

**GREEN OAK CHARTER TOWNSHIP
ORDINANCE NO. 01-2022**

AN ORDINANCE TO ADD A NEW CHAPTER 5, ALCOHOLIC LIQUOR, TO THE GREEN OAK CHARTER TOWNSHIP CODE OF ORDINANCES TO PROVIDE POLICIES AND REGULATIONS FOR THE ISSUANCE, TRANSFER, RELOCATION, RENEWAL, REVOCATION AND ENFORCEMENT OF LIQUOR LICENSES AND PERMITS AND FOR THE OPERATION OF LICENSED PREMISES.

GREEN OAK CHARTER TOWNSHIP ORDAINS:

Section 1 of Ordinance. Addition of Chapter 5, ALCOHOLIC LIQUOR.

Chapter 5 – Alcoholic Liquor – is hereby added to read in its entirety as follows:

CHAPTER 5 – ALCOHOLIC LIQUOR

ARTICLE I – SHORT TITLE; STATEMENT OF PURPOSE

Sec. 5.1. - Short title.

This ordinance shall be known and may be cited as the Green Oak Charter Township "Liquor License Ordinance."

Sec. 5.2. – Statement of purpose.

The purpose of this chapter is to establish the township's policies and procedures for regulating liquor licenses including the issuance, transfer, relocation, renewal, revocation, and enforcement of liquor licenses and permits, and the operation of licensed premises.

ARTICLE II – LICENSING

Sec. 5-3. - Licensing policy.

New licenses or permits and transfers of licenses will be approved in the sole discretion of the township board.

This article establishes an application and review procedure for the issuance of new licenses and permits, the transfer of licenses into and within the township and among owners and/or applicants, and renewal and revocation of licenses. The process is intended to ensure that the individuals and entities seeking licenses from, or charged with operating licensed establishments within the township, meet certain minimum requirements as to criminal history, past conduct, and ongoing business operation standards. It requires township board review of application information in light of certain criteria that is established for purposes of identifying the kinds of

applicants and establishments that qualify for a license. It reserves to the township any and all discretion afforded it under applicable law relating to the issuance of licenses.

As a general matter of policy, applicants for a license will need to demonstrate an identifiable benefit to the township and its residents resulting from the granting of the license. While all of the criteria set forth in this ordinance and the application are relevant to the decision whether to grant a license, an applicant must demonstrate generally that the proposed facility:

(a) Will provide a service, product or function that is not presently available within the township or that would be unique to the township or to an identifiable area within the township;

(b) Is of a character that will foster or generate economic development or growth within the township, or in an identifiable area of the township, in a manner consistent with the township's policy; or

(c) Represents an added financial investment on the part of a long-term business with recognized ties to the township and the local community.

The weight to be given to each of the criteria identified in this chapter and contained in the application form, and the determination whether a particular applicant meets or satisfies those criteria, is intended to be within the sole discretion of the township board.

Sec. 5-4. – Definitions.

The following definitions shall apply to this chapter:

(a) *Alcoholic liquor* means any spirituous, vinous, malt, or fermented liquor, powder, liquids, and compounds, whether or not medicated, proprietary, patented, and by whatever name called, containing 1/2 of 1% or more of alcohol by volume that are fit for use for food purposes or beverage purposes as defined and classified by the Michigan Liquor Control Commission.

(b) *Applicant* means and include all persons and entities proposed to be owners of the license and/or of the licensed premises. Applicant includes all owners, shareholders, officers, partners, and members of an entity applying for a license.

(c) *Brewpub* means a license issued in conjunction with a class C, tavern, class A hotel, or class B hotel license that authorizes the person licensed with the class C, tavern, class A hotel, or class B hotel to manufacture and brew not more than 18,000 barrels of beer per calendar year in Michigan and sell at those licensed 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 is considered a hybrid on- and off-premises liquor license.

(d) *Class C license* means a place licensed to sell at retail beer, wine, mixed spirit drink, and spirits for consumption on the premises.

(e) *Club license* means a liquor license issued to a club as defined by section 107 of the Michigan Liquor Control Code of 1998, Public Act 58 of 1998 (MCL 436.1107(5)).

