

# **CHARTER TOWNSHIP OF WEST BLOOMFIELD**

## **ORDINANCE NO. C-775-B**

### **ALCOHOLIC LIQUOR LICENSE ORDINANCE AMENDMENT**

AN ORDINANCE TO AMEND CHAPTER 5 OF THE CODE OF ORDINANCES TITLED ALCOHOLIC LIQUOR, ARTICLE I, GENERAL PROVISIONS, SECTION 5-2, DEFINITIONS; ARTICLE II, REGULATIONS, SECTIONS 5-10 TO 5-20; AND ARTICLE III, LICENSE, SECTIONS 5-15 TO 5-30.

### **THE CHARTER TOWNSHIP OF WEST BLOOMFIELD ORDAINS:**

#### **Section 1 of Ordinance**

Chapter 5 of the West Bloomfield Charter Township Code of Ordinances, Article I, General Provisions, Section 5-2, Definitions is hereby **deleted** to accommodate moving the definitions to Section 5-15 and designate Section 5-2 as Reserved as follows.

**Sec. 5-2 to 5-4. Reserved.**

#### **Section 2 of Ordinance**

Chapter 5 of the West Bloomfield Charter Township Code of Ordinances, Article II, Reserved, Sections 5-10 to 5-13 are hereby amended to read as follows:

**Sec. 5-10 – 5-13. Reserved.**

#### **Section 3 of Ordinance**

Chapter 5 of the West Bloomfield Charter Township Code of Ordinances, Article III, License, Sections 5-14 to 5-30 are hereby amended to read as follows:

**Sec. 5-14. Purpose.**

Article III establishes an application and review process for the issuance of both new licenses and the transfer of existing liquor licenses into the Township or between or among liquor license applicants. The process is intended to ensure that the individuals and entities seeking licenses to operate liquor licensed businesses within the Township meet certain minimum requirements as to criminal history, past conduct, and business operation standards. It requires Township Board review of the application information in light of criteria that is established for purposes of identifying the kinds of facilities that qualify for a license. It reserves to the Township any and all discretion afforded the Township under applicable law relating to the issuance of a license to operate a liquor licensed business in the Township.

**Sec. 5-15. Definitions.**

For purposes of this chapter, the following definitions shall apply:

*Alcoholic liquor* shall mean any beverage or compound containing one-half of one percent (**0.005%**) or more of alcohol by volume, which is used for human consumption. The term includes, but is not limited to beer, wine, and spirits.

*Approval* shall mean the consent of the Township Board.

*Commission* shall mean the Michigan Liquor Control Commission.

*Disqualifying criminal act* shall mean any of the following:

- 1) An offense punishable by death or imprisonment in excess of one (1) year under any of the following statutes, as amended, for which less than seven (7) years elapsed since the date of conviction or the date of release from confinement for the conviction, whichever is the later date:
  - i. Michigan Penal Code, Chapter IV, Adulterating and Misbranding.
  - ii. Michigan Penal Code, Chapter X, Arson and Burning.
  - iii. Michigan Penal Code, Chapter XI, Assaults, except MCL §750.81(1) and (2).
  - iv. Michigan Penal Code, Chapter XVII, Bribery and Corruption.
  - v. Michigan Penal Code, Chapter XXII, Compounding Offenses.
  - vi. Michigan Penal Code, Chapter XXVA, Criminal Enterprises.
  - vii. Michigan Penal Code, Chapter XXVIII, Disorderly Persons.
  - viii. Michigan Penal Code, Chapter XXXI, Embezzlement.
  - ix. Michigan Penal Code, Chapter XXXIII, Explosives, Bombs, Harmful Devices.
  - x. Michigan Penal Code, Chapter XXXIV, Extortion.
  - xi. Michigan Penal Code, Chapter XLIII, Frauds and Cheats.
  - xii. Michigan Penal Code, Chapter XLIV, Gambling.
  - xiii. Michigan Penal Code, Chapter XLV, Homicide.
  - xiv. Michigan Penal Code, Chapter XLVIII, Indecency and Immorality.
  - xv. Michigan Penal Code, Chapter LVIII, Mayhem.
  - xvi. Michigan Penal Code, Chapter LXVII, Prostitution.
  - xvii. Michigan Penal Code, Chapter LXVIIA, Human Trafficking.
  - xviii. Michigan Penal Code, Chapter LXXVI, Sexual Conduct.
  - xix. Michigan Penal Code, Chapter LXXVIII, Robbery.
  - xx. Michigan Penal Code, Chapter LXXXIII-A, Michigan Anti-Terrorism Act.
  - xxi. Michigan Compiled Laws, Chapter 333, Article 7, Part 74, Controlled Substances – Offense and Penalties.
  - xxii. Michigan Compiled Laws, Chapter 205, MCL §205.27, Taxation-Prohibited Acts, including tax evasion.
  - xxiii. Michigan Compiled Laws, Chapter 257, MCL §257.625 and §257.625a, Operating Motor Vehicle While Intoxicated or Operating Motor Vehicle When Visibly Impaired.
  - xxiv. Michigan Penal Code, Chapter 750, MCL §750.478a, §750.479, - §750.479a, §750.479c, Hindering, Obstructing, Resisting, Providing False Information
- 2) Any attempt, solicitation, or conspiracy to commit one of the foregoing offenses.

