

CHARTER TOWNSHIP OF MONROE

ORDINANCE NO. 149

ADOPTED: 12/20/2022

EFFECTIVE: IMMEDIATELY UPON PUBLICATION AFTER FINAL ADOPTION

LIQUOR LICENSE ORDINANCE

THE CHARTER TOWNSHIP OF MONROE

MONROE COUNTY, MICHIGAN

ORDAINS:

An Ordinance to regulate the issuance, transfer, renewal, and revocation of liquor licenses in the Charter Township of Monroe.

NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE CHARTER TOWNSHIP OF MONROE THAT THE CHARTER TOWNSHIP OF MONROE CODE OF ORDINANCES IS HEREBY AMENDED TO ADD ORDINANCE NUMBER 149 AS FOLLOWS:

Ordinance Number 149 – Liquor License Ordinance

Section 1: TITLE.

This Ordinance shall be known and may be cited as the “Charter Township of Monroe Liquor License Ordinance.”

Section 2: PURPOSE AND APPLICABILITY.

- A. This Ordinance is established to provide an orderly and nondiscriminatory procedure for the issuance, renewal, revocation, and transfer of licenses for sale, service or allowing the consumption of alcoholic liquor on the premises within the Township. No person shall engage in the sale, service or allowing the consumption of alcoholic liquor on the premises without first complying with this Ordinance and receiving the Township Board’s approval of issuance of a new license or recommendation for transfer of a license.
- B. This Ordinance shall apply only to licenses to sell beer, wine or spirits for on-premises consumption, including but not limited to Class C Licenses, Resort Licenses, Tavern Licenses and Hotel Licenses, and it shall also apply to entertainment permits and other permits issued by the Commission. This Ordinance shall not, in any event, apply to applications for Specially

Designated Merchant or Specially Designated Distributor Licenses, Club (non-profit association) Licenses, or Special (non-profit organization) Licenses granted by the Commission.

- C. One-day permits allowed by statute and issued by the Township are not subject to this Ordinance, with the exception that an applicant of such one-day permits shall be required to submit a nonrefundable fee to the Township of Monroe Clerk, in the amount of \$50.00, to cover the cost of investigation, review and inspection by the Township.
- D. All alcoholic liquor traffic, including but not limited to the manufacture, sale, offer for sale, storage for sale, possession and/or transportation of alcoholic liquor within the Township, shall also comply with the provisions of the Michigan Liquor Control Code, Act 58 of the Public Acts of 1998, as amended.

Section 3: DEFINITIONS.

The following words and phrases shall have the following definitions when used in this Ordinance.

Alcoholic Liquor. Any spirituous, vinous, malt or fermented liquor, liquids and compounds, whether or not medicated, proprietary, patented and by whatever name called, containing ½ of 1% percent or more of alcohol by volume which are fit for use for beverage purposes.

Beer. A beverage obtained by alcoholic fermentation of an infusion or decoction of barley, malt, hops, sugar, or other cereal in potable water.

Class C license. A place licensed to sell at retail beer, wine, mixed spirit drink, and spirits for consumption on the premises.

Club. A nonprofit association, whether incorporated or unincorporated, organized for the promotion of some common purpose, the object of which is owning, hiring, or leasing a building, or space in a building, of an extent and character as in the judgment of the Commission may be suitable and adequate for the reasonable and comfortable use and accommodation of its members and their guests, but does not include an association organized for a commercial or business purpose.

Hotel. A building or group of buildings located on the same or adjoining pieces of real property, that provide lodging to travelers and temporary residents and that may also provide food service and other goods and services to registered guests and to the public.

Class A-Hotel. A hotel licensed by the Commission to sell beer, wine, and mixed spirit drink for consumption on the premises only, that provides for the rental of, and maintains the availability for rental of, not less than 25 bedrooms within the Township.

Class B-Hotel. A hotel licensed by the commission to sell beer, wine, mixed spirit drink, and spirits for consumption on the premises only, that provides for the rental of, and maintains the availability for rental of, not less than 25 bedrooms if located in a local governmental unit with a population of less than 175,000 or not less than 50 bedrooms if located in a local governmental unit with a population of 175,000 or more.

