

**POLICY FOR SALE/CONSUMPTION OF  
ALCOHOL ON PUBLIC PROPERTY**

**Purpose:**

The City of Holland hereby adopts the following policy, in conjunction with Section 22-9 of the Ordinance Code of the City of Holland, to provide for the sale and consumption of alcohol on public property. The purpose of this policy is to define the manner in which permits for the sale and consumption of alcohol on public property will be issued, the requirements for such permits, and the rules and regulations governing such activities. The applicant must comply with all other City policies regarding the use of public property.

**Procedures:**

- I. Any request for the use of a public facility, whether or not it involves the sale and consumption of alcohol, must be made to the appropriate City department responsible for the administration of that facility.
- II. In addition to the submittal of an application for the use of a public facility, sponsors of any event at which it is proposed that alcohol be sold and consumed must also submit an application to the City Clerk's Office for the permit to possess and consume alcohol (except for private events on Windmill Island, for which an application shall be submitted to the Windmill Island Manager).
- III. Applications for both the use of the facility and the permit for the sale and consumption of alcohol should be submitted no later than sixty (60) days in advance of the proposed event.
- IV. The application fee will be established by resolution of the City Council and may be adjusted periodically. The fee must be paid when the application is submitted.
- V. Applications will be approved or denied by the City Manager after input from City departments, based on Section 22-9 (d) of the Ordinance Code. The City Manager may deny the requested permit if, based on information acquired by or submitted to the City Manager, the issuance of the permit is contrary to the public health, welfare and safety. An applicant may appeal the City Manager's decision to not issue a permit to the City Council by filing with the City Clerk a written request for a hearing before the Council.
- VI. Violations of Michigan Liquor Control Commission requirements and/or City of Holland Ordinance and Policy requirements will be grounds for the denial of future permits.

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**General Requirements:**

1. Insurance – The permit holder shall provide a Certificate of Liquor and General Liability Insurance which names the City, its officers and agents, as additional insureds, and provides for at least 15 days notice of cancellation. The minimum insurance coverage limits will be \$1 million per occurrence and \$2 million aggregate. All parties involved in conducting the event shall also be named as additional insureds.
  
2. Permits – the following types of permit may be available for the sale and consumption of alcohol on public property:
  - a. Special Event Permit – only charitable and/or non-profit organizations will be allowed to receive such a permit, in conjunction with a specified event to be held on public property as designated in the Ordinance and a Special One-Day Liquor License issued by the Michigan Liquor Control Commission. The permit will be only for sale and consumption of beer and wine.
  
  - b. Annual Permit – to be issued to a restaurant operated on property owned by the City at Windmill Island or the Tulip City Airport; and to the Holland Historical Trust for private events (i.e., an event whose attendance is restricted to those who have been invited by the sponsor, and where there is no fee or consideration paid, either directly or indirectly for alcoholic beverages) to be held at the Holland Museum and Cappon House. Only beer and wine will be permitted at private events at those properties managed by the Holland Historical Trust.
  
  - c. Windmill Island – to be issued by the Windmill Island Manager for a private event (i.e., an event whose attendance is restricted to those who have been invited by the sponsor, and where there is no fee or consideration paid, either directly or indirectly for alcoholic beverages). Only beer and wine will be permitted.
  
  - d. Sidewalk Café Permit – to be issued to a restaurant authorized to operate as a sidewalk café under Chapter 32 of the Ordinance Code and has a license issued by the Michigan Liquor Control Commission for outdoor service.
  
3. Frequency – the City Manager will consider a maximum, in total, of twenty-four (24) special event permits per year for licensing under this policy. Further, only one organization per event will be eligible to receive a permit for the sale and consumption of alcohol on public property. Typically, this will be limited to the primary organization sponsoring the event, or a charitable, non-profit organization selected by the primary sponsor of the event. A “special event” is described as an activity or series of activities, specific to an identifiable time and place, most often produced in conjunction with community organizations and generally occurring once a year. (For example, the entire Tulip Time Festival is considered to be one “special event”.) Permits issued for private events held on Windmill Island, permits issued to the Holland Historical Trust for private events, and permits issued to restaurants or sidewalk cafes shall not be counted for purposes of this limitation.

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4. Permit Fees – the following fees shall be in effect for a permit for the sale and consumption of alcohol on public property:
    - Special Event Permit (charitable, non-profit organization)..... 100
    - Annual Fee for Holland Historic Trust properties..... 100
    - Annual Fee for Restaurants.....300
    - Sidewalk Café Serving Alcohol..... 100
  
  5. Posting – the permit to allow for the sale and consumption of alcohol on public property must be posted in a conspicuous location at all times during the event.
  