- 3) Any offense enumerated in the Township Code of Ordinances which substantially corresponds to one of the foregoing State offenses.
- 4) Any offense in another State that, if committed in Michigan, would have constituted any of the foregoing offenses in Michigan.

*Employee* shall mean a person who renders any service in connection with the operation of the liquor licensed business on a full time, part-time, or contract basis and receives consideration from the operator of the business or its patrons. Employee includes independent contractor, agent, apprentice, trainee, leased personnel and/or other similar relationships. Employee does not include a person who is exclusively on the premises for repair or maintenance of the premises, delivery of goods to the premises, or other similar purpose.

*Influential interest* shall mean any of the following:

- 1) actual power to operate or control the operation, management, or policies of a liquor licensed business or prospective business to sell alcoholic beverages; or
- 2) ownership of a financial interest in a liquor licensed business or ownership of an interest that is ten percent (10%) or more of the total interest of a liquor licensed business, or a prospective business to sell alcoholic beverages, including such business entities as a firm, partnership, limited partnership, association, limited liability company, or corporation; or
- 3) holding an office, such as president, vice-president, secretary, treasurer, managing member, managing director, or other such office in a legal entity which operates a liquor licensed business or a prospective business to sell alcoholic beverages.

*License* shall mean a license issued to sell alcoholic liquor at retail for consumption on or off the premises.

*Licensee* shall include all persons and/or entities with an influential interest in the business for which a liquor license has been issued.

*Off-premise license* shall mean a license to sell alcoholic liquor at retail for consumption off the licensed premises, including specially designated merchant (SDM) and specially designated distributor (SDD) licenses.

*On-premise license* shall mean a license to sell alcoholic liquor at retail for consumption on the licensed premises, including Class C, tavern, brewpub, and microbrewer license.

*Person* shall include an individual, firm, partnership, limited partnership, association, limited liability company, or corporation.

*Premises* shall mean the location for which a license has been issued for the sale of alcoholic liquor which includes the land, all improvements located thereon, the primary building, and all accessory and out-buildings.

*Redevelopment* shall mean a project that constructs new buildings, structures, and land uses on a site with previous or existing uses. A renovation that is limited to aesthetic updates and/or interior renovation does not qualify as redevelopment.

#### **Sec. 5-16. Scope.**

This article shall apply to applications for the following types of liquor licenses:

- a) *New On-Premise*. New licenses available pursuant to the quota provisions of the Michigan Liquor Control Code, MCL §436.1531, to sell alcoholic liquor at retail for on-premise consumption within the Township including Class C, tavern, brewpub, and microbrewer licenses.
- b) *Transfer On-Premise*. Transfer of ownership or location of a license, including those in escrow, to sell alcoholic liquor at retail for on-premise consumption within the Township including, Class C, tavern, brewpub, and microbrewer licenses.
- c) *New Off-Premise*. New licenses available pursuant to the quota provisions of the Michigan Liquor Control Code, MCL §436.1533, to sell alcoholic liquor for off-premise consumption, including specially designated merchant (SDM) and specially designated distributor (SDD) licenses.
- d) *Transfer Off-Premise*. Transfer of ownership or location of licenses, including those in escrow, to sell alcoholic liquor for off-premise consumption including, specially designated merchant (SDM) and specially designated distributor (SDD) licenses.
- e) *Other Licenses*. This article does not apply to applications for special licenses; or hotel, private, club, aircraft, train, watercraft and beer festival licenses; or permits issued by the Commission.