(f) *Hotel license* means a liquor license issued to a hotel as defined in section 107 of the Michigan Liquor Control Code of 1998, Public Act 58 of 1998 (MCL 436.1107(9), (10), (11)).

(g) *License* means a contract between the commission and the licensee granting authority to that licensee to manufacture and sell, or sell, or warehouse alcoholic liquor in the manner provided by the Michigan Liquor Control Code of 1998, Public Act 58 of 1998.

(h) *Michigan Liquor Control Commission or MLCC* means the liquor control commission provided for and created in Section 209 of the Michigan Liquor Control Code of 1998, Public Act 58 of 1998 (MCL 436.1209).

(i) *Micro brewer* means a brewer that produces in total less than 60,000 barrels of beer per year and that may sell the beer produced to consumers at the licensed brewery premises for consumption on or off the licensed brewery premises and to retailers as provided in MCL 436.1203a. In determining the 60,000-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.

(j) *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.

(k) *On-premises license* shall mean 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.

(l) *Person* means an individual, firm, partnership, limited partnership, association, limited liability company, or corporation.

(m) *Resort license* means a liquor license issued by the Michigan Liquor Control Commission in a resort area, without regard to other Liquor Control Commission quota requirements, in accordance with the Michigan Liquor Control Code of 1998, Public Act 58 of 1998.

(n) *Sale* includes the exchange, barter, traffic, furnishing, or giving away of alcoholic liquor.

(o) *Special license* means a contract between the commission and the special licensee granting authority to that licensee to sell beer, wine, mixed spirit drink, or spirits. The license shall be granted only to such persons and such organization and for such period of time as the commission shall determine so long as the person or organization is able to demonstrate an existence separate from an affiliated umbrella organization. If such an existence is demonstrated, the commission shall not deny a special license solely by the applicant's affiliation with an organization that is also eligible for a special license.

(p) *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, Public Act 58 of 1998.

(q) *Specially designated distributor (SDD)* means a person engaged in an established business licensed by the MLCC to distribute spirits and mixed spirit drink in the original package for the commission for consumption off the premises.

(r) *Specially designated merchant (SDM)* means a person to whom the MLCC grants a license to sell beer or wine, or both, at retail for consumption off the licensed premises.

(s) *Tavern* means any place licensed to sell retail beer and wine for consumption on the premises only.

Sec. 5-5. – License required.

No person shall engage in the business of selling alcoholic liquor for consumption in the Green Oak Charter Township, transfer a liquor license into the township, transfer ownership or location of a liquor license within the township, without obtaining an approval for same by the township board as provided for in this article and also obtaining a liquor license therefor as required in the Michigan Liquor Control Code of 1998, Public Act 58 of 1998, as amended.

Sec. 5-6. – Plan of operation required.

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

(b) *Contents of plan.* A plan of operation shall contain an operational statement outlining the proposed manner in which the establishment will be continuously operated in a manner consistent with the requirements of this article and the code of ordinances, including, but not limited to, the opening date, the business concept, the anticipated food-to-alcohol ratio, a schedule of the days and hours of operation, method of alcohol management, crowd control/security, use of building facilities, parking facilities and arrangements, plan for interior use and layout, exterior design, layout of any ancillary facilities on the site, dance/entertainment permits needed or requested, estimated cost of building and site improvements, 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, inactivity, escrowing, or warehousing of licenses shall be prohibited in the plan of operation.

(d) *Compliance.* Licensees shall comply with all applicable state and Township regulations, this article, and a plan of operation as approved by township board.

(e) *Changes in plan.* Substantial changes to a plan of operation shall be approved by the township board before implementation of the change by the licensee as provided for in Section 4-38.

Sec. 5-7. – Review Procedures.

