

## **City of Battle Creek**

### **Social District and Commons Area Local Management and Maintenance plan**

#### **Overview**

Pursuant to MCL 436.1551, the City of Battle Creek has designated a Social District ("District") within the city's downtown (see Appendix A). The District now includes one expanded Commons Area. Qualified licensees whose licensed premises are contiguous to the designated Commons Area within the District, and that have been approved for and issued a Social District Permit by the Michigan Liquor Control Commission ("MLCC"), may sell alcoholic liquor (beer, wine, mixed spirit drink, spirits, or mixed drinks) on their licensed premises to customers who may then consume the alcoholic liquor within the Commons Area of the Social District. A designated Commons Area specifically excludes the licensed premises for any of the licensees that hold a Social District Permit.

The term Commons Area is defined by MCL 436.1551(8)(a) as follows:

"Commons area" means an area within a social district clearly designated and clearly marked by the governing body of the local governmental unit that is shared by and contiguous to the premises of at least 2 other qualified licensees. A Commons area does not include the licensed premises of any qualified licensee.

The term qualified licensee is defined by MCL 436.1551(8)(c) as follows:

"Qualified licensee" means any of the following:

- A retailer that holds a license, other than a special license, to sell alcoholic liquor for consumption on the licensed premises. (This includes the following license types: Class C, Tavern, A-Hotel, B-Hotel, Club, G-1, G-2, Brewpub.)
- A manufacturer with an on-premises tasting room permit issued under section 536.
- A manufacturer that holds an off-premises tasting room license issued under section 536.
- A manufacturer that holds a joint off-premises tasting room license issued under section 536.

Before applying to the MLCC for a Social District Permit, a Qualified licensee must first obtain approval from the governing body of the City of Battle Creek. Qualified licensees are required to submit a permit application to the City Clerk for processing. There is no application fee.

#### **Commons Area Specifications**

Clearly visible signage will delineate the perimeter of the Commons Area. Other items to delineate boundaries may include decorative items such as planter boxes or concrete barriers. Signage reading "No Alcoholic Beverage Allowed Beyond this point" will be posted at conspicuous locations including key intersections and other points of ingress and egress to the Commons Area.

Commons Areas will be configured so that they do not interfere with any public service facility, such as but not limited to, an accessible curb, drive lanes, fire hydrants, bike racks, mailboxes or benches located on a sidewalk. The Commons areas will not adversely affect adjacent or nearby residential, religious, educational or commercial properties, and will be operated in conformance with all applicable codes and ordinances. As needed and where practical within areas of the Commons Area configured for seating, structures or enclosures that accommodate the storage of accumulated garbage will be

temporarily relocated at least 20 feet from any seating. All electrical wiring and fixtures will be installed and remain in conformance with appropriate codes.

Furnishings within a Commons Area may consist of readily removable awnings, covers, railings, tables, chairs, planters containing plants and related accessories. Furnishings may not be attached, even in a temporary manner, to the sidewalk, pavement or other public property, except that covers and railings may be secured by means of flush mounted anchors in a manner approved by the City.

Tables, chairs, umbrellas and any other objects provided with the Commons Area will be of quality design, materials and workmanship both to insure the public safety and convenience of users and to enhance the visual and aesthetic quality of the urban environment. While temporary, all such items will be adequately secured to prevent injury to persons or property during inclement weather.

### **Maintenance**

City personnel, working with the City's parking system administrator and downtown maintenance crews, and Social District permit holders, will be responsible for the maintenance and upkeep of the Commons Area. Social District permit holders will aid the City with maintenance within the Commons Area including by emptying refuse containers in refuse bins identified by the City. Commons Areas will be regularly monitored (multiple times daily) for cleanliness and kept free from any substance that may cause damage to the sidewalk, parking lot, or cause pedestrian injury. Social District permit holders and their employees will be responsible for supervising the Commons Area specific to their Social District Permit to ensure compliance with the terms of their Social District permit.

Permit holders will also share responsibility with the City for the maintenance and upkeep of all planters and plant materials included as part of a Common Area.

### **Hours of Operation**

Commons Areas hours of operation will be from 10:00am until 2:00am daily.

### **Alcohol Sales**

All alcoholic beverages consumed within a Commons Area may only be prepared and distributed in compliance with the requirements of a Social District Permit and MLCC rules. Only Qualified licensees with a Social District Permit may provide alcohol for consumption within a Commons Area. A licensee that has been issued a Social District permit from the MLCC must make every effort to ensure that it does not sell alcoholic liquor to a minor or an intoxicated person.

Any alcoholic liquor sold to customers for consumption in the Commons Area by a licensee with a Social District Permit from the MLCC must comply with all of the following:

- The serving container must prominently display the licensee's trade name or logo or some other mark that is unique to the licensee that sold the alcohol.
- The serving container must prominently display a logo or some other mark that is unique to the State Street Commons Area.
- The serving container may not be made of glass.
- The serving container may not have a liquid capacity over 16 ounces.

A customer that purchases alcoholic liquor for consumption in a Commons Area must not transport that alcoholic liquor onto the licensed premises of another licensee contiguous to the Commons Area from which the customer did not purchase the alcoholic liquor.

A licensee shall not allow alcoholic liquor purchased from another licensee onto its licensed premises.

A customer that purchases alcoholic liquor for consumption in a Commons Area must not transport that alcoholic liquor outside of the Commons Area.

The drinking of alcoholic beverages within a Commons Area by a member of the public while a patron within a Commons Area during the legal hours for the sale of alcoholic liquor by the social district permittee, but in any event not during the hours between 2 am and 10 am, will not be construed as a violation of any ordinance controlling open containers in a public area.

#### **Administration**

On premises licensees with a Social District Permit are required to have the permit prominently displayed to the public and must provide the City with evidence of general liability insurance in the amount two million dollars (\$2,000,000) naming the City as an additional insured.

The City maintains the right to revoke the designation of a Social District and associated Commons Area(s) if it determines that the commons area threatens the health, safety, or welfare of the public or has become a public nuisance. Before revoking the designation, the city will hold at least one public hearing on the proposed revocation. The governing body shall give notice as required under the open meetings act of the time and place of the public hearing before the public hearing takes place.