#### **Sec. 5-17. Licensing policy.**

It is the policy of the Township that applicants for approval of a liquor license are required to demonstrate all of the following: i) an identifiable benefit to the Township that will result from approval of the license; ii) compliance with all application requirements; iii) receipt of a positive review from all required departments; iv) compliance with all standards for approval; and v) for an application seeking approval of a new on-premise retail license, compliance with all required pre-application criteria.

#### **Sec. 5-18. New on-premise retail license; pre-application criteria, qualification and review.**

- a) *Pre-Application Criteria Resolution*. Due to the quota provisions of MCL §436.531 limiting the number of new on-premise retail licenses issued within a community and the infrequent allotment of new liquor licenses, the Township Board shall adopt a resolution establishing pre-application criteria for new on-premise retail licenses. The pre-application criteria shall be commensurate with the Township's expressed goal of promoting economic

redevelopment; fostering commercial stability; creating vitality, and drawing commercial and entertainment enterprises to the Township.

- b) *Pre-Application Questionnaire Required.* A person that desires a new on-premise retail liquor license shall demonstrate compliance with the pre-application criteria established by resolution of the Township Board by filing a completed pre-application questionnaire with the Township Clerk's Office prior to filing an application for approval of a new on-premise retail license.
- c) *Staff Review.* Upon receipt of the completed pre-application questionnaire, it shall be forwarded to the Planning and Development Services Department to evaluate whether the application complies with pre-application criteria and provide a report to the Township Board.
- d) *Township Board Review.* The completed pre-application questionnaire and staff report shall be submitted to the Township Board at the next available regular Board meeting for a determination of whether the Applicant demonstrated compliance with the pre-application criteria. If the Board determines that the Applicant demonstrated compliance, an application for local approval of an on-premise license may be filed with the Township in accordance with §5-21 of this article. If the Township Board determines that the Applicant did not demonstrate compliance with the pre-application criteria, a resolution of disapproval for a new license shall be sent to the Commission and a copy sent to the Applicant.
- e) *No Vested Interest.* An Applicant who qualifies to apply for a new on-premise retail liquor license is also required to demonstrate compliance with all other requirements of this Chapter and all applicable requirements of the Code of Ordinances. No Applicant shall be considered to have acquired any vested interest in the issuance of a license by complying with the pre-application requirements. After an Applicant obtains pre-application approval, the Applicant must also obtain approval of the new on-premise retail liquor license by both the Township Board and the Commission.

**Sec. 5-19. Local approval required in addition to Michigan Liquor Control Commission.**

- a) *Required.* Every Applicant for i) a new on-premise retail license; ii) the transfer of an on-premise license; iii) a new off-premise license; or iv) the transfer of an off-premise license shall be required to obtain approval from the Township Board in accordance with the provisions of this article and the Michigan Liquor Control Commission in order to operate a liquor licensed business in the Township.
- b) *Applicant.* Applicant is defined to include all persons and entities i) proposed to be owners of the license and/or of the business where the license will be used; ii) all management personnel for the business; iii) all persons and entities proposed to be involved in the finance of the license and/or the business where the license will be used; and iv) all persons with an influential interest in the license and/or the business where the license will be used. In the case of a partnership, the Applicant shall include all partners in the partnership. In the case of a corporation, other than a corporation with publicly traded stock, the Applicant shall include all shareholders. In the case of a limited liability company, the Applicant shall include all members.

- c) *Local Determination.* The weight to be given to the criteria identified in this article, and the determination whether a particular Applicant meets or satisfies the criteria required by this ordinance shall be made by the Township Board.
- d) *Reservation of Authority.* No Applicant for a liquor license has a right to the issuance of such license to sell alcoholic liquor within the Township, and the Township Board reserves the right to determine who meets the requirements of this ordinance for issuance.

**Sec. 5-20. Identifiable benefit required.**

Applicants shall demonstrate an identifiable benefit to the Township that will result from the grant of the license. While all of the criteria set forth in this article are relevant to the decision whether to grant a license, Applicant must demonstrate in particular that the proposed liquor licensed business will provide one of the following benefits:

- 1) Will provide a service, product, or function that: i) is unique to the Township, or is not currently available within the Township or a specified area of the Township; and ii) will not be detrimental to the Township or a specified area of the Township; or
- 2) Is of a character that will foster or generate economic development or growth within the Township or a specified area of the Township in a manner consistent with the Township's policies; or
- 3) Represents a financial investment and expansion on the part of a long-term business serving the local community.