(a) *Application.* Every applicant for a new on-premises liquor license, or for the transfer into or within 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 established by the township board. The application pertains to the township only and is in addition to the separate application required by the MLCC. The township application shall include the following information:

- (1) Applicant's name, address, and phone number.
- (2) The type of license and/or related permit(s) requested.
- (3) Names, addresses and phone numbers of all persons with an interest in a proposed business and real property, including partners, members, and stockholders.
- (4) Address and telephone number of resident agent for accepting service of process, if applicant is a corporation.
- (5) Evidence of ownership (i.e., deed, land contract, lease agreement).
- (6) Name and address of financial institution where all of applicant's funds for establishment and operation of the entity sought to be licensed are deposited.
- (7) The sources of all funds which will be relied upon in the establishment and operation of the entity sought to be licensed.
- (8) The distance from other licensees within a two-mile radius of the area where the proposed business will be located.
- (9) A statement that the proposed business is not within 500 feet of a church or school building.
- (10) A criminal background report of the applicant's criminal history, including all partnership members and all stockholders, if applicant is an entity, through the Internet Criminal History Access Tool (ICHAT). The applicant is responsible for all charges incurred in requesting and receiving the ICHAT report and the report must be dated within thirty (30) days of the date of the application.
- (11) 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.
- (12) A statement that the applicant is not disqualified to receive a license by reason of any matter or thing contained in this chapter or the laws of the state.
- (13) 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 or the administrative rules of any regulatory agency in the conduct of its business.
- (14) An accurate record and history of any liquor license complaint violations by the applicant, and any entity the applicant has worked for or had a substantial interest in, or by a parent or subsidiary entity of the applicant for the immediately preceding five (5) years.
- (15) The legal description, address, and zoning classification for the location where business is proposed.

- (16) State whether a new building is proposed or whether an existing structure will be utilized.
- (17) Building and site plans showing the site and existing structures demonstrating compliance with zoning requirements, adequate off-street parking, lighting, refuse disposal facilities, and where appropriate, adequate plans for sound barriers and noise control. If the establishment is to be located in a proposed building for which site plan approval has not yet been obtained, or in an existing building that is to be remodeled, a conceptual plan showing the relationship of the building to the surrounding properties and uses, and proposed building elevations.
- (18) Details of the applicant's experience, financial capability, and history of business experience, including experience as a licensee.
- (19) A plan of operation which shall contain an operational statement outlining the proposed manner in which the establishment will be 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, food service, crowd control, use of facilities, parking facilities and estimated cost of development.
- (20) The name, address, and phone number of the person to be called in the event of an emergency at the licensed establishment.
- (21) A statement demonstrating that the location proposed, and the methods of operation, will not detrimentally and unreasonably impact nearby property owners, businesses, and residents.
- (22) A written statement explaining in detail how the application and applicant meet the review criteria listed in subsection (e).
- (23) 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.
- (24) The applicant's relationship to the township (e.g., residency, business owner).
- (25) State whether you have ever had any license, including a liquor license, revoked.
- (26) Provide a detailed statement of the proposed seating capacity in the establishment.
- (27) Provide a statement as to the number of individuals that you will be employing in the establishment, and the likelihood of the employees will reside in the township.
- (28) State whether you have attempted to transfer one of your existing liquor licenses to the proposed establishment, if applicable.
- (29) State what actions you have taken to try to obtain a liquor license without using the township's quota, if applicable.

- (30) The impact or effect that the issuance of a liquor license would have upon the economic development of the surrounding area.
- (31) Whether the applicant uses alcoholic beverages to excess.
- (32) The proposed or actual commitments being made by the applicant to establish permanency in the township.
- (33) 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) *Investigation.* Following receipt of a complete application, fees and other information as may be requested by the township, the township supervisor will refer the application to the police department, fire department, planning department, building department, public works department, and such other departments as deemed appropriate, which departments shall cause a thorough review and investigation of the applicant(s) and premises to be completed, including, but not limited to, an investigation regarding the background of the applicant(s) and owners, a complete history of past business and experience and liquor law violations, the proposed premises, code compliance, payment of taxes and utility charges, availability of utilities. The findings and results of the investigations, including where applicable, recommendations, shall be provided to the township supervisor, who shall then report same to the township board. In making its reviews and investigations, the township, and its departments, may request other pertinent information from the applicant.

(c) *Placement upon Township Board agenda.* Upon receipt by the township supervisor of the findings, results, and recommendations of the departments, the township supervisor will place the application on the Township Board agenda for consideration within a reasonable period of time. Due notice will be provided to the applicant, and the applicant will be required to appear before the township board and make an oral or written presentation and address any questions concerning the application.

