

# Charter Township of Commerce

## Application for New Liquor License Or for Transfer of License

Code No. 1.000 Chapter 6

**Instructions:** This application must be completed and returned to the Charter Township of Commerce with a \$1,200.00 non-refundable fee before you can be considered for a license. All answers must be typed or printed. The form must be signed by the applicant.

**1. APPLICANT IDENTIFICATION – ALL APPLICANTS** (Each partner must complete a separate form)

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Applicant (name of individual, partnership or corporation)

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Home street address

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City, State, Zip Code

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Business Phone No.

Home Phone No.

**2. NATURE OF APPLICATION** – (Check all boxes that apply)

- New License
- Resort
- Tavern
- Class C
- Transfer Ownership
- Transfer Location

- All new licenses only – send two photographs of building, one of the interior and one of the exterior.

**3. LOCATION DETAILS**

- a. Please provide legal description of premises.
- b. What zoning classification is property located on?

c. Is a new building proposed or will an existing structure be utilized?

**4. NAMES OF CURRENT LICENSES.**

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**5. CURRENT LICENSED ADDRESS**

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Street Address

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City, State, Zip Code

**6. PROPOSED LICENSED ADDRESS**

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Street Address

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City, State, Zip Code

**7. BRIEFLY DESCRIBE THE OPERATION OF THIS BUSINESS, FOR INSTANCE RESTURANT, BAR, LOUNGE ETC.**

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**8. THIS PROPOSED LICENSED BUSINESS WILL BE OWNED BY:** (Check appropriate box)

- Me as the individual owner
- Named Corporation
- The following partners (put and (L) before the names of limited partners)

Name of Partners

Home Address

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**9. PERSONAL INFORMATION – INDIVIDUAL APPLICANTS AND PARTNERSHIP MEMBERS ONLY**

Sex \_\_\_\_\_ Height \_\_\_\_\_ Weight \_\_\_\_\_ Hair Color \_\_\_\_\_  
Eye Color \_\_\_\_\_ DOB \_\_\_\_\_ Place of Birth \_\_\_\_\_ SS# \_\_\_\_\_

If you are not U.S. Citizens – are you a registered alien? \_\_\_\_\_ Yes \_\_\_\_\_ No  
 Or Do you have a VISA? \_\_\_\_\_ Yes \_\_\_\_\_ No

Full name of spouse: \_\_\_\_\_

Have you ever legally changed your name? \_\_\_\_\_ No \_\_\_\_\_ Yes  
 If yes, from \_\_\_\_\_ to \_\_\_\_\_

Have you ever been known by any other names? \_\_\_\_\_ No \_\_\_\_\_ Yes  
 If yes, given names \_\_\_\_\_

List all convictions; excluding only minor traffic offenses (include alcohol related convictions):

DATE	PLACE	CHARGE	DISPOSITION
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

List your former occupations for the past 3 years:

From	To	Occupation	Name and Address of Employer
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

I or my spouse previously held, or now hold interest in the following licenses for sale of alcoholic beverages as sole licensee, partner or stockholder:

Name of Licensee	Type of License	Location	Date
_____	_____	_____	_____
_____	_____	_____	_____

**10. LIMITED PARTNERSHIP** – Is the limited partnership authorized to do business under the laws of Michigan?

No  Yes Date authorized \_\_\_\_\_

**11. CORPORATION APPLICATIONS ONLY (STOCKHOLDERS MUST COMPLETE SPECIAL QUESTIONNAIRE)**

Note: Attach copy of latest filed or proposed Articles of Incorporation and last Annual Report filed. Attach copy of stockholder certification form if this is a private corporation.

Corporate Name: \_\_\_\_\_ Incorporation Date \_\_\_\_\_

Incorporation in what state: \_\_\_\_\_ Michigan Incorporation Date \_\_\_\_\_

Resident Agent: \_\_\_\_\_  
Name Address Phone

\_\_\_\_\_ Profit or \_\_\_\_\_ Non-Profit Corporation?

\_\_\_\_\_ Public or \_\_\_\_\_ Private Corporation?