**Sec. 5-21. Application for a new liquor license, or for the transfer of a liquor license.**

- a) *Township Application Required.* An Applicant that qualifies for a new on-premise retail license; or an applicant for a new off-premise license; or for the transfer of a license, shall submit to the Township a fully completed West Bloomfield Liquor License Application on a Township approved form, together with all required documentation and materials.
- b) *Complete Application.* An application shall be considered complete when it contains, for each Applicant the information and/or items required by this article together with the required application fee.
- c) *Required Information.* The application shall include, at a minimum, the following information:
  - 1) *License.* The license(s) requested, and the RQ number assigned by the Commission.
  - 2) *License Type.* Identify whether the requested approval is for a new license (quota), an ownership transfer, a location transfer, or a license from escrow. If applicable, attach a copy of the purchase agreement for the license.
  - 3) *Name and Address of Applicant.* The Applicant's full true name and any other names used by the Applicant in the preceding seven (7) years, and address. If the Applicant is a

partnership, corporation, limited liability company, or other legal entity, then all persons with an influential interest in the entity shall provide the information required. Each Applicant must qualify to be licensed, and each Applicant shall be considered a licensee if a license is granted. Applicant shall include the following:

- i) If the Applicant is a partnership, the name and address of each partner shall be provided, and a copy of any partnership agreement attached.
- ii) If the Applicant is a privately held corporation, the names and addresses of all corporate officers, members of the board of directors, and stockholders shall be provided, and a copy of the articles of incorporation attached.
- iii) If the Applicant is a publicly held corporation, the names and addresses of all corporate officers, members of the board of directors, and stockholders who own ten percent (10%) or more of the corporate stock shall be provided.
- iv) If the Applicant is a limited liability company, the names and addresses of all members, managers and assignees of membership interests shall be provided, and a copy of the articles of organization attached.

- 3) *Business Address.* Current business address of the Applicant.
- 4) *Proof of Identity and Age.* Written proof of identity and minimum age in the form of a driver's license, State identification, or a copy of a birth certificate accompanied by a picture identification document issued by a governmental agency.
- 5) *Emergency Contact.* The name, address, and telephone number of the person to be called in the event of an emergency at the business to be licensed.
- 6) *Proposed Premises.* Address, parcel identification number, legal description, and zoning district of the property where the licensed business is to be located; whether the Applicant owns the premises or has a lease to use the premises for a business licensed to sell alcoholic liquor; and, if leased, a copy of the lease.
- 7) *Location.* A statement as to whether the location of the proposed business is within five hundred feet (500') of a place of worship or school building.
- 8) *Type of Business.* A statement as to the type of business proposed including the following information:
  - i) whether a new building is proposed or use of an existing structure;
  - ii) whether the Applicant will be constructing an interior alteration or building addition;
  - iii) the estimated date of commencement of construction and the estimated date of completion of construction; and

- iv) provide a sketch plan which complies with the requirements of zoning ordinance §6.1.3, that includes a depiction of the relationship of the building to the surrounding properties and uses; proposed building elevations; floor plans; seating arrangements; seating capacity; bar location(s); dance and entertainment areas; site dimensions; and parking.
- 9) *Operational Statement.* An operational statement including business concept and methods of operation such as alcohol management plan, food service plan, crowd management, seating capacity including indoor and outdoor seating, parking facilities, hours of operation, expected date of opening, and estimated cost of development.
- 10) *General Business History.* For each Applicant, their general employment and business history, including general management experience.
- 11) *Liquor License Business History.* For each Applicant, their employment and management experience with liquor licensed businesses, and for all liquor licensed businesses in which the Applicant has/had an influential interest include all of the following:
  - i) The name and address of the business.
  - ii) The name in which the liquor license is/was issued.
  - iii) The number of years the Applicant had an influential interest in the business.
  - iv) The number of years that the Applicant worked in a liquor licensed business(s).
  - v) The position or role that the Applicant held in such business(s).
  - vi) A statement as to whether the Applicant has had a liquor license suspended, revoked or not renewed for cause in the last seven (7) years.
  - vii) A statement as to whether the Applicant has been found to be in violation of regulations promulgated by the Commission, except violations for non-sufficient Funds (NSF), on more than four (4) occasions per licensed location in the last seven (7) years.
- 12) *Prior Nuisance.* A statement as to whether, within seven (7) years prior to the filing of the application, any liquor licensed business in which an Applicant had an influential interest was declared by a court of law to be a nuisance under MCL §600.3801.
- 13) *Authority to Transact Business.* Attach proof of registration with the Department of Licensing and Regulatory Affairs to transact business in Michigan, and a copy of the Michigan Sales Tax License.
- 14) *Insurance.* Attach a certificate of insurance enumerating the insurance coverage and policy limits for the business.