(d) *Township Board action required.* All applications are subject to action by the township board. The township board may approve, postpone consideration for a reasonable period, or deny the license. If the township decides to approve or deny the license, it may do so by resolution. The resolution shall list the conditions of approval or the reasons for denial. The township board shall cause its decision to be transmitted to the MLCC, on forms approved by the MLCC, and promptly give notice of the decision to the applicant, in writing. Unless otherwise indicated by the township board, all approvals are conditioned upon the applicant obtaining any required building permits and any other necessary permits, licenses, or approvals from the township, including site plan approval, special land use approval, or approvals from other regulatory agencies within sixty (60) days from the date of such approval. The construction of new buildings and alterations of existing buildings shall commence within six (6) months after the date of approval, with a completion date of no more than one (1) year after the issuance of the relevant building permit. Extensions of time for completion of construction or alteration or to meet conditions may be granted by the township board for good cause. Failure to comply with such conditions shall render the license, and any approval, subject to revocation.

(e) *Review criteria.* In making its determination, the township board may consider and/or weigh, in its discretion, the criteria in this chapter, the information submitted in the application, and the following factors:

- (1) The possibility of a consequent cost 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 potential adverse effect the proposed establishment may have on such land uses and the surrounding area.
- (4) The investigations, findings, and recommendations of the township departments regarding the applicant, application, and proposed premises and establishment.
- (5) Input from residents and surrounding business owners.
- (6) Impact of the establishment on surrounding businesses and neighborhoods.
- (7) The effect of the proposed establishment on vehicular and pedestrian traffic in the area.
- (8) The availability of adequate parking on the property and nearby, taking all circumstances of the location into consideration, and the effect on parking.
- (9) Whether the proposed establishment is part of a multi-use project with substantial new retail, office or residential components, and the size of the proposed establishment relative to the overall project or development.
- (10) The applicant's history and experience, if any, in conducting a business holding a liquor license.
- (11) MLCC violation history.
- (12) The applicant's financial status and its ability to build and/or operate the proposed establishment.
- (13) Past criminal convictions of the applicant for crimes involving moral turpitude, violence, or alcoholic liquors, including, but not limited to: gambling, prostitution, weapons, tax evasion, fraudulent activity, controlled substances, crimes or violations of such a nature that it may impair the ability of the applicant to operate a licensed business in a safe and competent manner.
- (14) Non-payment or late payment of taxes.
- (15) The availability of utilities to serve the proposed premises.
- (16) Compliance with applicable building, plumbing, electrical and fire prevention codes, zoning ordinance, or other applicable ordinances, laws, codes, and regulations.

- (17) The nature and extent of preservation or restoration of existing or historic buildings.
- (18) The number, proximity, and capacity of similar licensed establishments in the township.
- (19) The amount invested in the proposed premises/establishment.
- (20) Locating in an underdeveloped area.
- (21) The effect on the economic development of the township or the surrounding area.
- (22) Whether the applicant has demonstrated a public need or convenience for the issuance of the liquor license for the business establishment at the location proposed.
- (23) The type or character of proposed establishment and services, menu and entertainment to be offered.
- (24) The overall theme, atmosphere, or ambiance of the proposed business.
- (25) The proposed hours and days of operation.
- (26) The proposed ratio of sales of food to alcohol.
- (27) The size and percent of floor area devoted to kitchen, dining, dance floor, bar, outdoor service areas.
- (28) The impact of the establishment on township policing and code enforcement activities.
- (29) The overall benefits and/or detriments of the proposed establishment to the township.
- (30) The uniqueness of the proposed establishment when contrasted against other existing or proposed establishments.
- (31) Whether the applicant has established a public need for the issuance of the liquor license for the establishment at the proposed location, including:
 - a. The total number of licenses for similar establishments in the township, considered both in terms of whether such number of similar establishments are needed and whether there may be a need for other types of establishments that could go unmet if the requested license were granted;
 - b. The proximity of the establishment to other licensed liquor establishments, the types of such establishments, whether such

establishments are similar to that proposed, and the anticipated impact of all such determinations;

- c. Whether the proposed location is in an area characterized as developed, redeveloping, or undeveloped, and the anticipated impact of approving the newly proposed establishment in light of such character, taking into consideration the need for any type of additional licensed establishment in the area, and the need for the particular type of establishment proposed;
- d. The impact of the establishment on township police and code enforcement activities.