Date last annual report filed with Michigan Corporation & Securities Bureau: \_\_\_\_\_

Corporate Officers:

Name Address Phone

President: \_\_\_\_\_

Vice President: \_\_\_\_\_

Secretary: \_\_\_\_\_

Treasurer: \_\_\_\_\_

Resident Agent: \_\_\_\_\_

Number of Shares authorized: Common \_\_\_\_\_ Preferred \_\_\_\_\_

Number of Shares issued: Common \_\_\_\_\_ Preferred \_\_\_\_\_

**12. FINANCIAL DETAILS – ALL APPLICANTS**

A. Banks with which you do business:

\_\_\_\_\_  
Name Address Type of Account

\_\_\_\_\_  
Name Address Type of Account

B. Source of funds used to establish business, or which will be used to purchase this business.

Money lenders to fill out special form.

\_\_\_\_\_  
Bank or money lender address amount

\_\_\_\_\_  
Bank or money lender address amount

\_\_\_\_\_  
Bank or money lender address amount

C. Attorney or representative:

\_\_\_\_\_  
Name Address Phone No.

D. Realtor / Broker:

Name	Address	Phone No.

E. Accountant or bookkeeper:

Name	Address	Phone No.

F. Real Estate is owned by:

Name	Address	Phone No.

Name	Address	Phone No.

**13. TRANSACTION DETAILS – ALL APPLICANTS**

Note: Any balance owned on the business selling price must be secured by a non-title retaining instrument such as a promissory note, security agreement, etc.

Land contracts are not acceptable as security for any unpaid balance to be owed on the business portion of the sale.

Business, fixtures and equipment cannot be listed on land contracts or real estate mortgages.

All alcoholic beverage inventories must be paid for in cash at time of transfer and not by installment payments.

Acceptable lease agreements must be provided if ownership of real estate is not in the names of applicants.

**BUISNESS PURCHASE PRICE**

Business / Fixtures / Equipment	\$ _____
Goodwill (if applicable)	\$ _____
Covenant not to compete (if applicable)	\$ _____
Alcoholic Beverages	\$ _____
Other Inventory (estimate)	\$ _____
<b>TOTAL COST OF BUSINESS</b>	<b>\$ _____</b>
Down Payment	\$ _____
<b>BALANCED OWED</b>	<b>\$ _____</b>

For balanced owed, explain:

- Terms \_\_\_\_\_
- Collateral \_\_\_\_\_

**REAL ESTATE PURCHASE PRICE**

Land	\$ _____
Buildings	\$ _____
Other	\$ _____
<b>TOTAL REAL ESTATE COSTS</b>	<b>\$ _____</b>
Down Payment	\$ _____
<b>BALANCED OWED</b>	<b>\$ _____</b>
Balance Secured By	_____

For balance owed, explain:

- Terms \_\_\_\_\_
- Collateral \_\_\_\_\_

**14. DISTANCE FROM OTHER ON-PREMISE LICENSEES IN CHARTER TOWNSHIP OF COMMERCE.**

1. Name of other licensee: \_\_\_\_\_  
Distance from proposed licensee: \_\_\_\_\_
2. Name of other licensee: \_\_\_\_\_  
Distance from proposed licensee: \_\_\_\_\_
3. Name of other licensee: \_\_\_\_\_  
Distance from proposed licensee: \_\_\_\_\_

**15. PLEASE ANSWER THE FOLLOWING QUESTIONS:**

1. Is the proposed business within 500 feet of a church or school building?
2. Have you ever made application for a liquor license other than this one?
  - 2a. If so, what was the disposition of the application?
3. Please describe your experience, if any, as a licensee.
4. The name / names of all managers employed or to be employed at the licensed premises, and the following information:

- a) The manager's past experience in working for licensed establishments;
  - b) A statement that the manager has no criminal record; and
  - c) A general statement of the manager's proposed duties.
5. Do you promise not to violate any of the laws of the State of Michigan or the United State or any of the ordinances of the Township in the conduct of the licensed business?
  6. Will the proposed location and the methods of operation detrimentally or unreasonably impact nearby property owners, businesses or residents?

