

ORDINANCE NO. 1990 - 1

RETAIL ALCOHOL SALES PROHIBITION ORDINANCE

An Ordinance to prohibit the retail sale of alcoholic beverages within the Township; to submit such prohibition to the electors of the Township; to prescribe penalties for the violation of this Ordinance; and to eliminate any conflicts with other ordinances and regulations.

THE TOWNSHIP OF OVERISEL, COUNTY OF ALLEGAN, AND STATE OF MICHIGAN, ORDAINS:

**Section 1. Preliminary Finding.** That 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 Overisel. Township.

**Section 2. Prohibition of Retail Sale of Alcoholic Beverages.** That, pursuant to Section 57a of Act No. 8 of the Michigan Public Acts of the Extra Session of 1933, as amended, the retail sale of alcoholic beverages, including the retail sale of alcoholic beverages for consumption on the premises, within the Township of Overisel is hereby prohibited.

**Section 3. Submission to Electors.** That this Ordinance shall be submitted to the electors of the Township of Overisel 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.** That 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:

Should Ordinance No. 1990-1 which prohibits the retail sale of alcoholic beverages, for consumption on and off the premises, in the Township of Overisel be revoked?

Yes 359

No 42

**Section 5. Violation.** That any person who shall violate any provision of this Ordinance shall be guilty of a misdemeanor punishable by up to ninety (90) days in jail, or a fine of up to five hundred (\$500.00) dollars plus costs of prosecution, or by both such imprisonment and fine and costs, in the discretion of the court. In addition thereto, any violation shall be considered a nuisance per se subject to the injunctive powers of a court of competent jurisdiction.

**Section 6. Severability.** That this Ordinance and the various parts, sections, sentences, phrases, and clauses thereof are hereby declared to be severable. If any part, section, sentence, phrase, or clause is adjudged unconstitutional or invalid, it is hereby provided that the remainder of this Ordinance shall not be affected thereby.

**Section 7. Repeal.** That all resolutions, ordinances, orders or parts thereof in conflict in whole or in part with any of the provisions of this Ordinance are, to the extent of such conflict, hereby repealed.

**Section 8. Administrative Liability.** That no officer, agent, employee or member of the Township Board shall render himself or herself 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 his or her duties and responsibilities pursuant to this Ordinance.

**Section 9. Effective Date.** That this Ordinance was approved and adopted by the Township Board of Overisel Township, Allegan County, Michigan, on April 10, 1990. This Ordinance shall be effective thirty (30) days after its publication, which shall be carried out as provided by law.

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Township Supervisor

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Township Clerk