(32) Any other factors that may affect the health, safety and/or welfare of the general public.

(f) *Restrictions on licenses.* No license shall be issued to:

- (1) A person whose liquor license has been revoked or not renewed for cause under this article, or a comparable municipal ordinance or state law, whether in Michigan or otherwise.
- (2) A person who, at the time of application or renewal or any license issued hereunder, would not be eligible for such license upon a first application.
- (3) An applicant, including any owner, shareholder, officer, partner, member, manager, or assignee thereof, owing a ten (10) percent interest or more would not be eligible to receive a license hereunder for any reason.
- (4) A person who has been convicted of a crime involving theft, dishonesty, or false statement (including tax evasion); or has been convicted or found responsible for a violation of any federal or state law or Administrative Rules of the MLCC concerning the manufacture, possession, or sale of alcoholic liquor or controlled substances, or similar violation of another state or country.
- (5) 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.
- (6) Any law enforcement official or any member of the township board, or to any such official having interest in any way, either directly or indirectly, in manufacture, sale or distribution of alcoholic liquor.
- (7) Any applicant who omits or falsifies any information required by this article.
- (8) Premises where there exists a violation of the applicable building, electrical, mechanical, plumbing or fire codes, applicable zoning regulations,

applicable public health regulations or any other applicable Township ordinance.

- (9) Premises that do not, or will not reasonably soon after commencement of operations, have adequate off-street parking, lighting, refuse disposal facilities, noise or nuisance control, or such new construction or remodeling as proposed would not be completed.
- (10) To any person or any premises where any real property taxes, personal property taxes, or any other obligations are due and payable to the Township.

(g) *Changes in plans, drawings, etc.* After approval by the township board, no site plan, floor plan, building elevation, seating arrangement, kitchen layout, or other pertinent facts, drawings, or documents submitted to the township may be changed without the applicant first receiving approval from the township planning, engineering, and building departments and township board.

(h) *Issuance of available quota licenses.* The township board shall not recommend approval of an applicant for an available quota liquor license without the execution of an agreement between the applicant and the township, in a form approved by the township, prohibiting its transfer or sale outside of the township and requiring cancellation/termination when appropriate.

(i) *Reservation of authority.* No applicant for a liquor license has a right to the issuance of such license to him, her or it, and the township board reserves the right to exercise reasonable discretion to determine who, if anyone, shall be entitled to the issuance of such licenses.

Sec. 5-8. – Changes in licensed operations.

(a) Substantial changes in the licensee's operations shall be approved by the township board. Substantial changes include changes in space of more than ten percent (10%), reduction of more than ten percent (10%) 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. 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 (10) days of the change of information or circumstances.

(b) Failure of such compliance or variance from an approved plan operation is a violation of this article and may result in the township objecting to the renewal or recommending revocation of the license.

Sec. 5-9. - Inactive licenses.

In the event a license remains unused or inactive for one (1) year after being issued without further approval from township board, the township board may object to renewal or recommend revocation of the license.

Sec. 5-10. - Term of license.

Approval of a license shall be for a period of one (1) year, expiring annually on April 30 following the date of issuance. The liquor license is subject to review by the township board for continued compliance with the regulations of this article.

Sec. 5-11. - Annual license review.

The township may undertake a review of any license at any time for purposes of making recommendations to the MLCC regarding renewal of said licenses. The township may consider whether a licensed establishment has been operated in a manner consistent with the provisions of this chapter and all other applicable laws and regulations and whether continued operation of the licensed establishment is reasonably likely to adversely affect the surrounding neighborhood or investment in real property therein, and this consideration shall include, inter alia, entertainment, events or promotions, and whether impact upon the neighborhood is otherwise contrary to the peace, order and tranquility of the community.

Sec. 5-12. - Application procedure for new permits.

(a) 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 township's sole discretion. The application for such a permit shall be submitted to the township clerk, in writing, accompanied by a nonrefundable fee in an amount determined by township board. (If the application for such a permit is made at initial application or transfer, no additional fee is required.) The township supervisor will refer the permit application to the township board which will set the matter for consideration, due notice to be given the applicant.

