



THE CHARTER TOWNSHIP OF COMMERCE

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Dear Prospective Liquor License Applicant:

Enclosed you will find a copy of the following documents:

1. Commerce Township Code of Ordinances Chapter 6: Alcoholic Liquors;
2. Application for New Liquor License or for Transfer of License; and
3. Sample Plan of Operation

Please review the Township's Code of Ordinance, Article 6: Alcoholic Liquor in its entirety before applying. Applying for a liquor license does not guarantee approval. Once a completed application is returned to the Clerk's office, along with the non-refundable application fee in the amount of \$1,200.00, your application will be placed on an upcoming Commerce Township Board of Trustee Meeting Agenda for consideration. You must attend this meeting. You will be expected to demonstrate your qualifications in accordance with the Code of Ordinances.

You are required to submit, as part of your application, a Plan of Operation for the proposed business. Please use the Sample Plan of Operation provided as a **guide** for the minimum information required in your plan of operation.

If your application is approved, conditions may be attached to the approval, including agreements regarding the inability to move quota liquor licenses out of the Township, and limitation on entertainment and dancing.

CHARTER TOWNSHIP OF COMMERCE

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, CHARTER TOWNSHIP OF COMMERCE, OAKLAND COUNTY, MICHIGAN TO BE KNOWN AS CODE AMENDMENT ORDINANCE NO. 1.018.

The Charter Township of Commerce ordains:

SECTION 1 –PURPOSE

The purpose of this Ordinance is to amend Chapter 6, of the Code of Ordinances, Charter Township of Commerce, Oakland County, Michigan, to incorporate additional regulations and restrictions with regard to Quota Class C Liquor Licenses, as follows:

SECTION 2 – AMENDMENT

ARTICLE I.

IN GENERAL

Secs. 6-1--6-18. Reserved.

ARTICLE II.

LICENSING*

* **State Law References:** Licenses, MCL 436.1501 et seq.

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, revocation, 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 license means a liquor license 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 liquor 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, 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 on-premises licenses.

(a) *Application.* Every applicant for a new on-premises liquor license, or for the transfer into the township of an on-premises liquor license 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, members and stockholders.
- (3) Address and telephone number of resident agent for accepting service of process, if the applicant is an entity.
- (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 partners, members, or all stockholders, if applicant is an entity.
- (9) A statement regarding whether the applicant or any partner, member, 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 Plan of Operation which shall contain an operational statement outlining the proposed manner in which the establishment will be continuously operated, including, but not limited to, the opening date, the concept, the format, the anticipated food to alcohol ratio, a schedule of the hours of operation, alcohol management, 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) *Qualifications of applicant and premises.* 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, company or partnership, and each shareholder, member or partner.
 - (2) A co-partnership, if any member of the co-partnership, would not be eligible to receive a license hereunder for any reason.

- (3) A corporation, if any officer, manager, director or stockholder would not be eligible to receive a license hereunder for any reason.
- (4) A limited liability company if any member would not be eligible to receive a license hereunder for any reason.
- (5) 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.
- (6) A person who has been convicted of a violation of any federal or state law concerning the manufacture, possession, or sale of alcoholic liquor.
- (7) 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.
- (8) Any law enforcing public official employed by the township.
- (9) 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.
- (10) 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.
- (11) 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.
- (12) 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.
- (13) Any person for any premises where any personal property taxes, real property taxes, or any other obligations are due and payable to the township.
- (14) Any applicant who omits or falsifies any information required by this chapter.

(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) *Review factors.* In reviewing a request from an otherwise qualified applicant for a new or transferred on premises liquor license, the township board may consider the following factors to determine if the approval is in the best interest of the township:

- (1) The possibility of a consequent cost burden on the township.
- (2) The general and appropriate trend and character of land, building, and population development.
- (3) Proximity to residences, schools and churches, with consideration of any adverse effect the proposed establishment may have on such land uses.
- (4) Input from residents and surrounding business owners.
- (5) Impact of the establishment on surrounding businesses and neighborhoods.
- (6) Whether traffic and parking requirements generated by the proposed licensed premises will cause unnecessary congestion or inconvenience.
- (7) Whether a proposed licensed premises is part of a multi-use project with substantial new retail, office, or residential components; the size of the licensed premises relative to the overall project or development.
- (8) The applicant's experience, if any, in conducting a business holding a license from the LCC.
- (9) The number of on-premises establishments within the township.
- (10) The concentration and capacity of similar establishments in the area.
- (11) The amount invested in the facility/establishment.
- (12) The extent and nature of renovation of existing buildings.
- (13) Preservation or restoration of historic buildings.
- (14) Locating in an underdeveloped area.
- (15) Ratio of food to alcohol sales.
- (16) Percent of floor area devoted to dining versus bar area.
- (17) Size of dance floor, if any.
- (18) Type or character of the establishment, e.g., dining, nightclub, hotel, dance club.
- (19) Overall benefit of the project to the Township.
- (20) Nonpayment of taxes.
- (21) Any other factor(s) that may affect the health, safety and welfare or the best interests of the community.

