

ORDINANCE 119  
LIQUOR LICENSE ORDINANCE

**Sec. 1. Purpose**

This Chapter was adopted to establish procedures and standards for review of applications for liquor licenses and renewal and revocation of liquor licenses to sell beer and wine or spirits for consumption on the premises.

**Sec. 2. License Required**

- A. No person, partnership, corporation, or other entity shall sell beer and wine or spirits for consumption on the premises within the Township of Deerfield without applying for approval to the Township Board and obtaining the express approval of the Township Board for such license in accordance with this Chapter.
- B. No person, partnership, corporation, or other entity shall sell beer and wine or spirits for consumption on the premises within the Township of Deerfield without applying for approval to the Michigan Liquor Control Commission and obtaining the express approval of the Michigan Liquor Control Commission for such license in accordance with the statutes of the State of Michigan.
- C. The holder of a liquor license shall apply for renewal to the Michigan Liquor Control Commission and to the Township Board. The Michigan Liquor Control Commission must expressly approve the renewal of said license. Failure of the Township Board to file an objection to the renewal of said license within thirty (30) days prior to the expiration of same shall constitute approval of the renewal of the liquor license. The holder of a liquor license shall, sixty (60) days prior to the expiration of same, notify the Township Board in writing of the date that said liquor license will expire.

**Sec. 3. Liquor License Applications**

- A. An application for a license to sell beer and wine or spirits for consumption on the premises shall be made to the Township Board, in writing, signed by the applicant, if an individual or by a duly authorized agent thereof, if a partnership, corporation, or other legal entity, verified by oath or affidavit, and shall contain the following statements and information:
  - 1) The name, age social security number, address, and driver's license number of the applicant in the case of an individual; or, in the case of co-partnership, the purposes for which organized, the names and addresses of the officers and directors, and if a majority interest in the stock of such corporation is owned by one person or his nominee, the name and address of such person and a list of the names of the shareholders.
  - 2) The citizenship of the applicant, his place of birth, and, if a naturalized citizen, the time and place of his naturalization;

- 3) The character of the business of the applicant, and, in the case of a corporation, the purposes for which it was formed;
  - 4) The length of time said applicant has been in business of that character or, in the case of a corporation, the date when it was incorporated;
  - 5) The location and description of the premises or place of business that is to be operated under such license;
  - 6) A statement indication whether or not the applicant has made application for a similar or other license on premises other than described in this application, and the disposition of such applicant;
  - 7) A statement that applicant has never been convicted of a felony;
  - 8) A statement that the applicant has met all of the qualifications necessary to obtain a license as set forth in this Chapter and/or the laws of the State of Michigan.
  - 9) A statement that the applicant will not violate any of the laws of the State of Michigan, the United States, or any Chapter, Ordinances or Articles of the Township in the conduct of its business;
  - 10) The application shall be accompanied by building and plat plans showing the entire structure and premises and, in particular, the specific areas where the license is to be utilized. The plan shall demonstrate adequate off-street parking, lighting, refuse disposal, screening, and noise control;
  - 11) The proposed hours and days of the week the premises will be open to the public;
  - 12) Where food will be available to the patrons for purchase, and if so, the type of food and proposed hours available to the public;
  - 13) Whether entertainment will be provided, and if so, the type of entertainment and proposed hours;
  - 14) A statement as to whether the applicant has ever been denied an application for a liquor license by the Michigan Liquor Control Commission; and, if so, the reason for denial; and
  - 15) A statement as to whether the applicant has ever been the holder of a liquor license which has been revoked or not renewed, and if so, the reason for the revocation or non-renewal;
- B. An application for a liquor license shall be accompanied by a fee. The amount of said fee shall be adopted by resolution by the Township Board.

Deerfield Township

**Sec. 4. Standards for Review of Application**

A liquor license shall not be approved or renewed:

