

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. 1.024.

The Charter Township of Commerce ordains:

SECTION 1 –PURPOSE

The purpose of this Ordinance is to amend Chapter 6, Article II, Section 6-21, of the Code of Ordinances, Charter Township of Commerce, Oakland County, Michigan, to remove the limitation put in place by Code Amendment Ordinance No. 1.021 and to permit the issuance of quota liquor licenses only to businesses outside of the Downtown Development District.

SECTION 2 – AMENDMENT

Chapter 6, Article II, Section 6-21(b), of the Code of Ordinances, Charter Township of Commerce, Oakland County, Michigan, is hereby amended in its entirety to read as follows:

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- (1) A person (licensee) whose liquor license has been revoked or not renewed.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 an 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 article.
- (15) Any applicant who proposes to use a quota Class C liquor license within the downtown development district.
- (16) Any applicant who proposes to use a quota Class C liquor license within the Commerce Towne Place planned unit development.

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 – REPEALER

All other provisions of the Code of Ordinances, or ordinances or parts of ordinances, in conflict with this ordinance are hereby repealed only to the extent necessary to give this ordinance full force and effect.

SECTION 5 - 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 6 - 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 7 – 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 14th day of October, 2014 and ordered to be given publication in the manner prescribed by law.

Vanessa Magner, Clerk

Thomas K. Zoner, Supervisor

Introduction:	September 9, 2014
Introduction Publication:	September 17, 2014
Adopted:	October 14, 2014
Adoption Publication:	October 22, 2014
Effective:	October 22, 2014