(f) *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 (f)(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 subsection 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.

(g) *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) Whether the township's need for licenses can be met, if a previously issued, but inactive liquor license is made active. (Issued, but inactive licenses include licenses which have been placed in escrow pursuant to law.)

- (3) Whether there currently is a reasonable relationship between the number of licenses issued (whether inactive or not) and the needs of the township for availability of liquor.
- (4) Whether there is 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) Whether currently issued licenses are not being used in conjunction with another primary purpose, such as food service, recreation, or hotel uses.
- (6) Whether the township has adequate police, fire, and other emergency service personnel to service an additional licensed establishment.

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

- (1) The applicant who best meets the criteria set forth in this Chapter.
- (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.

(i) *Issuance of available quota licenses.* No available quota license shall be approved by the township without the execution of an Agreement between the applicant and the township, in the form approved by the township, prohibiting its transfer outside of the township and requiring cancellation when appropriate.

(j) *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.

(k) *Changes.*

- (1) 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)

- (2) Whenever the information submitted by a licensee pursuant to the application process contained in this chapter 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. 6-22. Plan of Operation required.

(a) Business operation. All on-premises licensees shall operate in accordance with a plan of operation approved by the township board.

(b) Plan of operation. A plan of operation shall contain an operational statement outlining the proposed manner in which the establishment will be continuously operated, including, but not limited to, the opening date, the concept, the format, the anticipated food to alcohol ratio, the schedule of the hours of operation, crowd control, security, alcohol management, use of the facilities, parking provisions, plan for interior use and layout, and any other pertinent information as requested by the township.

(c) Use of license. It is the intent of the township that approved licenses be put into use immediately following approval. Non-use or warehousing of licenses shall be explicitly prohibited in the plan of operation.

(d) Compliance. Licensees shall comply with all applicable township regulations, this ordinance, and the approved plan of operation. Any change to the plan of operation shall be approved by the township board prior to implementation of the change by the licensee. Failure of such compliance or variance from an approved plan operation is a violation of this chapter and may result in the township objecting to the renewal of, or recommending revocation of, the license.

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. Permits for dance, entertainment, or dance and entertainment shall not be approved by the Township without the execution of an entertainment agreement, in the form approved by the township. In reviewing 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 6-21(k).
(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 6-21(k).
(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 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.

(2) 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 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 occurrence of any of the following events:
 - 1. A corporate stock split of a licensed corporation.
 - 2. The issuance to an existing 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 include in their plan of operation the purposes for which they request the transfer of a particular permit. Permits for dance, entertainment, or dance and entertainment shall not be approved without the execution of an entertainment agreement with the township, in the form approved by the township.

(Ord. No. 46-03-04, § 9, 11-12-2003)

Sec. 6-27. Annual Review.

(a) *Review; appearance before township board.* The township will review each on-premises licensee's liquor license and permit(s) annually to determine whether or not to object to the liquor control commission's renewal of said license and/or permits in accordance with Sections 6-28 and Section 6-29. 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.

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 the renewal of, or recommending revocation of, 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 (citing specific standards or guidelines the licensee has failed to comply with).
 - c. Date, time, and place of hearing.
 - d. A statement that the licensee may: (1) present evidence and testimony (2) confront adverse witnesses, and (3) be represented by counsel.
- (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 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. A certified copy of the resolution will be forwarded to the LCC in a timely fashion. The resolution should not object to renewal of the license and request that the license be revoked. If such a resolution is received, the LCC will proceed with the objection to renewal only.
- (5) *Documents required by the LCC.* In addition to the resolution described in paragraph (4), above, the township shall forward the following documents to the LCC in a timely fashion:
 - a. A copy of this section, including the date(s) of adoption, and when and how it was published.
 - b. A certified copy of the notice sent to the licensee.
 - c. Proof of service of the notice sent to the licensee.

(Ord. No. 46-03-04, § 11, 11-12-2003)

Sec. 6-29. Standards for objecting to non-renewal of, or for the revocation of, an on-premise liquor license or permit.

The township board may object to the renewal of, or request revocation of, an on-premises license or a permit to the LCC 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, transfer or continuance of the of the license or permit.
- (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.
- (9) Nonpayment of taxes.

- (10) A material change in those conditions, statements, or representations contained in the written application by the licensee, upon which the Township Board based its recommendation for approval, when that change is found to be contrary to the best interest of the Township residents, in the judgment of the Township Board.
- (11) Non-compliance with the approved Plan of Operation.

