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Chapter 14 - BUSINESSES

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Sec. 14-176. Compliance with article required for issuance or transfer of license.

The city council shall not approve the issuance or transfer of a license for the sale of alcoholic beverages for consumption on the premises except in accordance with the terms and conditions of this article.

(Code 1983, § 80.91)

Sec. 14-177. On-premises consumption licenses.

The city hereby authorizes licenses for businesses where alcoholic beverages are sold for consumption on the premises in accordance with the number allowed by state statute and liquor control regulations in accordance with the latest decennial census.

(Code 1983, § 80.92; Ord. No. 2-04, § 1, 1-19-04; Ord. No. 09-04, § 1, 6-21-04; Ord. No. 09-05, § 1, 5-16-05; Ord. No. 11-05, § 1, 6-20-05)

Sec. 14-178. Locations where license is not permitted.

No places where alcoholic beverages are sold for consumption on the premises shall be permitted:

- (1) Within 500 feet of an improved and equipped school ground or playground.

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- (2) Within 500 feet of a church. Such distance shall be measured from the nearest point of the church building to the nearest point of the building in which the business is to be conducted.
- (3) In residential zones.
- (4) Within 500 feet of a residential zone unless the application is accompanied by the written consent of the majority of the owners, including both husbands and wives of all residential property within 500 feet of the proposed locations, or unless the place is located on a recognized commercial street where three-fourths of the frontage within 500 feet on both sides of the street is devoted to some commercial use.
- (5) On a street where, by virtue of density of traffic or other conditions, the proposed use would, in the judgment of the city council, constitute a traffic hazard.
- (6) At any place where, by reason of insufficient lighting or lack of police patrol, or other conditions, the proposed use would constitute a nuisance in the judgment of the city council.
- (7) Any of the subsections of this section may be waived by the city council where it is deemed to be in the best interest of the city.

(Code 1983, § 80.93; Ord. No. 2-04, § 1, 1-19-04; Ord. No. 11-05, § 2, 6-20-05)

Sec. 14-179. Requirements for Tavern, class C, class A-Hotel and class B-Hotel licenses.

- (1) The requirements for class C and tavern licenses shall be as follows:
 - (a) All licenses shall be operated in conjunction with a restaurant as a unit, and there shall be no separation of ownership between the license and the restaurant business. The primary business shall be that of the restaurant, which shall mean that more than 50 percent of the gross income shall be derived from the restaurant business, exclusive of alcohol sales. All licensees who as of January 1, 1980, do not have a restaurant business in conjunction with the license are hereby excluded from the provisions of this subsection. Those licensees who have a restaurant in conjunction with their business are hereby included in this subsection. On or before January 30 of each year, all licensees shall submit to the city clerk an annual report showing the total restaurant sales and the total sales from alcoholic beverages and such other information as may be necessary for the city to be able to determine whether or not the licensee is complying with this subsection.
 - (b) The dining area shall have an interior seating capacity to serve a minimum of 50 persons calculated using 15 square feet per person.
 - (c) Counter space or bar space for the dispensing of alcoholic beverages shall not exceed 20 percent of the seating capacity for all dining areas.
 - (d) The combined kitchen and food storage facilities shall have a square footage equal to at least 50 percent of the square footage for all dining areas.
 - (e) an architectural or engineered scaled floor plan verifying the above shall be provided with the request for a liquor license.
- (2) All motels and hotels selling alcoholic liquor for consumption on the premises with either a class A-Hotel or class B-Hotel license shall contain 60 or more guestrooms and shall provide a lounge serving a minimum of 25 persons calculated at 15 square feet per person.

(Code 1983, § 80.94; Ord. No. 11-05, § 3, 6-20-05; Ord. No. 7-14, § 1, 5-19-14)

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Sec. 14-180. Conduct of business.

The owner, as well as the agents and servants of the owner, actually engaged in the operation of a place of business, licensed to sell alcoholic beverages on the premises, shall at all times be responsible for the conduct of occupants and patrons. No disorderly, loud or boisterous conduct shall be permitted, nor shall any entertainment be given or permitted which is offensive, indecent or obscene in its nature. Front windows shall at all times be clear of curtains, screens or objects which would tend to obstruct vision into the establishment from the front and outside of the premises. No living quarters shall be permitted in the same building, if they are connected to the business establishment in such a way that the public has, or is likely to have access thereto. No booths shall be permitted which are completely enclosed or capable of being either permanently or temporarily completely enclosed or locked or with partitions higher than four feet from the floor. No such place shall permit alcoholic beverages to be served or consumed in private rooms unless the door to such room shall be open during the period while such alcoholic beverages are being consumed therein. All places must have separate toilet facilities for men and women.

