

TOWNSHIP OF TYRONE
LIVINGSTON COUNTY, MICHIGAN

ORDINANCE ESTABLISHING PROCEDURE
AND STANDARDS RE: LICENSE TO SELL
BEER AND WINE OR SPIRITS

ORDINANCE NO. 26

PURPOSE

An Ordinance to establish procedures and standards for review of applications, transfers, renewals, and revocation of license to sell beer and wine or spirits.

THE TOWNSHIP OF TYRONE, LIVINGSTON COUNTY, MICHIGAN, ORDAINS:

SECTION I APPLICATION FOR LICENSE

A. Application

Applications for license to sell beer and wine or spirits, whether transfer of an existing license or issuance of a new license including clubs and fraternal organizations, shall be made to the Township Board in writing, on a form provided by the Township, signed by the applicant, if an individual, or by a duly authorized agent thereof, if a partnership or corporation, verified by oath or affidavit, and shall be accompanied by a fee as established by the Township Board, and shall contain the following statements and information:

- (1) The name, age and address of the applicant in the case of an individual; or, in the case of a co-partnership, all general and limited partners; in the case of a corporation, the names and addresses of the officers, directors, and each shareholder who holds 5% or more of the issued and outstanding stock of the corporation.
- (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 business of the applicant, and in the case of a corporation, the object for which it was formed. If applicant is a corporation, attach copies of Articles of Incorporation, Certificate of Good Standing from State of Michigan, and three (3) most recent Michigan Annual reports.
- (4) The length of time said applicant has been in business of that character.

- (5) The location and description of the premises or place of business which is to be operated under such license, including seating capacity if a license is granted and current seating capacity , if applicable, and parking provisions.
- (6) A statement whether applicant has made application for a similar or other license on premises other than described in this application, and the disposition of such applications, including the number of like businesses for which applicant is a licensee.
- (7) A statement that applicant has never been convicted of a felony and is not disqualified to receive a license by reason of any matter or thing contained in this ordinance or the laws of the State of Michigan.
- (8) A statement that the applicant will not violate any of the laws of the State of Michigan or of the United States or any ordinance of the township in the conduct of its business.
- (9) 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 plans shall demonstrate adequate off street parking, lighting, refuse disposal facilities and where appropriate, adequate plans for screening and noise control.
- (10) A statement showing the costs of improvements or construction, accompanied by a current financial statement for individual applicant, partnership or corporation, certified by a Certified Public Account and/or a commitment letter from a lending institution, if funds for construction or improvement will come from borrowing.
- (11) A statement showing the date the applicant applied to the Liquor Control Commission for a license and attach a copy of the application made to the Commission.
- (12) A statement showing the business experience of the applicant, including experience in the liquor business, and the names and addresses of establishments where the experience was obtained; if the applicant does not have experience in the operation of an establishment licensed to sell alcoholic beverages for consumption on the premises, describe the type and number of employees who will be hired and if they possess that background and experience, including the names and addresses of establishments where the experience was obtained; if the business will be conducted by a manager or agent, set forth information regarding experience of that manager or agent, including the names and addresses of establishments where the experience was obtained, which must be commensurate with that of the applicant.
- (13) A list of business references.

- (14) A statement showing the hours of operation if a license is granted, and showing the current hours of operation, if applicable.
- (15) A statement showing the straight line distance of the establishment from residential areas on all sides and also the existing establishments serving alcoholic beverages for consumption on the premises or selling packaged beer, wine, or liquor and that are located within one-half mile of applicant's proposed location.
- (16) A statement indicating that if approval of the license is granted by the Township Board, the applicant will file a cash bond in an amount to be established by the Township Board. The condition of such cash bond being that the same will be forfeited to the Township unless the applicant for such license will commence the liquor business within a period of six (6) months after final approval and issuance of such license by the State Liquor Control Commission, if applicant already has a suitable building. If, however, the applicant will construct or remodel an existing building in which to use said liquor license, that applicant shall immediately commence construction and begin the liquor business within six (6) months of issuance or as soon thereafter as possible, but not to exceed one year.
- (17) A statement that, if the applicant is selected as a finalist for issuance of the license, and if the Township Board so requests, the applicant will appear for a personal interview with the Township Board.
- (18) A certification that the information contained in the application together with its attachments and enclosures is true to the best of the applicant's knowledge and belief and that all information prepared by agents of the applicant is likewise true to the best of the applicant's knowledge. The applicant shall also consent to allow the Livingston County Sheriff's Department to conduct a routine investigation into the applicant's background, and shall acknowledge that any false statements made in the application or its attachments or enclosures constitutes grounds for denial of the application.

B. Restrictions on Licenses

No such license shall be issued to:

- (1) A person whose license from the Liquor Control Commission had been revoked for cause (for 2 years) in this or any other community.
- (2) A person who, at the time of application or renewal of any license issued hereunder, would not be eligible for such license upon a first application under this Ordinance or any statutes or administrative rules of the Michigan Liquor Control Commission.
- (3) A co-partnership, unless all of the general and limited

partners of such co-partnership shall qualify to obtain a license.