(b) In reviewing the permit application, 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) Information contained in the application.
- (6) Review criteria contained in Section 5-7(e).

(c) Requests for permits for dance, entertainment, or dance and entertainment shall be approved or denied in the sole discretion of the township board, and a permit for dance, entertainment, or dance and entertainment shall not be approved by the township board without the execution of an entertainment agreement, in the form approved by the township.

Sec. 5-13. – Transfers of existing licenses.

(a) The transfer of any existing liquor license into, within, or to different owners shall require approval of the township board and shall be reviewed under the review procedures outlined in Section 5-7 above.

(b) Transfers that involve the following circumstances may be placed on a township Board agenda for consideration without payment of a fee and without the necessity of furnishing the information required in Section 5-7 above:

- (1) 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.
- (2) 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.
- (3) The occurrence of any of the following events:
 - a. A corporate stock split of a licensed corporation.
 - b. The issuance to an existing stockholder of a licensed corporation of previously unissued stock as compensation for services performed.
 - c. The redemption by a licensed corporation of its own stock.
 - d. A corporate public offering.

(c) Existing permits ancillary to liquor licenses are transferred with the liquor license unless cancelled in writing. Transferees must present plans regarding the operation they intend to conduct using the particular permit.

Sec. 5-14. – Prohibition on profiteering by class C liquor licenses.

(a) The township board has determined that profiteering by liquor licenses is contrary to the best interests of the township. Accordingly, to prevent profiteering, to the full extent authorized by law, the township board shall not approve the transfer of a class C liquor license issued as a new license under this chapter within three (3) years of the date of the original issuance of the license. An agreement between the licensee and the township, following

recommendation by the township attorney, shall be prepared and agreed upon to give effect to this provision prior to final action being taken by the township board on an application. This agreement shall also prohibit the transfer or sale of said license outside of the township and requiring cancellation/termination when appropriate. The township board may, but is not required to, excuse the above anti-profiteering limitation for any of the following reasons:

- (1) If the licensee is a natural person, he or she dies or becomes incapacitated.
- (2) If the licensee is a business entity (e.g., limited liability company, corporation, partnership), the majority interest holder or owner dies or becomes incapacitate, or the business entity dissolves for reasons other than to transfer the license.
- (3) The licensee and the proposed transferee establish that the transfer shall not result in profiteering.
- (4) The application of this anti-profiteering limitation will subject the licensee to financial hardship due to no fault of its own, such as a change in the business climate, illness or death, labor, or supply problems, and/or other factors outside the licensee's control.

(b) The agreement shall provide that, unless excused by the township board as provided above, in the event a license is proposed for transfer within three (3) years from the date of issuance, the licensee agrees that the MLCC shall terminate the license and the township board may approve the issuance of a new license to a new applicant without any compensation to former licensee who requested transfer, and that the former licensee waives any property interest in such license upon request for transfer within three (3) years of issuance or placement of the license into escrow within such three-year period. However, prior to the approval of such issuance to a new applicant, the person or entity who requested transfer or placed the license into escrow shall be afforded written notice and an opportunity to be heard, and all objections raised at the hearing shall be resolved (at the MLCC or in the circuit court, if necessary) prior to issuance of the license to a new applicant.

Sec. 5-15. – Objections to renewal and requests for revocation.

(a) *Generally.* The township board may object to a renewal or request the revocation of a liquor license with the MLCC.

(b) *Procedure.* Before filing an objection to the renewal or requesting revocation of a license with the MLCC, the township board shall serve the licensee, by first class mail, mailed not less than ten (10) days prior to the hearing, a notice of such hearing, which notice shall contain the following information:

- (1) Notice of the proposed action.
- (2) Reasons for the proposed action.
- (3) Date, time, and place of such hearing.

- (4) A statement that the licensee may present evidence and testimony, and may confront witnesses and may be represented by a licensed attorney.