(Code 1983, § 80.95)

Sec. 14-181. License restrictions.

The restrictions and requirements set forth in this article shall be applicable to:

- (1) All new licensees, and such licensees shall not be entitled to a license unless and until they comply with all of the requirements and restrictions set forth in this section.
- (2) Transfers involving both a change of license ownership and license location.
- (3) Transfers involving a change of license location involving a change of license ownership where such transfer is made on a voluntary basis. Such restrictions shall not be required where a licensee is compelled to transfer his location because of eminent domain condemnation, other operation of law or an involuntary act. The restrictions and requirements set forth in this article shall not apply to transfer involving a change of license ownership where there is not at the same time a change of license location.

(Code 1983, § 80.96)

Sec. 14-182. Application procedure.

- (a) Prior to filing an application with the state liquor control commission for a license to sell alcoholic beverages for consumption on the premises, such applicant shall first make a request for approval to the city upon forms provided by the city clerk. Such forms shall be filed with the city clerk. The application fee to be paid at time of filing shall be determined by the city council by resolution. If the application is for a place of business in a district mentioned in section 14-178, it shall be accompanied by the written consent required by section 14-178 before it shall be transmitted by the city clerk to the city council and before any action shall be taken thereon.
- (b) Upon receipt of such application, the city clerk shall transmit the application to the development review team. The development review team shall provide a recommendation to the city council for all requests. Consideration shall be given to neighborhood character, use type, type of activities, hours of operation, public safety resources, and the secondary effects resulting from such uses that must be taken into consideration during the alcohol licensing process. The city clerk shall also transmit such application to the city treasurer, who shall endorse thereon a statement as to whether the applicant is in default to the city in connection with the payment of any taxes or other obligations.

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- (c) Following the endorsements by the development review team and the city treasurer, the city clerk shall transmit the application to the city council. If the city council determines that additional information is required from the adjoining neighborhood to evaluate the request, a public hearing will be held with notifications provided to all property owners of record, and occupants of buildings, within 300 feet of the property. Such notices shall be sent at least 15 days prior to the public hearing. The city council may deny an application if the applicant has not conformed with the provisions of this article.

(Code 1983, § 80.97; Ord. No. 16-05, § 1, 11-7-05; Ord. No. 7-14, § 2, 5-19-14)

Sec. 14-183. Closing times.

No alcoholic liquor shall be sold on any premises covered by this article on any Sunday or on the period between December 24 and December 26 except as provided by the Michigan Liquor Control Act (MCL 436.101 et seq.) and in accordance with the regulations established pursuant to that Act.

(Code 1983, § 80.98; Ord. No. 19-95, § 1, 11-27-95; Ord. No. 25-96, § 1, 1-6-97; Ord. No. 08-06, § 1, 3-20-06; Ord. No. 28-06, § 1, 12-4-06; Ord. No. 13-10, § 1, 12-20-10)

Sec. 14-184. Revocation or nonrenewal of license—Procedure for recommendation.

The city council may recommend to the state liquor control commission that a common class C or class B liquor license be revoked or not be renewed upon a determination by the city council that any one or more of the following has occurred after a hearing has been conducted:

- (1) The licensee maintained a nuisance upon the premises.
- (2) The licensee failed to comply with any restrictive covenant between the city and the licensee.
- (3) The licensee failed to comply with any requirement of the Michigan Liquor Control Act (MCL 436.1 et seq.) or the administrative rules of the state liquor control commission.
- (4) The licensee failed to comply with any provision of this Code applicable to the licensee.
- (5) The licensee failed to comply with or violated any applicable statute, law, rule or regulation.
- (6) The licensee failed to provide adequate security for its patrons or their property.
- (7) The licensee failed to comply with any condition imposed by the city council on the granting of any license.
- (8) The licensee is delinquent in paying any personal property taxes.

(Ord. No. 14-94, § 1, 6-6-94)

Sec. 14-185. Same—Hearing procedure.

