or misleading information in an original license application or in an application for a license renewal.
 - (4) The licensee has permitted the consumption of spirits on the premises during a period in which the licensee is not licensed to sell or allow the consumption of spirits.
 - (5) The licensee has permitted dancing or live entertainment, open to the public, with or without an admission charge, without first obtaining a valid dance or entertainment permit.
 - (6) The licensee, or any agent or employee of the licensee, has, on any portion of the licensed premises, sold, given or delivered an alcoholic liquor to any person who has not attained the age of 21 years.
 - (7) The licensee, or any agent or employee of the licensee, has, on any portion of the licensed premises, sold, given or delivered alcoholic liquor to any person who is visibly intoxicated because of the consumption of alcoholic liquor or a controlled substance.
 - (8) Any disorderly conduct, or any conduct or activity which disturbs the peace, tranquility and good order of the surrounding neighborhood, within or upon any portion of the licensed premises, including that portion of the premises used for the parking of motor vehicles.
 - (9) Any incident of prostitution or solicitation for prostitution within or upon any portion of the licensed premises, including that portion of the premises used for the parking of motor vehicles.

- (10) Any incident of larceny or fraud involving the licensee, or any agent or employee of the licensee, within or upon any portion of the licensed premises, including that portion of the premises used for the parking of motor vehicles.
- (11) Any incident of gambling activity, including the placing of a gambling apparatus or gambling paraphernalia within or upon any portion of the licensed premises, including that portion of the premises used for the parking of motor vehicles. The presence of any such apparatus or paraphernalia upon the premises of any licensed establishment shall be prima facie evidence of a violation of this subsection.
- (12) Any unlawful possession or use of any substance regulated by the Michigan Controlled Substance Act within or upon any portion of the premises, including that portion of the premises used for the parking of motor vehicles.
- (13) The licensee has utilized interior lighting which is insufficient to enable a person with average vision to clearly see all persons within the premises.
- (14) Any violation of any other provision of this Code, or any violation of any statute or governmental code, regulation, standard or directive, or any violation of any order of any court, commission or tribunal having jurisdiction of the premises of the licensee.
- (15) Any nonpayment or repeated delinquent payment of any local personal property or real property tax or special assessment.
- (16) Any nonpayment or repeated delinquent payment of any civil or criminal fine, or any city administered utility bill or administrative service fee provided by or through the city.
- (17) Any failure by the licensee to obtain, or maintain as current, any license or permit required by the city or any unit of federal, state, county or city government.
- (18) Any failure by the licensee to keep in good repair or maintain any portion of the licensed premises, including that portion of the premises used for the parking of motor vehicles, in full compliance with any law or standard promulgated by the city or any unit of federal, state or county government.
- (19) Any failure by the licensee, or any of the licensee's agents or employees, to cooperate with any federal, state, county or city official acting in the lawful performance of his duty.
- (20) Any failure by the licensee, or the licensee's agent or employee, to cooperate with any law enforcement officer in the lawful performance of his duty.
- (21) Any breach by the licensee, or the licensee's agent or officer, of a contract to which the city is a party, or any partial breach of such a contract or similar obligation.

(Code 2004, § 6-64; Comp. Ords. 1987, § 21.670; Ord. No. 2-14, § 4, 5-14-2014)

Secs. 6-65—6-90. - Reserved.

DIVISION 3. - PHYSICAL REQUIREMENTS FOR PREMISES

Sec. 6-91. - Generally.

- (a) Every establishment dispensing alcoholic liquor shall be maintained in good safe repair. Any establishment which is structurally unsafe or is not provided with adequate ingress and egress or which constitutes a fire hazard or is otherwise dangerous to human life or constitutes a hazard to safety or health by reason of inadequate maintenance shall not be approved as a licensed establishment.
- (b) All licensees shall be governed by, and shall observe all regulations pertaining to, sanitation and health as promulgated by the city and/or the County.
- (c) A grocer/market shall provide a report of its sale of alcohol for consumption on the premises as well as the overall gross receipts for the prior calendar year on or before March 15 to the city commission. Such report shall be prepared

and certified as being accurate by the tax accountant for the licensee. The sales report information will be exempted from disclosure to the extent authorized by state law.

(Code 2004, § 6-91; Comp. Ords. 1987, §§ 21.657(A), 21.662(F)(1); Ord. No. 2-14, § 5, 5-14-2014)

Sec. 6-92. - Seating, food and operational matters.