**16. PURSUANT TO THE TOWNSHIP'S LIQUOR LAW ORDINANCE SECTION 4(B), NO LICENSE WILL BE ISSUED TO:**

1. A person whose liquor license ("licensee") has been revoked or not renewed. Licensee includes every entity, corporation or partnership, and each shareholder or partner.
2. A co-partnership, unless each of the members of the co-partnership qualify to obtain a license.
3. A corporation, if any officer, manager, director or stockholder would not be eligible to receive a license hereunder for any reason.
4. A person whose place of business is conducted by a manager or agent unless the manager or agent would be eligible to receive a license hereunder.
5. A person who has been convicted of a violation of any federal or state law concerning the manufacture, possession or sale of alcoholic liquor.
6. A person who does not own the premises for which a license is sought or does not have a lease therefore the full period for which the license is issued.
7. Any law enforcing public official employed by the Township.
8. Any entity or person for any premises where there exists a violation of the applicable Building, Electrical, Mechanical, Plumbing or Fire Codes, applicable Zoning Regulations, or applicable Public Health Regulations.

9. Any entity or person for any premises unless the sale of beer, wine or spirits is shown to be incidental and subordinate to other permitted business uses upon the site, such as but not limited to food sales, motel operations and recreational activities.
  
10. Any entity or person for any premises where it is determined by a majority of the board that the premises do not or will not reasonably soon after commencement of operations, comply fully with all Township Ordinance, including having adequate off-parking, lighting, refuse disposal facilities, screening, noise and nuisance control.
  
11. Any entity or person for any premises where the board 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, underdeveloped area; 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 the inconsistent zoning classification; and accessibility from primary roads or state highways.

**17. PLEASE ATTACH THE FOLLOWING**

1. Floor plans, seating arrangements, site plans, building elevations, future building alterations and other pertinent features of proposed building.
2. Floor plans, seating arrangements, site plans, building elevations, future building alterations, and other pertinent features of proposed building.
3. Any other information relevant to issuance of the liquor license.

**18. PERMITS (Liquor Law Ordinance)**

Are you applying for any of the following permits?

Dance	_____
Entertainment	_____
Dance & Entertainment	_____

If so, attach a plan outlining the type of activity and a plan for dealing with and for avoiding nuisances and neighborhood problems created by the permit.

**I ACKNOWLEDGE RECEIPT OF THE CHARTER TOWNSHIP OF COMMERCE’S LIQUOR CONTROL ORDINANCE**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

## ARTICLE II. LICENSING\*

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\*State law references: Licenses, MCL 436.1501 et seq.

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### Sec. 6-19. Statement of purpose.

The purpose of this article is to emphasize and clarify the township's policies for the issuance, transfer, renewal, relocation, and enforcement of liquor licenses and permits, and address the operation of licensed premises.

(Ord. No. 46-03-04, § 2, 11-12-2003)

### Sec. 6-20. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Brewpub* means a liquor license issued by the liquor control commission in conjunction with a class C, tavern, or hotel license that authorizes the person licensed to manufacture and brew not more than 5,000 barrels of beer per calendar year in the state and sell at that licensed brewery premises the beer produced for consumption on or off the licensed brewery premises in the manner provided for in sections 405 and 407 of the Michigan Liquor Control Code of 1998 (MCL 436.1405, 436.1407). A brewpub license is considered a hybrid on- and off-premises liquor license.

*Class C license* means a license to sell retail beer, wine, mixed spirit drink and spirits for consumption on premises.

*Club license* means a liquor license issued to a club as defined by section 107 of the Michigan Liquor Control Code of 1998 (MCL 436.1107) and pursuant to Rule 436.1127 of the Michigan Administrative Code.

*Hotel license* means a liquor license issued to a hotel as defined in section 107 of the Michigan Liquor Control Code of 1998 (MCL 436.1107).

*LCC* means the Michigan Liquor Control Commission as defined in the Michigan Liquor Control Code of 1998.

*Licensee* means a person who has been issued a class C, tavern, resort, SDM, SDD, club, hotel, brewpub, or micro brewer license.

*Michigan Liquor Control Code of 1998* means Michigan Public Act No. 58 of 1998 (MCL 436.1101 et seq.).

*Micro brewer* means a brewer licensed to manufacture and sell beer to licensed wholesalers, which produces in total less than 30,000 barrels of beer per year and who may sell at the licensed brewery premises the beer produced to consumers for consumption on or off the licensed brewery premises. In determining the 30,000-barrel threshold, all brands and labels of a brewer, whether brewed in this state or outside this state, shall be combined and all facilities for the production of beer that are owned or controlled by the same person shall be treated as a single facility. A micro brewer license is considered a hybrid on- and off-premises liquor license.