- (a) Prior to making a decision to recommend to the state liquor control commission that a license either be revoked or not be renewed, the city council shall hold a hearing and notify the license holder either by personal service or by first class mail of the following:
- (1) The nature of the proposed action.
 - (2) The reasons for the proposed action.
 - (3) The date, time and place of the hearing.

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- (4) The licensee may be at the hearing and may present any evidence, testimony, witnesses or any other facts relevant to the proposed action and may question any witnesses and examine any evidence, either personally or through a representative.
- (b) The city council may hold the hearing itself, may delegate to three of its members the power to conduct the hearing or may appoint a hearing officer to conduct the hearing. Whoever conducts the hearing shall make findings of fact and a recommendation based thereon to the city council. The city council shall make a final decision and recommendation to the state liquor control commission based upon the report of the committee, or the hearing officer or the findings of the entire council. The city council may accept or reject the recommendation of the committee or hearing officer. All hearings shall be transcribed by an official court reporter. Notice of all hearings shall be as provided for by the Open Meetings Act (MCL 15.261 et seq.).

(Ord. No. 14-94, § 2, 6-6-94)

Sec. 14-186. Same—Review by police department.

Prior to any hearing for revocation or nonrenewal of a license, the police department shall perform an investigation into any reports or complaints concerning the premises of the license, the licensee or the employees of the licensee. After the investigation, the police department shall submit its report to the city manager who shall then forward the report to the city council with a recommendation for its consideration.

(Ord. No. 14-94, § 3, 6-6-94)

Sec. 14-187. Licenses for specially designated merchants (SDM) and specially designated distributors (SDD).

- (a) *Application.* All applications for specially designated merchants (SDM) and specially designated distributors (SDD) licenses shall be on forms provided by the city clerk. The application shall provide sufficient information in order that the city council may make an evaluation based upon the standards adopted in this section.
- (b) *Location.* All applicants must give an address at which the license is to be located.
- (c) *Transfer.* Applications shall not be transferred, except where the business is to be conducted at the same location.
- (d) *Application seniority.* Applications shall be considered on the basis of seniority and compliance with the standards in this section. Seniority shall be determined by the date of the application. All applications now pending shall be made anew, but shall retain the original application date for the purposes of seniority.
- (e) *Ratio.* It is hereby determined that in order to serve the requirements of the city there shall be 47 SDM licenses and 21 SDD licenses within the city. The city council shall make recommendations to the state liquor control commission for any person desiring either an SDM or SDD license.
- (f) *Investigation.* At such time as the population warrants the granting of an additional SDM or SDD license, the city manager shall cause an investigation to be made to determine whether the standards of this section have been met and shall submit the report to the city council.
- (g) *Existing licenses continued.* Existing SDM and SDD licenses shall be allowed to continue in operation.
- (h) *Zoning requirements.* SDM and SDD licenses shall be granted only for locations in commercially zoned areas. Nonconforming uses shall not be considered as commercially zoned for the purposes of this article.

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- (i) *Location restrictions.* SDM and SDD licenses shall be recommended for locations only where there are established grocery store, food market, delicatessen or drugstore businesses. It is the intention that the business resulting from the license will be incidental to the primary business.
- (j) *Other factors to be considered.* Other factors may be considered by the city council, such as adequacy of space, the commercial area where the license is to be, the economic needs of the area in which the license is to be, whether there are other SDM or SDD licenses within the immediate vicinity, and any other matters as the city council may determine to be related to the public safety and welfare.
- (k) *Default.* No license shall be granted to any person who has owing and due any moneys to the city, including taxes and special assessments.
- (l) *Applicant compliance with applicable regulation.* The applicant shall comply with all statutes, LCC rules and regulations, any sections of this Code and any resolution of the city council as may be applicable.

(Code 1983, §§ 80.101—80.112; Ord. No. 20-98, § 1, 11-2-98)

Sec. 14-188. Sunday alcohol sales.

The Sunday sale of alcoholic beverages for consumption off the premises shall be permitted in retail establishments licensed under the Michigan Liquor Control Act (MCL 436.101 et seq.) in accordance with the regulations established pursuant to that Act.

(Ord. No. 22-93, § 1, 11-8-93; Ord. No. 04-08, § 1, 2-18-08)

Secs. 14-189—14-210. Reserved.

FOOTNOTE(S):

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State Law reference— Michigan Liquor Control Act, MCL 436.1 et seq. ([Back](#))