- (a) All hotels and/or motels selling alcohol liquor for consumption on the premises under a "Class A" or "Class B" license must have 25 or more guest rooms and a restaurant with existing dining table seating for not less than 75 persons. If a counter or bar space is provided for dispensing and selling alcoholic liquor, such counter or bar space shall be limited in size so that it does not comprise more than 20 percent of the total seating availability of the entire dining room.
- (b) All establishments which are not a part of a hotel, motel, or conference center and which are licensed to sell alcoholic beverages for consumption on the premises must have a full menu restaurant with existing dining table seating for not less than 100 persons. If a counter or bar space is provided for dispensing and selling alcoholic beverages, such counter or bar space shall be limited in size so that it does not comprise more than 20 percent of the total seating availability of the entire dining room. This subsection does not apply to establishments selling beer for consumption on the premises under a microbrewery license, wine for consumption on the premises under a small winemaker license, spirits for consumption on the premises under a small distiller license, a grocer/market establishment selling beer and/or wine for consumption on the premises under a tavern license, or a movie theater complex selling alcoholic beverages for consumption on the premises under a tavern or other license, which establishments are regulated in accordance with subsections (c), (d), (e), (f) and (g) herein.
- (c) Any establishment selling beer for consumption on the premises under a "microbrewery" license shall have a restaurant on the premises as defined herein under section 6-31. If the microbrewery does not serve food it shall offer a limited menu or provide for delivery to and consumption of off-premise prepared food on-site. The total building capacity shall not exceed 99 seats unless in full compliance with the current Fire Code as adopted by the City Commission and there shall be not less than one seat for every 15 square feet of usable floor area and not less than one table for every four seats. When the microbrewer exceeds 99 seats it must meet the restaurant requirements set forth in subsection (b). If a counter or bar space is provided for dispensing and selling alcoholic liquor, such counter or bar space shall be limited in size so that it does not comprise more than 20 percent of the total seating availability.
- (d) Any establishment selling wine for consumption on the premises under a "small wine maker" license shall have a restaurant on the premises as defined herein under section 6-31. If the small wine maker does not serve food it shall offer a limited menu or provide for delivery to and consumption of off-premise prepared food on-site. The total building capacity shall not exceed 99 seats unless in full compliance with the current Fire Code as adopted by the City Commission and there shall be not less than one seat for every 15 square feet of usable floor area and not less than one table for every four seats. When the small wine maker exceeds 99 seats it must meet the restaurant requirements as set forth in subsection (b). If a counter or bar space is provided for dispensing and selling alcoholic liquor, such counter or bar space shall be limited in size so that it does not comprise more than 20 percent of the total seating availability.
- (e) Any grocer/market establishment selling beer or wine for consumption on the premises under a "tavern" license must have a full menu or limited menu restaurant. If the grocer/market has a full menu restaurant on the premises, the grocer/market shall be subject to the restrictions set forth in subsection (b). If the grocer/market has a limited menu restaurant on the premises the total alcoholic service area shall not exceed 99 seats. If a counter or bar space is provided for dispensing and selling alcoholic liquor, such counter or bar space shall be limited in size so that it does not comprise more than five percent of the total seating availability of the alcoholic service area. Hours of alcohol service shall be only during grocer-market hours.
- (f) Any distiller establishment selling spirits for consumption on the premises under a "small distiller" license shall have a restaurant on the premises as defined herein under section 6-31. If the small distiller does not serve food it shall offer a limited menu or provide for delivery to and consumption of off-premise prepared food on-site. The total building capacity shall not exceed 99 seats unless in full compliance with the current Fire Code as adopted by the City Commission and there shall be not less than one seat for every 15 square feet of usable floor area and not less than

one table for every four seats. When the small distiller exceeds 99 seats it must meet the restaurant requirements as set forth in subsection (b). If a counter or bar space is provided for dispensing and selling alcoholic liquor, such counter or bar space shall be limited in size so that it does not comprise more than 20 percent of the total seating availability.

- (g) Any movie theater complex selling alcoholic beverages for consumption on the premises under a tavern or other license must have a full menu or limited menu restaurant. If the movie theater complex has a full menu restaurant on the premises it shall be subject to the restrictions set forth in subsection (b). If the movie theater complex has a limited menu restaurant on the premises no tables or table service is required. The licensee must utilize distinct and identifiable cups or other containers to distinguish between non-alcoholic and alcoholic beverages. The sale of alcoholic beverages for consumption on the premises may not comprise more than ten percent of the movie theater complex's gross sales.
- (h) Any person violating the provisions of this section shall be guilty of a misdemeanor, punishable by up to 90 days in jail and/or a fine up to \$500.00.
- (i) All businesses with a liquor license for microbrewery, small wine maker, small distiller, class B, C or tavern are required to provide updated information regarding their business in terms of food service provisions, seating and operating hours to the City Clerk's office on request or annually on January of each year. Failure to submit such a report is a violation under subsection (h).

(Code 2004, § 6-92; Comp. Ords. 1987, § 21.655; Ord. No. 8-08, § 3, 7-25-2008; Ord. No. 2-14, § 6, 5-14-2014; Ord. No. 3-16, § 2, 5-17-2016; Ord. No. 9-17, § 1, 9-5-2017)

Sec. 6-93. - Illumination.

The minimum intensity of illumination prevailing in all parts of licensed establishments providing alcoholic liquor for consumption on the premises, at tabletop level, shall be one footcandle.

(Code 2004, § 6-93; Comp. Ords. 1987, § 61.660(D))