15) *Criminal History*. The Applicant's criminal history for the last seven (7) years, including all convictions, guilty pleas, and pleas of no contest or nolo contendere. For each of these, the Applicant shall provide all of the following:

- i) The offense charged.
- ii) The date of the offense.
- iii) The jurisdiction of the offense.
- iv) The date of the conviction, guilty plea, or plea of no contest or nolo contendere.
- v) If the Applicant was incarcerated for the offense, the date on which the Applicant was released from confinement.
- vi) Whether the Applicant is still on probation for the offense.

16) *Application Fee*. Each application shall be accompanied by a non-refundable application fee in the amount prescribed by resolution of the Township Board sufficient to cover the costs of investigation, review, and inspection.

- e) *Consent*. By submitting an application pursuant to this article, the Applicant consents to a background investigation including, but not limited to: criminal history, business history, civil actions, liquor license suspensions, revocations, non-renewals, liquor license violations, investigations by other governmental agencies, business reputation, or any other background information related to the Applicant's fitness to operate a liquor licensed business in the Township.
- f) *Signature Required*. Each Applicant as specified above shall submit and sign a West Bloomfield Liquor License Application certifying that all statements made in the application and attached exhibits are considered material representations, and are true. Signatures shall be notarized.
- g) *Disclosure*. The information provided by an Applicant in connection with an application for a license under this Chapter shall be maintained by the Township; and all personal information shall be deemed confidential and may be disclosed only as required by law or by court order.

#### **Sec. 5-22. Applicant certification required.**

The Applicant shall certify on the application that, if granted approval, the Applicant affirms that:

- i) The proposed business will be in operation and the license will be in use within six (6) months of Township Board approval.

- ii) For a new license issued pursuant to the quota provisions of the Michigan Liquor Control Code, the Applicant acknowledges that if for any reason, Applicant discontinues the use and operation of the new on-premise retail license for a period in excess of ninety (90) consecutive days without the prior written consent of the Township Board, then the Applicant shall return the license to the MLCC and request that its rights to the license be terminated, and the license shall not be placed or continued in escrow but instead shall be returned to the Township to be added to its available licenses under the quota provisions of Section 531 of the Michigan Liquor Control Code of 1998 (MCL 436.1531).

#### **Sec. 5-23. Complete Application Required**

- (a) *Notice.* Within ten (10) business days of receipt of an incomplete application, the Township shall notify the Applicant(s) that the application is incomplete and will not be processed until completed.
- (b) *Additional Information.* The Township may request any additional information related to an Applicant's personal, employment, or business history; financial condition; and/or criminal history that directly relates to the Applicant's ability to operate a liquor licensed business.
- (c) *Incomplete Application.* If the application remains incomplete for thirty (30) days from the date a Notice of Incomplete Application was sent, unless Applicant receives an extension in writing as provided in Sec. 5-28(b); or the application remains incomplete after an approved extension has expired, the application shall be considered incomplete and withdrawn from consideration, and notice of the incomplete application and withdrawal shall be sent to the Applicant and to the Commission by the Township Clerk. The filing of a new updated application, with a new filing fee, shall be required when the Applicant is ready to proceed.

#### **Sec. 5-24. Departmental review; submission to Board.**

- a) *Departments.* Upon the receipt of a complete application that includes the documentation required, a copy of the application shall be forwarded to the following departments for review: Police, Building, Code Enforcement, Fire, Planning, Treasurer's Office, Water Utilities, and any other applicable department.
- b) *Recommendation.* Each department shall review the application materials for compliance with the standards set forth in §5-25 and other applicable Township ordinances, and State laws. Within ten (10) business days, each department shall provide a written recommendation based on their review.
- c) *Legal Review.* Upon receipt of the complete application that includes the documentation required, and all departmental recommendations, the documentation shall be forwarded to the Township Attorney to review for compliance with the requirements of this article and prepare a report of the findings to the Township Board.