  6. The permit holder must meet with Holland Police Department staff to review all rules, regulations and stipulations associated with the permit. The permit holder is required to be on site for the entire event, and to provide contact information to the Holland Police Department.

**SPECIAL EVENT PERMIT REQUIREMENTS:**

7. Security – The sponsor shall, at its expense, provide adequate security to control crowds, ensure that there is no underage drinking, and ensure that all provisions of the permit are met. Such requirements will be provided by the City of Holland Police Department and may include the hiring of private security forces and/or the retention of City of Holland Police Department personnel for the event. Criteria established by the Chief of Police are non-negotiable and must be accepted and followed.
  
8. Facility and Layout Requirements – All events that offer sale and consumption of alcohol shall take place in an enclosed area, and shall comply with the following:
  - (a) A single entrance to the event shall be staffed at all times;
  - (b) The event enclosure shall comply with all local and state fire safety regulations;
  - (c) The entire event enclosure must be approved as a part of the issuance of the permit. Typically, this will require the area to be fenced off with at least two barriers spaced 4' apart to prevent unauthorized entry or contact with individuals outside the event. The Police Chief and/or the Fire Chief will have the discretion to approve alternate enclosure plans upon submittal of the appropriate documentation.
  - (d) A system of checking I.D's to prevent underage drinking must be provided and followed.
  - (e) Adequate restroom facilities must be provided.
  - (f) The applicant responsible for all cleanup and for providing a dumpster for all waste disposal.
  - (g) Erection of a tent must be approved by the City. Digging or staking on grounds for the erection of a tent will not be allowed in paved or snowmelted areas; however, where staking is approved, it must be cleared through Miss Dig. The sponsor of the event is responsible for contacting Miss Dig, and a minimum of 5 working day notice is required. The sponsor is responsible for paying for any damage of underground utilities created by digging or staking. A drawing of the proposal for the erection of the tent must be submitted with the application, and a

building permit may be required. The sponsor is responsible for any and all additional permits.

- (h) The City may require a deposit for any anticipated expenses to be incurred by the City, including, but not limited to, use of Police Department personnel, use of City equipment, cleanup, and restoration expenses. The deposit will be determined by the City Manager after consultation with the appropriate City departments.

9. Sales – The sale of alcohol shall comply with the following restrictions:

- (a) Only beer and wine will be permitted.
- (b) No direct sale of beer and wine shall be permitted.
- (c) Purchase of beer and wine shall be made by tickets only.
- (d) Ticket sales for the purchase of beer and wine shall be made in a separate and apart area from where alcohol is being dispensed.
- (e) All events shall conclude no later than 12 midnight; however, the specific hours of the event will be approved as part of the permit.
- (f) Ticket sales shall be discontinued at least one hour prior to the conclusion of the event.
- (g) There shall be no dispensing of beer and wine any later than thirty minutes prior to the conclusion of the event.
- (h) No beer or wine will be dispensed to persons who are visibly intoxicated.
- (i) All volunteers or staff serving beer and wine, (selling tickets, or monitoring entrance to event) shall undergo T.I.P.S. training (or other acceptable alcohol awareness training as approved) prior to event.

10. Additional City Approvals – The City Manager will consult with and receive approval from City departments as deemed appropriate; including, but not limited to, the Police Department, Fire Department, Department of Environmental Health & Inspections, and Department of Leisure and Cultural Services.

11. Other Approvals – The sponsor of an event where alcohol will be sold or consumed must apply to the Michigan Liquor Control Commission (LCC) for a Special One-Day License. It is understood that the LCC will require the applicant to provide proof that the City of Holland has approved the permit for the sale and consumption of alcohol on public property as a condition of issuing the Special On-Day License. The City of Holland will provide this information upon approval of the permit by the City Manager. However, IN NO CASE WILL THE PERMIT BE ISSUED BY THE CITY OF HOLLAND UNTIL THE APPLICANT PROVIDES PROOF OF ISSUANCE OF THE LICENSE BY THE LIQUOR CONTROL COMMISSION AND PROOF OF REQUIRED INSURANCE.

12. Terms and Conditions - The permit issued by the City of Holland will contain the terms and conditions under which the permit is being issued and are deemed necessary by the City. The applicant will be required to sign the permit, thereby agreeing to all terms and conditions.