*Off-premises licensee* means a person who is licensed by the LCC to sell alcoholic liquor at retail for consumption off the licensed premises, including SDD, SDM, brewpub and micro brewer licenses.

*On-premises license* means a license to sell alcoholic liquor at retail for consumption on the licensed premises, including class C, tavern, resort, club, hotel, brewpub and micro brewer licenses.

*Resort license* means a liquor license issued by the liquor control commission in a resort area, not to exceed 12 months, without regard to other LCC quota requirements, in accordance with the Michigan Liquor Control Code of 1998.

*Special permits* include, but are not limited to, outdoor service permits, one-day licenses, after hours permits, temporary dance, entertainment, or add bar permits, specific purpose permits, and special licenses, as those terms are defined by or utilized in the Michigan Liquor Control Code of 1998 and the Michigan Administrative Code.

*Specially designated distributor (SDD)* means a person, firm or corporation engaged in an established business licensed by the LCC to distribute spirits and mixed spirit drinks in the original package for consumption off the premises.

*Specially designated merchant (SDM)* means any person, firm or corporation to whom the LCC grants a license to sell beer and/or wine at retail for consumption off the premises of such licensed place.

*Tavern* means any place licensed to sell retail beer and wine for consumption on the premises only.

(Ord. No. 46-03-04, § 3, 11-12-2003)

### **Sec. 6-21. Application procedure for new on-premises licenses.**

(a) *Application.* Every applicant for an on-premises liquor license approval must complete and file an application with the township clerk's office on forms that will be provided by the township. The application must be accompanied by a nonrefundable fee as set forth in the township fee ordinance, made payable to the township. The application pertains to the township only, and is in addition to the separate application required by the LCC. The township application shall include the following information:

- (1) Applicant's name, address and phone number.
- (2) Names, addresses and phone numbers of all persons with an interest in a proposed business, including partners and stockholders.
- (3) Address and telephone number of resident agent for accepting service of process, if the applicant is a corporation.
- (4) Name and address of the financial institution where an applicant's funds for establishment and operation of the entity sought to be licensed are deposited.
- (5) The sources of all funds which will be relied upon in the establishment and operation of the entity sought to be licensed.
- (6) The distance from other licensees within a two-mile radius of the area where the proposed business will be located.
- (7) A statement that the proposed business is not within 500 feet of a church or school building.
- (8) List criminal record, if any, of the applicant, including all partnership members and all stockholders, if a corporation.

- (9) A statement regarding whether the applicant or any partner or shareholder has ever made another application for a liquor license and the disposition of such application.
  - (10) A statement that the applicant is not disqualified to receive a license by reason of any matter or thing contained in this article or the laws of the state.
  - (11) A statement that the applicant will not violate any of the laws of the state or of the United States or any ordinances of the township in the conduct of its business.
  - (12) The legal description, address, and zoning classification for the location where business is proposed.
  - (13) State whether a new building is proposed or whether an existing structure will be utilized.
  - (14) A sketch, drawn to scale, showing floor plans; seating arrangements; site dimensions, including parking areas; future building alterations and other pertinent physical features for existing buildings or proposed buildings in which the applicant's business will be conducted. If the applicant is approved for issuance of a license, the township may condition its approval upon its further consideration and approval of an engineered site plan, complete with building elevations.
  - (15) Details of the applicant's experience, financial capability and history of business experience, including experience as a licensee.
  - (16) A general operational statement outlining the proposed manner in which the establishment will be operated, including a schedule of the hours of operation, food service, crowd control, use of facilities, parking facilities and estimated cost of development.
  - (17) The name, address, and telephone number of the person to be called in the event of an emergency at the licensed establishment.
  - (18) A statement demonstrating that the location proposed and the methods of operation will not detrimentally and unreasonably impact nearby property owners, businesses, and residents.
  - (19) Certification of approval from the county health division of an adequate sewage disposal system if the public sewer system is not available to the proposed operation.
  - (20) Any other information relevant to a determination by the township that there is or is not a need for additional licenses to be issued within the township.
- (b) *License restrictions in application.* The following restrictions will be imposed upon all applicants. No license shall be issued to:
- (1) A person (licensee) whose liquor license has been revoked or not renewed. Licensee includes every entity, corporation or partnership, and each shareholder or partner.
  - (2) A co-partnership, unless each member of the co-partnership qualifies to obtain a license.
  - (3) A corporation, if any officer, manager, director or stockholder would not be eligible to receive a license hereunder for any reason. A limited liability company if any member would not be eligible to receive a license hereunder for any reason.
  - (4) A person who cannot establish that the license will be used by the licensee within six months of township approval and will not be held for investment.
  - (5) A person who has been convicted of a violation of any federal or state law concerning the manufacture, possession, or sale of alcoholic liquor.