(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)

SECTION 3 – SEVERABILITY

Should any provision or part of this ordinance be declared by any court of competent jurisdiction to be invalid or unenforceable, the same shall not affect the validity or enforceability of the balance of this ordinance, which shall remain in full force and effect.

SECTION 4 - SAVINGS CLAUSE

Nothing in this ordinance shall be construed to affect any suit or proceeding pending in any court or any rights acquired or any liability incurred, or any cause or causes of action acquired or existing, under the Code of Ordinances, or any act or ordinance hereby repealed as cited in Section 4 of this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired, or affected by this ordinance.

SECTION 5 - EFFECTIVE DATE

This ordinance shall take effect following publication in the manner prescribed by law. This ordinance shall be published in the manner provided by law.

SECTION 6 – ADOPTION

This ordinance is hereby declared to have been adopted by the Township Board of the Charter Township of Commerce at a meeting duly called and held on the 10th day of April, 2012, and ordered to be given publication in the manner prescribed by law.

Daniel Munro, Clerk

Thomas K. Zoner, Supervisor

Introduction: March 13, 2012
Introduction Publication: March 21, 2012
Adopted: April 10, 2012
Adoption Publication: April 18, 2012
Effective: April 18, 2012

Charter Township of Commerce
Application for New Liquor License
or for Transfer of License
Code of Ordinances, Chapter 6: Alcoholic Liquors

Instructions: This application must be completed and returned to the Charter Township of Commerce with a \$1,200.00 non-refundable fee and a proposed Plan of Operation 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

Applicant name and DBA, if any

Street address

City, State, Zip Code

Business Phone No.

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

- New Quota 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. Please identify the zoning classification is property located on: _____

c. Please explain if a new building is proposed or if an existing structure will be utilized: _____

4. NAMES OF CURRENT LICENSES

5. CURRENT LICENSED ADDRESS

Street Address

City, State, Zip Code

6. PROPOSED LICENSED ADDRESS

Street Address

City, State, Zip Code

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

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

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

9. LIMITED PARTNERSHIP – (EACH PARTNER MUST COMPLETE THE SPECIAL QUESTIONNAIRE, BELOW)

Name of Partners

Home Address

Members:

Name	Address	Phone	% of membership
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Resident Agent: _____

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)	\$ _____
TOTAL COST OF BUSINESS	\$ _____
Down Payment	\$ _____
BALANCED OWED	\$ _____

For balanced owed, explain:

- Terms _____

- Collateral _____

REAL ESTATE PURCHASE PRICE

Land	\$ _____
Buildings	\$ _____
Other	\$ _____
TOTAL REAL ESTATE COSTS	\$ _____
Down Payment	\$ _____
BALANCED OWED	\$ _____

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? Yes or No
2. Have you ever made application for a liquor license other than this one? Yes or No
- 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 States or any of the ordinances of the Township in the conduct of the licensed business? Yes or No

6. Will the proposed location and the methods of operation detrimentally or unreasonably impact nearby property owners, businesses or residents? Yes or No

16. PLEASE ATTACH THE FOLLOWING

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

17. MLCC PERMITS

Are you applying for any of the following permits?

Dance	_____
Entertainment	_____
Dance & Entertainment	_____

I ACKNOWLEDGE RECEIPT OF THE CHARTER TOWNSHIP OF COMMERCE’S CODE OF ORDINANCE, CODE NO. 1.000, CHAPTER 6

Signature

Date

PARTNERS, MEMBERS, OFFICERS, OR SHAREHOLDERS QUESTIONNAIRE

NAME _____

ADDRESS _____

HOME PHONE _____ CELLULAR PHONE _____

PERSONAL INFORMATION – ALL APPLICANTS

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, member, officer or shareholder:

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

CHARTER TOWNSHIP OF COMMERCE
ABC Company
PLAN OF OPERATION

Business Name: ABC Company, LLC
Doing Business as: ABC Company
Address: 123 Main Street
Commerce Township, MI 48390

PREAMBLE: I/We have received copies of the Charter Township of Commerce Code of Ordinance, Article II, Section 6 – Alcoholic Liquors, understand its provisions, and agree to be governed by them. The following Plan of Operation is developed in keeping with the spirit and intent of the Township’s Code of Ordinances.

HOURS OF OPERATION: Our planned hours of operation will be: (example: Sunday – Thursday, from 11:00 am to 11:00 pm; Fridays and Saturdays, from 11:00 am to 12:00 am). Last call will be 30 minutes before closing and last service 20 minutes before closing.

FORMAT: ABC Company will operate as a: (example: full-service restaurant, offering full-service bar for clientele; and a full-service kitchen facility). ABC Company promises to maintain quality and sincerity with every guest experience. ABC Company is proposing seating for ___ patrons, which includes ___ seats at the bar area, and ___ in the outdoor service area. The square footage of this establishment is_____.