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**ANNUAL PERMITS:**

**13. Holland Historical Trust – Private Events**

- (a) The Holland Historical Trust shall file an application annually, sixty (60) days in advance of the May 1<sup>st</sup> licensing date, for issuance of an annual permit to be effective from May 1 to the following April 30. The permit shall indicate the specific properties to be included, and the anticipated types of private events to be held at those properties. A Certificate of Insurance as required under this policy must be submitted with the application, in accordance with the limits specified in this policy.
- (b) The Holland Historical Trust shall develop a rental form for all private events at which alcohol may be served. The City of Holland shall approve this rental form. The form must be utilized at any private event to be held at the Holland Museum or Cappon House where the Holland Historical Trust is not the sponsor of the event.
- (c) The rental form shall contain specific requirements with regard to the insurance to be provided by the lessee (a Certificate of Insurance with General Liability and Liquor Liability limits, naming the Trust and the City of Holland as additional insureds, with the limits as specified in this policy). If the function is being catered, the caterer should provide the certificate. If the facility is being leased to a private person, they would have to show evidence of “Host Liquor Liability” on the homeowner’s policy, or purchase a Liquor Liability policy, with the limits as specified in this policy.
- (d) Only beer and wine will be permitted.
- (e) The Holland Historical Trust is responsible for ensuring that the lessee complies with all liquor licensing requirements.
- (f) The Holland Historical Trust may also be the sponsor of a private event. In this instance, the Trust will be directly responsible for complying with all requirements of the ordinance and this policy.

**14. Restaurants on Windmill Island and/or Tulip City Airport** – Any restaurant to be established on either Windmill Island or Tulip City Airport will be required to enter into a lease agreement for the use of the property. Conditions for obtaining a permit to serve alcohol will be established as a part of that lease agreement, and will include requirements for insurance, indemnification, and any other restrictions deemed necessary by the City.

**WINDMILL ISLAND:**

**15. Windmill Island – Private Events**

- (a) The City of Holland shall develop a rental form for all private events at which alcohol may be served. The form must be utilized at any private event to be held at Windmill Island. Application will be made to the Windmill Island Manager.
- (b) The rental form shall contain specific requirements with regard to the insurance to be provided by the lessee (a Certificate of Insurance with General Liability and Liquor Liability limits, naming the Trust and the City of Holland as additional insureds, with the limits as specified in this policy). If the function is being

catered, the caterer should provide the certificate. If the facility is being leased to a private person, they would have to show evidence of “Host Liquor Liability” on the homeowner’s policy, or purchase a Liquor Liability policy, with the limits as specified in this policy.

- (c) Only beer and wine will be permitted.
- (d) The City Manager may delegate to the Windmill Island Manager the authority to approve and issue permits and to deny permits under this section for private events to be held on Windmill Island.
- (e) The Windmill Island Manager is responsible for ensuring that the lessee complies with all requirements of the City of Holland and all liquor licensing requirements.

**SIDEWALK CAFES SERVING ALCOHOL:**

16. Sidewalk Café Permit Required - A restaurant desiring to place tables, chairs, or other appurtenances related to and used for the sale of food and drink on a sidewalk of the city in front of a building containing a restaurant business must obtain a sidewalk café permit in accordance with Chapter 32, Article V, of the Ordinance Code of the City of Holland. All requirements of the Ordinance must be met at all times.

17. State Outdoor Service Permit Required - If the restaurant holding a sidewalk café permit also has an on-premise liquor license from the Michigan Liquor Control Commission, said restaurant may apply for an outdoor service permit and be eligible to serve alcohol (as allowed by the on-premise liquor license) at the tables covered by the sidewalk café permit.

18. City Permit Required – In addition to the sidewalk café permit and the State outdoor service permit, the licensee shall be required to obtain a permit from the City of Holland to serve alcohol at outdoor tables covered under the sidewalk café permit.

- (a) The application shall be filed sixty (60) days in advance of the desired starting date. The permit will be valid for the same period of time as the sidewalk cafe permit.
- (b) The permit will establish requirements including, but not limited to the following: hours that alcohol may be served, layout and manner in which the service area will be designated and separated from the public, maintenance of required pedestrian walkway, insurance, indemnification, and any other restrictions deemed necessary by the City. The applicant must sign the permit and accept the terms and conditions prior to issuance of the permit.
- (c) The applicant must provide the required proof of insurance prior to the issuance of the permit.