- 1) If the applicant was the holder of a liquor license, in the State of Michigan, which has been revoked or has not been renewed.
- 2) If the applicant, at the time of the application or renewal of any license issued hereunder, would not be eligible for such license upon a first application;
- 3) If the applicant is a co-partnership and each of the members of such co-partnership do not qualify individually to obtain a license;
- 4) If the applicant is a corporation and any officer, manager, or director thereof, or stockowner or stockholders owning any aggregate more than five (55) percent of the stock of such corporation would not be eligible to receive a license hereunder for any reason;
- 5) If the applicant's place of business is conducted by a manager or agent, unless such manager or agent possesses the same qualifications required of the licensee;
- 6) If the applicant has been convicted of a violation of any federal or state law or Township Chapter, Article or Section concerning the manufacturing, possession or sale of alcoholic liquor or a controlled substance;
- 7) If the applicant does not own the premises for which such a license is sought or does not have a lease thereof for the full period for which the license is issued, or if the applicant does not have the financial assets to carry on or maintain the business;
- 8) If there exists a violation of the applicable Building, Electrical, Mechanical, Plumbing, or Fire codes, applicable Zoning Regulations, or applicable Public Health Regulations, or any other applicable Township Charter, Article or Section, county regulation, state or federal law or regulations;
- 9) If it is determined by a majority of the Township Board that the premises do not or will not, reasonably soon after commencement of operations, have adequate off-street parking, lighting, refuse disposal facilities, screening, noise or nuisance control, or where a nuisance does or will exist;
- 10) If the Township Board determines and finds, that the proposed location is unreasonably detrimental and injurious to the surrounding properties and persons; and/or does not have appropriate provisions for 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, distance from inconsistent neighboring zoning districts, capacity to control and monitor noise and amplified music, and accessibility from primary roads or state highways.

## **Sec. 5. Reservation of Authority**

No such applicant for a liquor license has the right to the issuance of such license, 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 same when, in its discretion, it determines that the issuance of an additional liquor license is in the best interest of the Township at large and for the needs and conveniences of its citizens.

## **Sec. 6. Notices and Hearing for Applications**

- A. When the Township Board determines that the issuance of an additional liquor license is in the best interest of the Township at large and for the needs and conveniences of its citizens, the Township Board shall direct the Township Clerk to submit for publishing with the local newspaper a notice that shall contain the following information:
- 1) The type of liquor license available;
  - 2) A statement directing all interested persons to apply in accordance with this Chapter;
  - 3) The deadline for submission of applications;
  - 4) A statement that the applicants will have an opportunity to be heard at a public hearing; and
  - 5) The time, location, and date of the public hearing.
- B. The Township shall, by Resolution, approve or disapprove the application for a liquor license, and make findings of fact that the applicant has met the requirements of this Chapter, or that the applicant has failed to meet the requirements of this Chapter. The Township Board's determination shall be based upon the applicant's compliance with the standards and procedures set forth in this Chapter.

## **Sec. 7. Objections to License Renewal and Requests for Revocation**

- A. Before filing an objection to renewal or a request for revocation of a license with the Michigan Liquor Control Commission, the Township Board shall serve the license holder by registered mail, mailed not less than ten (10) days prior to a hearing, with notice of a hearing, which notice shall contain the following:
- 1) Notice of the proposed action;
  - 2) Reasons for the proposed action.
  - 3) Date, time, and place of hearing; and,

- 4) A statement that the licensee may present evidence and testimony and may confront adverse witnesses.

B. Following the hearing, the Township Board shall submit to the license holder and the Michigan Liquor Control Commission, a written statement of its findings and determination.

### **Sec. 8. Standards for Non-Renewal and Revocation**

The Township shall recommend non-renewal or revocation of a license upon a determination by it that based upon a preponderance of the evidence presented at hearing either of the following exists:

- 1) Violation of any of the restrictions or conditions set forth in this Chapter; or,
- 2) Maintenance of a nuisance upon the premises.

### **Sec. 9. Term of Licenses**

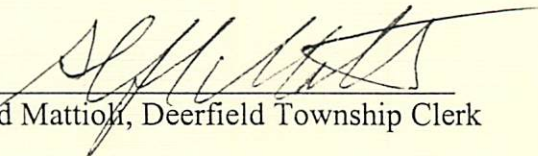
Approval of a license shall be a period of one (1) year, subject to annual renewal by the Township Board upon continued compliance with the regulations of this Chapter.

STATE OF MICHIGAN  
COUNTY OF LIVINGSTON

I, the undersigned, the duly qualified and acting Township Clerk of the Township of Deerfield, Livingston County, Michigan, DO HEREBY CERTIFY that the foregoing is a true and complete copy of certain proceedings taken by the Township Board of said Township at a regular meeting held on the 10<sup>th</sup> day of March, 2011.

I further certify that Garry Johnston moved the adoption of the Ordinance supported by Cheryl Petchell, and the vote on the said Ordinance was as follows:

Johnston – Aye  
Mattioli – Aye  
Petchell – Aye  
Green – Aye  
Taylor – Absent

  
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Alfred Mattioli, Deerfield Township Clerk