ABC Company is proposing an outdoor service area in front of the establishment which will have seating for ___ patrons. The outdoor service area will operate in accordance with and consistent with all Township policies, practices, codes and procedures regulating outdoor service.

ABC Company is proposing the following by way of entertainment: (describe in detail the type of entertainment offered, the days and times offered). (Additional information required: pool tables, video games, etc., are provided; if occasional live entertainment will be offered or occasional banquet functions; if dancing and/or a dance floor will be provided and the size of the dance floor). We agree to adhere to the provisions of the Entertainment Agreement, which as been signed.

It is agreed that we will not change the format or type of business without written approval of the Township Board. This includes changes to the proposed entertainment, changing from a full-service restaurant to a bar where food service is reduced, etc. The ratio of food sales to alcohol sales is anticipated to be: _____% food/_____% alcohol.

CODE COMPLIANCE: The premises will comply and will continue to comply with all applicable health, safety, building, sanitation, electrical, plumbing, and fire codes as well as zoning requirements.

PLAN OF OPERATION: It is acknowledged that under the provisions of the Township Code of Ordinances, the business shall be operated in accordance with an approved Plan of Operation. Changing the operation of the business in any manner inconsistent with the approved plan of operation is a violation of the Code of Ordinance and the rules of the Liquor Control Commission. Any change to the plan of operation must be approved by the Township Board prior to it being placed into effect on the business premises.

SECURITY: Security for the customer, building, and community are the first priorities for the company, and, as such, we will undertake whatever measures are necessary to maintain, secure, and supervise our customers and premises.

ALCOHOL MANAGEMENT: ABC Company will strictly obey all rules, regulations, and codes established by the Township of Commerce and the State of Michigan Liquor Control Commission. There will be neither service to nor consumption of alcoholic beverages to minors or intoxicated persons at any time.

The following policies shall be enforced at ABC Company:

1. No alcoholic beverages will be allowed on the premises other than what is dispensed by the establishment.
2. All staff will pay attention and stay alert to observable clues displayed by an intoxicated individual such as: impaired reflexes, impaired coordination, reduced judgment and inhibitions, impaired vision, physical behavior, etc..
3. All staff will be alert to potential problems at their respective areas at the facility.
4. All staff will be polite and courteous to the intoxicated individual(s), and will be knowledgeable as to when to request assistance from additional staff.
5. Patrons who appear to be 30 years of age or younger will be asked to show proper Michigan identification. Signs will be posted at serving locations. Patrons must produce proper identification.
 - All patrons under 21 years of age - service will be refused.
 - Check 'State Seal' and other markings. Check for damage or alterations to identification card.
 - Do not return falsified identification cards. Call management immediately.
6. If a patron shows signs of intoxication, then refuse service, politely explain policy, suggest non-alcoholic purchase, and call for management immediately.
7. If a patron is purchasing on behalf of someone else who appears less than 30 years of age, then request to see identification of recipient or contact supervisory personnel who will seek patron(s) out. Refuse service to minors. Inform all parties involved that policy allows for ejection off of premises, and notification to police department of illegal activity.
8. Alcohol dispensing may be restricted to one of the following practices, or any combination thereof:
 - No sales to intoxicated persons
 - No sales without proper identification
 - Limited alcoholic choices if necessary

- When in doubt, do not serve - call supervisor
9. Observe all patrons leaving the property. No alcoholic beverages are allowed to leave the establishment or property.
 10. Approach any patron appearing to be impaired and leaving the property. Determine if they are driving, and if so, attempt to persuade them not to drive and request a non-impaired companion to drive. If unable, refer patron(s) to bus or taxi service.
 11. Supervisory and management personnel will complete documentation of any alcoholic related incidents at end of event. Information will be disseminated accordingly.
 12. The establishment shall provide non-alcoholic beverages to all designated drivers, at no or reduced cost.
 13. The establishment will fully participate in Techniques in Alcohol Management Program and will continue such participation in that program or a similarly recognized program approved by the Charter Township of Commerce. Certification of said alcohol management program for all employees shall be provided to the Township Clerk within 35 days of the date of hire.

REFUSE DISPOSAL: ABC Company will provide a trash receptacle, which will be picked up at a minimum one day a week. ABC Company staff will maintain the surrounding premises on a daily basis, taking care to pick up our debris as well as that of our neighbors and guests.

GENERAL: Every effort will be made to maintain positive relationships with adjacent and nearby businesses and residences, and cooperate with all Township departments. Every effort will be made to address and resolve any problems that may arise.

EMERGENCY:

In case of emergency, contact the following individuals:

Name

Name

Cellular #

Cellular #

Home/Office #

Home/Office #

Submitted by:
ABC Company

BY: _____

DATE: _____

ITS: _____