- d) *Submission to Board.* Upon completion of legal review, the Township Attorney shall submit the application together with the departmental recommendations, and Attorney's report to the Township Board for consideration.

#### **Sec. 5-25. Standards for approval.**

The Township Board shall not approve an application unless Applicant demonstrates compliance with all the following requirements:

- 1) *Age.* Applicant is at least twenty-four (24) years of age.
- 2) *Use of Premises.* Applicant owns the premises for which a liquor license is sought or has a lease granting Applicant the legal right to a continual use of the proposed premises for the sale of alcoholic liquor for at least five (5) years.
- 3) *Zoning Compliance.* The proposed premises are in compliance with the zoning ordinance and all approved site plans.
- 4) *Distance.* The proposed business is located more than five hundred feet (500') from a place of worship or school building.
- 5) *Impact.* The proposed location and methods of operation will not have a substantial negative impact on vehicular traffic, pedestrian traffic, noise, or on nearby properties; and will not have a substantial negative effect on economic development in the surrounding area.
- 6) *General Business Experience.* Applicant has general experience in a similar business.
- 7) *Management Experience.* Applicant has demonstrated that Applicant has for more than three (3) years responsibly operated a business licensed to sell alcoholic liquor, as a licensee or as a manager with substantial experience in serving alcoholic liquor.
- 8) *Liquor License Actions.* Applicant has not had a liquor license suspended, revoked, or not renewed for cause in the last seven (7) years.
- 9) *Liquor License Violations.* Applicant has not been found to be in violation of regulations promulgated by the Commission, except violations for Non-Sufficient Funds (NSF), on more than four (4) occasions, per licensed location, in the last seven (7) years.
- 10) *Nuisance.* In the last seven (7) years, Applicant has not had a liquor licensed business which Applicant had an influential interest in declared by a Court to be a nuisance under MCL 600.3801.
- 11) *Transact Business.* The business is registered to do business in Michigan and has obtained a sales tax license.
- 12) *Criminal Record.* Applicant has not been convicted of or pled guilty, nolo contendere, or no contest to a disqualifying criminal act in the last seven (7) years.

- 13) *Existing Building*. The premises for the proposed business comply with applicable building, plumbing, mechanical, electrical, or property maintenance codes, and a certificate of occupancy has been issued.
- 14) *New Construction, Addition, or Alteration*. In the event the new construction, addition, or alteration is not completed on the date of Township Board review, if the construction project has i) received site plan approval; and ii) a building permit has been issued, the Township Board may consider the application and vote to approve the application or vote to postpone the final decision on the application until completion of the construction to allow the Applicant to demonstrate compliance with approved plans and issuance of a certificate of occupancy.
- 15) *Code Violations*. There are no outstanding code violations at the proposed business location.
- 16) *Fire*. The premises for the proposed business comply with all applicable fire prevention codes, ordinances, and regulation.
- 17) *Taxes, Fees, and Charges*. There are no outstanding real estate taxes due for the proposed premises and Applicant has no unpaid fees or charges due to the Township.
- 18) *Water and Sewer*. There are no outstanding unpaid water or sewer fees due and the water facilities are adequate for the proposed capacity of the premises.
- 19) *Accurate and True*. Each Applicant has provided the information required by this regulation and has accurately and truthfully answered all the questions.
- 20) *Fee*. Applicant has paid the liquor license application fee.

#### **Sec. 5-26. Decision.**

Unless an extension is granted pursuant to Sec. 5-28, within sixty (60) days of the receipt of all of the following: i) a complete application; ii) all departmental recommendations; and iii) the Township Attorney report, the Township Board shall consider the application to: 1) ensure the record is complete and includes all evidence presented regarding an application; 2) issue a decision either approving or disapproving the application; 3) provide grounds for its decision on the record. The Township Board shall transmit its decision in writing to the Commission with a copy sent to the Applicant.

#### **Sec. 5-27. Local approval of related permit applications.**

If an application for local approval of an on-premise or off-premise liquor license also seeks local approval for a related permit, local approval for such permit(s) shall be granted provided that the application meets all of the requirements in this Chapter for approval of a liquor license, and applicable zoning regulations, except that no local approval shall be given for a topless activity permit, or for an extended hours permit, or a permit for an activity that does not comply with applicable zoning regulations.