(c) *Hearing and final decision.* Such hearing may be conducted by township board as a whole, or by a hearing officer appointed by the township board for such purposes. If a hearing officer is appointed, it shall be the officer's duty to undertake such hearing and hear and take evidence and testimony of the licensee, or witnesses on its behalf, or in opposition thereto. After such hearing, the hearing officer shall make a recommendation to the township board for its ultimate final review and decision. The township board shall submit to the licensee and the MLCC, a certified copy of a resolution stating the specific reason for the determination

(d) *Criteria for non-renewal or revocation.* The township board may recommend non-renewal or request revocation of an on-premises license or a permit upon a determination by it that, based upon a preponderance of the evidence presented at the hearing, any of the following exists:

- (1) A violation of any applicable building, electrical, mechanical, plumbing or fire code; applicable zoning regulations; applicable public health regulations; applicable rules and regulations of the county health department; or any other applicable township code provision.
- (2) Maintenance of a nuisance on the premises.
 - 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 those in the neighborhood of the licensed premises.
- (3) Excessive police contacts with licensed premises, or its patrons off the premises determined to be the fault of the licensee.
- (4) Repeated instances where the licensee is serving or selling alcoholic liquor to minors or intoxicated persons

- (5) A material change in those conditions, statements or representations contained in the written application by the licensee, including a plan of operation, upon which the township board based its recommendation for approval, when, in the judgment of the township board, that change is found to be contrary to the best interests of the township and/or its residents.
- (6) A holder of a license or permit has been convicted of any federal or state law concerning the manufacture, possession or sale of alcoholic liquor or a controlled substance.
- (7) The premises do not, or will not reasonably soon, have adequate off-street parking, lighting, refuse disposal facilities, screening, noise, or nuisance control where a nuisance does or will exist.
- (8) A violation of any section of this chapter, the Liquor Control Code, or the rules and regulations of the MLCC, including sales of alcoholic liquor to minors.
- (9) For a dance, entertainment or dance-entertainment permit, any breach of the entertainment agreement entered into between the licensee and the city as required in this article.
- (10) Non-payment of taxes.

(e) *Criteria for request for revocation of off-premises license.* The township board may, by resolution, request the MLCC revoke the license of an off-premises license after it has been determined pursuant to MLCC 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.

Sec. 5-16. – Termination of escrowed license.

The township board may, through resolution, request that the MLCC terminate an on-premises license that has been inactive and placed in escrow for more than five (5) years after its expiration.

Sec. 5-17. – Fees.

Each applicant for a new license or permit, expansion of an existing licensed establishment, license transfer, or for renewal of an existing license or permit shall pay a nonrefundable application investigation fee in an amount set by township board resolution. Such fee will be in addition to any fee(s) required by the MLCC.

Sec 5-18. – Nudity.

No person, while appearing in a state of public nudity 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. For purposes of this section, the term

"public nudity" means knowingly or intentionally displaying in a public place, or for payment or promise of payment by any person including, but not limited to, payment or promise of payment of an admission fee, any individual's genitals or anus with less than a fully opaque covering, or a female individual's breast with less than a fully opaque covering of the nipple and areola. A mother's breastfeeding of her baby does not under any circumstances constitute nudity irrespective of whether or not the nipple is covered during or incidental to the feeding

Section 2 of Ordinance Severability.

Should any division, section, subsection, clause, or phrase of this Ordinance be declared by the courts to be invalid, the validity of the Ordinance as a whole, or in part, shall not be affected other than the part invalidated.

Section 3 of Ordinance Savings Clause.

The amendment of the Green Oak Charter Township Code of Ordinances set forth in this Ordinance does not affect or impair any act done, offense committed, or right accruing, accrued, or acquired or liability, penalty, forfeiture or punishment, pending or incurred prior to the amendment of the Code of Ordinances set forth in this Ordinance.

Section 4 of Ordinance Repealer.

All other Ordinances or parts of Ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

Section 5 of Ordinance Effective Date; Publication.

This ordinance shall take effect upon the later of eight (8) days after adoption or upon publication thereof as provided by law.

Made, passed, and adopted by the Green Oak Charter Township Board this ____ day of _____, 2022.

Certificate of Adoption

I hereby certify that the foregoing is a true and complete copy of the ordinance adopted at the regular meeting of the Green Oak Charter Township Board held on the ____ day of _____, 2022.

Michael Sedlak, Township Clerk

Adopted: _____

Published: _____

Effective: _____