(6) A person who does not own the premises for which a license is sought or does not have a lease therefor for the full period for which the license is issued.

(7) Any law enforcing public official employed by the township.

(8) Any person for any premises where there exists a violation of the applicable building, electrical, mechanical, plumbing or fire codes, applicable zoning regulations, or applicable public health regulations.

(9) Any entity or person for any premises unless the sale of beer, wine, or spirits is shown to be incidental and subordinate to food sales, hotel or motel uses, and golf course uses.

(10) Any person for any premises where it is determined by a majority of the township board of trustees that the premises do not or will not reasonably soon after commencement of operations, comply fully with all township ordinances, including having adequate off-street parking, lighting, refuse disposal facilities, screening, noise and nuisance control, and sewage disposal facilities.

(11) Any person for any premises where the township board of trustees determines that the proposed location is inappropriate because of township policy preferring the location of licensed establishments in developed, commercial areas, rather than isolated, undeveloped areas, and also considering the following factors: the compatibility with adjacent uses of the land; 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 the inconsistent zoning classification; and accessibility from primary roads or state highways.

(12) Any applicant who omits or falsifies any information required by this article.

(c) *Investigation.* Upon receipt of the application, the township clerk will refer the application to the county sheriff's department, the fire chief, the county health division, the building and zoning administrator, and such other township officers and employees as the township supervisor deems appropriate. The township supervisor shall cause a thorough investigation to be made of the persons and the premises, including a complete history of past business experience and any liquor law violations. The findings resulting from the investigations shall be submitted to the township board.

(d) *Hearing.* After the township completes its investigation, the application will be placed on the township board's agenda for consideration. Due notice will be given to the applicant. The applicant will be required to appear before the township board and answer any questions pertaining to the application.

(e) *License approval.* If the township is satisfied that the establishment for which a liquor license is sought may constitute an asset to the community, and meets all the criteria set forth herein, it may adopt a resolution granting approval, subject to the satisfaction of the conditions stated below, which will be set forth in the resolution. Approval of the license shall be granted with the following conditions:

(1) In the township's discretion, issuance of an on-premises license may be restricted to a tavern license. (A tavern license is included in the state quota allowances for class C licenses.)

(2) Issuance of licenses shall be contingent upon the application for and receipt of site plan approval, building permits, zoning changes and other necessary approvals required by the township within six months after the issuance. In addition, the township board may condition its issuance of a license upon its further review and approval of an engineered site plan, independent of the required approvals under the township building code or zoning ordinance.

(3) Construction shall be pursued within eight months after the issuance of a license, at which time the progress of the applicant in meeting all of the above stated conditions shall be reported by the township supervisor and his subordinates to the township board.

(4) The township board may extend, upon a showing of special or unusual circumstances not the fault of the applicant, the time period set forth in subsections (e) (2) and (3) of this section, upon timely request.

(5) No floor plans, building elevation, site plan, seating arrangement, kitchen layout or other pertinent facts, drawings, or documents submitted to the township clerk may be changed, unless the change reasonably improves the design or service function of the facility, and the applicant receives approval for the change from the township board. There shall be no fee charged under this article for township review of such an approval request.

(6) When the building or remodeling is complete, it must meet all state and local regulations, and must comply with representations made to the township board by the applicant.

(7) Failure of any applicant to meet any of the conditions of this article shall be reason for the township board to deny the annual renewal of any of the licenses issued.