**Sec. 5-28. Applicant delay; Township delay.**

- a) *Applicant.* Upon the written request for an extension by the Applicant, the deadlines for submission, review, or decision as set forth in this ordinance may be extended for a specified time period up to ninety (90) days for the Applicant to obtain and present all information required or requested by the reviewing departments, or by the Township Board. A copy of the Applicant's request for extension shall be forwarded to the Commission.
- b) *Township Board.* The deadline for the decision of the Township Board may also be extended for a period of up to thirty (30) days no more than two (2) times by the Township Board to permit the gathering of additional information related to the project or the Applicant's ability to operate a liquor licensed facility consistent with public health, safety, and welfare.

**Sec. 5-29. Notification of certain ownership transfers required.**

An application is not required for the following ownership transfers; however, the licensee shall notify the Township Clerk of the following ownership transfers:

- a) *Asset Exchange.* An exchange of the assets of a licensed sole proprietorship, general partnership, or 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) *Removal of a Member.* 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) *Stocks.* 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.

**Sec. 5-30. Objections to renewal; requests for revocation.**

- a) *Objection.* The Township Board may object to the renewal of a liquor license or may request the revocation of a liquor license by the Commission based on the criteria set forth in subsection (d) below.
- b) *Procedure.* Before filing an objection to the renewal or a request for revocation of a license with the Commission, the Township Board shall provide the licensee with notice and an opportunity to be heard. The Township Board shall serve notice upon the licensee by certified mail, return receipt requested, not less than twenty (20) days prior to the hearing. The notice shall include:

- 1) The proposed action.
  - 2) The specified grounds for the Township's proposed action.
  - 3) The date, time and place of the hearing.
  - 4) A statement that the licensee may present evidence and testimony, may cross-examine witnesses, and may be represented by an attorney.
- c) *Hearing and Decision.* The hearing shall be conducted by the Township Board. The Township Board shall submit a written statement of its findings and determination to the Commission with a copy provided to the licensee. The written statement of findings and determination must be submitted to the Commission prior to March 31.
- d) *Criteria for a Request of Nonrenewal or Revocation.* The Township Board may recommend nonrenewal or revocation of a license based upon any of the following findings:
- 1) The licensee would not meet the standards set forth in §5-25 if the licensee were applying for a new license.
  - 2) The licensee has knowingly or recklessly allowed three (3) or more violations of the regulations of the Commission in the preceding calendar year at the location of the licensed business, excluding violations for Non-Sufficient Funds (NSF).
  - 3) The licensee has knowingly or recklessly allowed a nuisance as defined under the Revised Judicature Act, MCL §600.3801, to be maintained upon the premises.
  - 4) The subject premises has existing violations of building, zoning, plumbing, mechanical, electrical, health, or fire prevention codes.
  - 5) The operation of the licensed business has resulted in a pattern of patron conduct in the neighborhood of the business that substantially disturbs the peace, order, and/or tranquility of the neighborhood.
  - 6) The licensee has failed to maintain the grounds and exterior of the licensee's liquor licensed business.

#### Section 4 of Ordinance

Should any section, subdivision, sentence, clause, or phrase of this Ordinance be declared by the Courts to be invalid, it shall not affect the validity of the remainder of the Ordinance or any part other than the part invalidated. It is further declared that such provisions would have been adopted independently of the provision found to be invalid. Should any procedural aspect of this Ordinance be invalidated, such invalidation shall not affect the enforceability of the substantive aspects of this Ordinance.

#### Section 5 of Ordinance

This Ordinance shall take effect immediately upon publication.

#### CERTIFICATION

STATE OF MICHIGAN     )  
  ) SS.  
COUNTY OF OAKLAND    )

I, Deborah Binder, the duly elected Clerk for the Charter Township of West Bloomfield, Oakland County, Michigan, do hereby certify that the foregoing is a true and complete copy of the Ordinance adopted by the Township Board for the Charter Township of West Bloomfield at a meeting held on the 2<sup>nd</sup> day of October, 2023, the original of which is on file in the Office of the Township Clerk.

I affix my official signature/seal this 2<sup>nd</sup> day of October, 2023.

By: 

Deborah Binder, Clerk

INTRODUCED: September 11, 2023

ADOPTED: October 2, 2023

PUBLISHED: October 11, 2023

EFFECTIVE: October 11, 2023

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