- (4) A corporation, if any officer, manager or director thereof, or a stock owner or stockholders owning in the aggregate more than five percent (5%) of the stock of such corporation would not be eligible to receive a license hereunder for any reason.
- (5) A person whose place of business is conducted by a manager or agent unless such manager or agent possesses the same qualifications required by the licensee.
- (6) A person who has been convicted of a violation of any federal or state law involving moral turpitude, embezzlement, or fraud, or concerning the manufacture, consumption, possession or sale of alcoholic liquor or any narcotics, controlled substances, or drugs which are prohibited by Act No. 368 of the Public Acts of 1978, as amended.
- (7) A person who does not own the premises for which a license is sought or does not have a lease therefore for the full period for which the license is issued, or to a person, corporation, or co-partnership that does not have sufficient financial assets to carry on or maintain the business.
- (8) Any Tyrone Township law enforcing official shall not have an interest in any way either directly or indirectly in the manufacture, sale or distribution of alcoholic liquor, either as an owner, employer, or employee.
- (9) For premises where there exists a violation of the applicable Building, Electrical, Mechanical, Plumbing or Fire Codes, applicable Tyrone Township Zoning regulations, or applicable Livingston County Health Department regulations.
- (10) For any new license or for the transfer of any existing license unless the sale of beer, wine or spirits is shown to be incidental and subordinate to other permitted business uses upon the site, such as, but not limited to, food sales, motel operations, or recreational activities.
- (11) For premises where it is determined by a majority vote of the Tyrone Township Board that the premises do not or will not reasonably soon after commencement of operations have adequate parking, lighting, refuse disposal facilities, screening, noise, or nuisance control or where a nuisance does or will exist.
- (12) Where the Tyrone Township Board determines, by majority vote, that the proposed location is inappropriate considering 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 churches; proximity of any inconsistent zoning classification; and accessibility from primary roads or state highways.

- (13) For premises where the Tyrone Township Board determines, by majority vote, that there are other reasonable factors unique to the premises which would make the location inappropriate or inconsistent with the general health, safety and welfare of the community.

C. Term of License

- (1) Approval of a license shall be for the period of one year subject to annual renewal by the Township Board upon continued compliance with the regulations of this ordinance. Approval of a license shall be with the understanding that any necessary remodeling or new construction for the use of the license shall be commenced within six months of the action of the Township Board or the Michigan Liquor Control Commission approving such license whichever last occurs. If the completion of such remodeling or construction has not taken place within a period of one year, the license may be subject to revocation.
- (2) The licensee shall allow for inspection of the premises, during the licensee's normal business hours, by the appropriate health, building, fire, law enforcement, and township officials to verify compliance with the provisions of this ordinance.

D. License Hearing

The Tyrone Township Board shall grant a public hearing upon the license application after satisfactory receipt of all requested information. Following such hearing the Board shall submit to the applicant, within ninety (90) days, a written statement of its findings and determination. The Board's determination shall be based upon satisfactory compliance with the restrictions set forth in Section I, B., (1) through (13), above.

E. Short-term Licenses

The Township Board or its designee may waive any part of the foregoing requirements which are unreasonable or burdensome in the case of charitable, fraternal, or religious organizations who are making application for a short-term liquor license. A short-term liquor license shall mean a license which is granted for from one to three consecutive days; but not to exceed two such short-term licenses per licensee in any one calendar year.

SECTION II OBJECTIONS TO RENEWAL AND REQUEST FOR REVOCATION

A. Procedure

Before filing an objection to renewal or request for revocation of a license with the Michigan liquor Control Commission, the Township Board shall serve the licenseholder or its agent, personally or by first class mail, mailed to the address of the business premises, mailed not less than ten days prior to hearing, with notice of a hearing, which notice shall contain the following:

- (1) Notice of proposed action.
- (2) Reasons for the proposed action.
- (3) Date, time and place of hearing.
- (4) A statement that the licensee may present evidence and testimony and confront adverse witnesses.

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

B. Criteria For Nonrenewal or Revocation

The Township Board shall recommend nonrenewal 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 exist:

- (1) Violation of any of the restrictions on licenses set forth in Section I, B., (1) through (13); and Section I, C., (1) and (2), above; or
- (2) Maintenance of a nuisance upon the premises.

SECTION III SEVERABILITY

Should any section of this Ordinance be declared unconstitutional, such declaration shall not affect the validity of the remaining sections of this Ordinance.

SECTION IV EFFECTIVE DATE

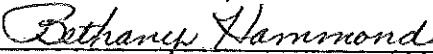
This Ordinance shall take effect on the Eleventh day of October, 1985. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

RESOLVED BY: Hammond SUPPORTED BY: Melville VOTE: YEAS, 5; NAYS, 0
ADOPTED: October 1, 1985

PUBLISHED: October 10, 1985
EFFECTIVE DATE: October 11, 1985

CERTIFICATION OF THE CLERK

I hereby certify this to be an Ordinance duly adopted by the Tyrone Township Board at a regular meeting held the First day of October, 1985, to which I set my hand and my seal this Sixth Day of October, 1985.


Bethany Hammond, Clerk