(f) *Available licenses.* Under no circumstances is the township board obligated to issue an available license. No applicant for a liquor license has the right to the issuance of such license to such applicant, and the township board reserves the right to exercise reasonable discretion to determine who, if anyone, shall be entitled to the issuance of such license. Additionally, no applicant for a liquor license has the right to have such application processed, and the township board further reserves the right to take no action with respect to any application filed with the township board. The township board further reserves the right to maintain a list of all applicants and to review the same when, in its discretion, it determines that the issuance of an additional liquor license is in the best interests of the township at large and for the needs and convenience of its citizens. Before taking action with regard to a specific application, the township board shall make a determination that a need exists for the issuance of an additional liquor license within the township based upon the following criteria:

(1) The applicant bears the burden of establishing that the township can meet the needs for its residents for availability of liquor only by issuance of another liquor license.

(2) Can the township's need for licenses be met, if an issued, but inactive liquor license is made active? (Issued, but inactive licenses includes licenses which have been placed in escrow pursuant to law.)

(3) Is there currently a reasonable relationship between the number of licenses issued (whether inactive or not) and the needs of the township for availability of liquor?

(4) Is there an unmet demand for a land use which would be enhanced by the issuance of a liquor license to be used in conjunction with it?

(5) Are currently issued licenses not being used in conjunction with another primary purpose, such as food service, recreation, or hotel uses?

(6) Does the township have adequate police, fire, and other emergency service personnel to service an additional licensed establishment?

(g) *Multiple applicants for available licenses.* If the township board elects to issue an available license and more than one person applies for same, the criteria set forth in this subsection (g) shall determine which, if any, applicant is issued an available license.

(1) The applicant which best meets the criteria set forth in this section.

(2) The applicant whose operations will be most consistent with the promotion of the

health, safety, and welfare of the residents of the township.

(3) The applicant whose operations will be most consistent with the appropriate use of adjacent properties and the township as a whole.

(4) The applicant whose operations will be most consistent with the established policy of the township as expressed in its other ordinances and resolutions.

(5) The applicant whose operations will be most consistent with the public policies of the state as expressed in its laws, rules, and regulations.

(h) *Term of license.* Approval of a liquor license shall be for a period of one year, expiring annually on April 30 following the date of issuance. The liquor license is subject to annual review by the township board.

(i) *Changes.* Substantial changes in the licensee's operation shall be approved by the township board. Substantial changes include changes in space of more than ten percent, reduction of more than ten percent in percentage of food or other sales not related to liquor, or changes in the approved plan which affects capacity, parking, noise generated or other impact on adjacent residents or property owners. No fee shall be charged for this process.

(Ord. No. 46-03-04, § 4, 11-12-2003)

### **Sec. 6-22. Informational filing required.**

Whenever the information submitted by a licensee pursuant to the application process contained in this article changes, it shall be the duty of the licensee to notify the township and to supplement the information previously submitted. The licensee is responsible for compliance with this section within ten days of the change of information or circumstances.

(Ord. No. 46-03-04, § 5, 11-12-2003)

### **Sec. 6-23. Application procedure for new permits.**

Any permit ancillary to a liquor license including dance, entertainment, or dance and entertainment, may be issued simultaneously to the issuance of a new license or transferred license or after the issuance of the liquor license, in the discretion of the township board. The request for a permit shall be submitted to the township clerk, in writing, accompanied by a nonrefundable fee as set forth in the township fee ordinance. (If the request for a permit is made at initial application or transfer, no additional fee is required.) The township clerk will refer the permit request to the township board which will set the matter for hearing before the township board, due notice to be given the licensee. In passing on the licensee's request, the township board may consider the following:

- (1) Past record of the licensee including liquor license violations and police contacts.
- (2) Plans presented for dealing with and for avoiding nuisances and neighborhood problems created by the permit.
- (3) The proposed changes in the licensee's operation if granted the permit.
- (4) The type of entertainment or dance proposed.
- (5) Adequate provisions for any increased parking needs.
- (6) Management operations and compliance with the informational filing required in section 6-22.

(Ord. No. 46-03-04, § 6, 11-12-2003)

**Sec. 6-24. Special permits.**

Request for special permits shall be made in writing to the township clerk's office, accompanied by a nonrefundable application fee as set forth in the township fee ordinance. The township clerk shall coordinate approval of special permit requests with the county sheriff's department, then refer the request to the township board which will set the matter for hearing before the township board, due notice to be given the licensee. In passing on the licensee's request, the township board may consider the following:

- (1) Past record of the licensee including liquor license violations and police contacts.
- (2) Plans presented for dealing with and for avoiding nuisances and neighborhood problems created by the permit.
- (3) The proposed changes in the licensee's operation if granted the permit.
- (4) The type of entertainment or dance proposed.
- (5) Adequate provisions for any increased parking needs.
- (6) Management operations and compliance with the informational filing required in section 6-22.

