

ORDINANCE NO. 1074

AN ORDINANCE AMENDING THE VILLAGE OF MACKINAW MUNICIPAL CODE
SAID MUNICIPAL CODE BEING ORDINANCE NO. 513 OF THE VILLAGE OF
MACKINAW TO PROVIDE AMENDMENTS RELATING TO ALCOHOLIC BEVERAGE
AND LIQUOR CONTROL

BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE
OF MACKINAW:

SECTION 1: Chapter 111 of the Village Code of the Village of Mackinaw is hereby
amended by adding and deleting wordage (additions shown in underlined font and deletions
shown in ~~striketrough font~~):

CHAPTER 113: ALCOHOLIC BEVERAGE AND LIQUOR CONTROL

SECTION 2: §113.230 of the Village Code of the Village of Mackinaw is hereby
amended:

113.230 Employees

- A. It shall be unlawful to employ in any premises used for the retail sale of alcoholic liquor any person who is afflicted with, or who is a carrier of, any infectious or communicable disease, contained in the list of infectious and communicable diseases published annually by the U.S. Secretary of Health and Human Services, in a capacity in which such person may transmit the infectious or communicable disease through the handling, preparation or distribution of food or alcoholic liquor; and it shall be unlawful for any person who is afflicted with, or a carrier of, any such disease to work in a capacity where the disease may be transmitted through the handling, preparation or distribution of food or liquor.
- B. ~~Except as provided in division (C) of this section, it shall be unlawful to permit any person under the age of 21 to serve, mix, dispense or sell alcoholic liquor or to be otherwise involved in the handling of such alcoholic liquor.~~ Holders of a Class A retail liquor dealer's license may employ 18-year-old person to serve alcoholic liquor or take payment for alcoholic liquor. It shall be unlawful to permit any person under the age of 21 to mix or dispense alcoholic liquor.
- C. Holders of a Class B retail liquor dealer's license may employ 20-year-old persons to sell packaged alcoholic liquor to patrons if all of the following conditions are met:
 - 1. The primary duties of the 20-year-old person are cash registers duties;
 - 2. The sale of alcoholic liquor is incidental to the sale of fuel, food, or other retail items to patrons;
 - 3. The licensed premises is, at all times, under the control of either the licensee or an adult agent or employee of the licensee. To be in control of the premises, an adult possessing those responsibilities and duties normally associated with a manager must be present on the premises.
- D. Nothing in this section shall be interpreted as allowing any licensee issued a Class F retail liquor dealer's license, or any officer, associate, member, representative, agent or employee of such licensee to serve alcoholic liquor other than beer or wine within the licensed premises.

E. Restrictions on servers.


1. Prohibition. It shall be unlawful for a licensee or an agent or employee of the licensee to serve or supervise the service of alcoholic beverages in a licensed premises while under the influence of alcohol, a controlled substance, a synthetic alternative drug or any combination of alcohol, a controlled substance and/or synthetic alternative drug. Under the influence means not only all the well-known and easily recognized conditions and degrees of intoxication, but any abnormal mental or physical condition which is the result of indulging to any degree in alcohol beverages, controlled substance, or synthetic alternative drug and which tends to deprive a person of the clearness of intellect and control of himself which he would otherwise possess.
2. Presumption. A test of the person's breath, blood, or urine, including a preliminary breath test, that shows the person has an alcohol concentration of 0.04 or more is prima facie evidence that he is under the influence. Blood tests indicating impairment by controlled substance or synthetic alternative drug is also evidence that he is under the influence. Law enforcement officials shall be allowed to ask for a preliminary breath test upon reasonable suspicion. Refusal to submit to a requested test may be considered by the Local Liquor Commission as grounds for fines, suspension, revocation, non-issuance, or non-renewal of the licensees' liquor license.
3. Effect of violation on premises. If the principal business of the licensed premises is the sale of alcohol beverages, law enforcement officials will order it closed until such time as another licensed server of the licensee who is not in violation of this section shall take charge of such premises. It shall be a violation of this division for any licensed premises to be open contrary to such order of law enforcement officials. (Ord. 863, passed 9-24-12; Am. Ord. 871, passed 1-13-14; Am. Ord. 976, passed 12-10-18) Penalty, see § 10.99

PASSED in due form on a roll call vote by the Board of Trustees of the Village of Mackinaw at a duly held meeting on the 14th day of April, 2025.

APPROVED: 

President of the Board of Trustees of
The Village of Mackinaw

ATTEST:


Village Clerk

AYES:

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NAYS:

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ABSENT:

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