(Ord. No. 46-03-04, § 7, 11-12-2003)

**Sec. 6-25. Inactive licenses.**

Any license which has not been activated by the licensee upon the township board's yearly review for renewal (section 6-27) may cause the township to object to annual renewal of the license.

(Ord. No. 46-03-04, § 8, 11-12-2003)

**Sec. 6-26. Transfers.**

(a) *Liquor licenses.* Applications for the transfer of an on-premises liquor license will proceed and be reviewed under the new license provisions, section 6-21, as any other new license, except that the following additional factors may be considered by the township board:

- (1) Consideration will be given to whether or not the operation is expected to change from the existing operation.
- (2) If continuation of an existing operation is contemplated, the licensee must present a plan relating to how it will deal with existing problems created by the business by reason of insufficient parking, nuisance created on- or off-site, civil or criminal liability.
- (3) Consideration will be given to the intentions of a licensee who obtained the license as a secured party, and does not intend to operate the premises. In this instance, the township board may use its discretion in waiving certain requirements.

a. If the new license provisions are waived by the township board, the license transfer will be approved only if the transferee agrees in writing that:

1. The licensed premises will not be operated;
2. The transferee will not operate the premises through a management agreement; and

3. If the transferee operates or attempts to operate the licensed premises this shall constitute grounds for immediate revocation or nonrenewal.

b. A license that is transferred pursuant to this section is considered an inactive license for purposes of section 6-25.

(4) Transfers which involve the following circumstances may go directly to the township board for consideration without payment of a fee and without the necessity of furnishing the information required for new licenses by section 6-21.

a. The exchange of the assets of a licensed sole proprietorship, licensed general partnership, or licensed limited partnership for all outstanding shares of stock in a corporation in which either the sole proprietor, all members of the general partnership, or all members of the limited partnership are the only stockholders of that corporation.

b. The removal of a member of a firm, a stockholder, a member of a general partnership or limited partnership, or association of licensees from a license.

c. The addition to a license of the spouse, son, daughter, or parent of any of the following:

1. A licensed sole proprietor.
2. A stockholder in a licensed corporation.
3. A member of a licensed general partnership, licensed limited partnership, or other licensed association.

d. The occurrence of any of the following events:

1. A corporate stock split of a licensed corporation.
2. The issuance to a stockholder of a licensed corporation of previously unissued stock as compensation for services performed.
3. The redemption by a licensed corporation of its own stock.
4. A corporate public offering.

(b) *Permits*. Existing permits ancillary to liquor licenses are transferred with the liquor license unless cancelled in writing. Transferees must present plans regarding the operation they intend to conduct using the particular permit.

(Ord. No. 46-03-04, § 9, 11-12-2003)

### **Sec. 6-27. Renewal.**

(a) *Review; appearance before township board*. The township will review each on-premises licensee's liquor license and permits annually to determine whether or not to object to the liquor control commission's renewal of said license and/or permits. If the licensee is not notified to appear before the township board by March 30 of the licensing year, then the license and/or permit will be renewed in accordance with the liquor control commission rules.

(b) *Standards for renewal*. The township board shall object to renewal if the following standards are not met:

(1) *Liquor licenses*.

a. Compliance with all standards and plans established and approved at the time of issuance of the license or at the time of later township approvals.

b. The township may also object to renewal based on the criteria set forth in section 6-29 regarding revocation.

(2) *Permits.* Annual renewal procedure of permits shall take place concurrent with the renewal process for liquor licenses, and shall be subject to the following considerations:

a. The township board will inquire into nuisances created or contributed to by the licensee.

b. Civil or criminal violations that cause a disturbance in the community, or that endanger persons or property and which can fairly be attributed to the licensee or its customers or employees.

c. Licensees must demonstrate that they have continued to operate in compliance with the plan of operation submitted at the time of obtaining the permit or as subsequently supplemented with township approval.

(Ord. No. 46-03-04, § 10, 11-12-2003)

### **Sec. 6-28. Procedure for objecting to renewal or requesting revocation of liquor license or permit.**

Prior to filing an objection with the LCC to renew or filing a request for revoking an on-premises liquor license or a permit, the township board shall do the following:

(1) *Notice.* Serve the licensee, by first class mail, mailed not less than ten days prior to hearing with notice of a hearing, which notice shall contain the following:

a. Notice of proposed action.

b. Reasons for the proposed action.

c. Date, time, and place of hearing.

d. A statement that the licensee may present evidence and testimony and confront adverse witnesses.

(2) *Hearing.* Hold a hearing as scheduled. The licensee will be given an opportunity to be represented by counsel and to present evidence and testimony and to confront adverse witnesses.

(3) *Statement of findings and determination.* Following the hearing, the township board shall submit to the licensee and the LCC a written statement of its findings and determination.

(4) *Resolution stating reasons for determination.* If the township board determines that a recommendation of nonrenewal and/or a request for revocation is to be filed with the LCC it shall pass a resolution to that effect, stating the specific reasons for the determination. The resolution will be forwarded to the LCC in a timely fashion.

(Ord. No. 46-03-04, § 11, 11-12-2003)

### **Sec. 6-29. Revocation.**

The township board may request that the LCC revoke an on-premises license or a permit at any time for any of the following reasons:

(1) Failure to comply with all conditions, standards, plans, or agreements entered into in consideration for the issuance of the license.

- (2) Violations of the state liquor laws.
- (3) Violation of state law or local ordinance.
- (4) Refusal to respond to written warnings that revocation proceedings may be commenced unless the licensee or licensee's representative appears before the township board and show cause why revocation should not be initiated.
- (5) Maintenance of a nuisance upon or in connection with the licensed premises, including, but not limited to, any of the following:
  - a. Violations of building, electrical, mechanical, plumbing, zoning, health, fire or other applicable regulatory codes;
  - b. A pattern of patron conduct in the neighborhood of the licensed premises which is in violation of the law and/or disturbs the peace, order, and tranquility of the neighborhood;
  - c. Failure to maintain the grounds and exterior of the licensed premises, including litter, debris, or refuse blowing or being deposited upon adjoining properties;
  - d. Entertainment on the licensed premises without a permit and/or entertainment which disturbs the peace, order, and tranquility in the neighborhood of the licensed premises;
  - e. Any advertising, promotion, or activity in connection with the licensed premises which by its nature causes, creates, or contributes to disorder, disobedience of rules, ordinances or laws, or contributes to the disruption of normal activity of persons in the neighborhood of the licensed premises.
- (6) Excessive police contacts with licensed premises, or its patrons off the premises determined to be the fault of the licensee.
- (7) Repeated instances where the licensee is serving minors or intoxicated persons.
- (8) Failure by the licensee to permit the inspection of the licensed premises by the township's agents or employees in connection with the enforcement of this article.

(Ord. No. 46-03-04, § 12, 11-12-2003)

### **Sec. 6-30. Request for revocation of off-premises license.**

The township board may, by resolution, request the LCC to revoke the license of an off-premises licensee (SDD or SDM) after it has been determined pursuant to LCC violation hearings that the licensee sold or furnished alcoholic liquor, on at least three separate occasions in a single calendar year, to a person who is less than 21 years of age, provided said violations did not involve the use of falsified or fraudulent identification by the person who is less than 21 years of age.

(Ord. No. 46-03-04, § 13, 11-12-2003)

### **Sec. 6-31. Nudity.**

- (a) Terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

*Nudity* shall be defined to be the exposure by view of persons, of any of the following body parts, either directly or indirectly, including but not limited to exposure, see-through clothing articles, or body stockings:

- (1) The whole or part of the pubic region;
- (2) The whole or part of the anus;
- (3) The whole or part of the buttocks;
- (4) The whole or part of the genitals;
- (5) The breast area including nipple, or more than one-half of the area of the breast.

(b) No person, while appearing in a state of nudity as defined by this section, shall frequent, loiter, work for or perform in any establishment licensed or subject to licensing by the state liquor control commission. No proprietor or operator of any such establishment shall allow the presence in such establishment of any person who violates the provisions of this section.

(Ord. No. 46-03-04, § 14, 11-12-2003)