Commission. The Liquor Control Commission created in MCL 436.1209, as amended.

Resort License. A license that may be issued by the Commission without regard to a limitation because of population that meets the applicable requirements in MCL 436.1531(1) – (3), as amended.

Resort Economic Development License. A license that may be issued by the Commission under MCL 436.1531(4), as amended.

Spirits. A beverage that contains alcohol obtained by distillation, mixed with potable water or other substances, or both, in solution, and includes wine containing an alcoholic content of more than 21% by volume, except sacramental wine and mixed spirit drink.

Tavern. Any place licensed to sell at retail beer, wine, or mixed spirit drink for consumption on the premises only.

Township. The Charter Township of Monroe.

Township Board. The Township Board of the Charter Township of Monroe.

Wine. A product manufactured by the normal alcoholic fermentation of the juice of sound, ripe grapes, or any other fruit with the usual cellar treatment, and containing not more than 21% of alcohol by volume, including cider made from apples or pears, or both, that contains at least ½ of 1% of alcohol by volume, or mead, or honey wine made from honey, fermented fruit juices other than grapes, and mixed wine drinks.

Section 4: NEW LICENSES.

A. An applicant for issuance of a new liquor license for consumption of alcoholic liquor on the premises within the Township shall apply for approval under this Ordinance. An application to the Commission shall satisfy the requirements necessary for submission to the Township under this Ordinance to the extent that the information required by the Commission duplicates the application requirements necessary for submission to the Township. Applications for approval of issuance of a new liquor license for sale, service or allowing the consumption of alcoholic liquor on the premises under this Ordinance 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, limited-liability company, or corporation, verified by oath or affidavit, and shall contain the following statements and information:

1. The name, age, address, telephone number, email address, citizenship, place of birth, or if naturalized the date and place of naturalization, of the applicant in the case of an individual; or, in the case of a partnership, of each person entitled to share in the profits thereof; or, in the case of a limited-liability company or corporation, of each of the managers, members, officers and directors thereof, and of any persons directly or indirectly through his or her nominee owning an aggregate of more than 10 percent of the stock of such company or corporation;
2. The type of license desired;

3. Address and telephone number of the registered agent for accepting service of process, if the applicant is an entity;
4. Name and address of the financial institution where an applicant's funds for establishment and operation of the entity sought to be licensed are deposited, as well as the sources of all funds which will be relied upon in the establishment and operation of the entity sought to be licensed;
5. The character of business of the applicant and, in the case of a limited-liability company or corporation, the object for which it was formed;
6. A written statement as to the applicant's character, experience and financial ability to meet the obligations and business undertakings for which the license is to be issued, including the length of time such applicant has been in business of that character;
7. In the case of a limited-liability company or corporation, the date when its certificate of incorporation was issued;
8. The location of the premises or place of business which is to be operated under such license, including its legal description, address, and zoning classification for the location where business is proposed;
9. A plan of operation which shall contain an operational statement outlining the proposed manner in which the establishment will be continuously operated, including, but not limited to, the opening date, the concept, the format, a schedule of the hours of operation, alcohol management, and food service;
10. A statement as to whether the applicant has, prior to the application, applied for a similar or other license to sell alcoholic liquor and, if so, the date and the disposition of such application;
11. A statement that the applicant has never been convicted of a felony and is not disqualified from receiving approval for a license by reason of any matter or thing contained in this Ordinance or the laws of the State;
12. 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 in the conduct of their business;
13. The application shall be accompanied by an eight and one-half by eleven-inch building and plat diagram showing the entire structure, premises and grounds, and in particular, the specific areas where the license is to be utilized, and the relationship of the proposed structure to the surrounding property and land use. The plans shall demonstrate adequate off-street parking, lighting, refuse disposal facilities, and, where appropriate, adequate plans for screening and noise control;
14. A statement as to whether the applicant is leasing or purchasing the building, premises, grounds, or other area where the license is to be utilized; and if the premises are leased, written permission from the property owner to conduct business at the identified location;

15. A minimum of three character endorsements of the applicant, members, managers, partners or stockholders, as may be required by the Township Board by prior notice to the applicant;
 16. Any other pertinent information as may be required by the Township Board by prior notice to the applicant; and
 17. A statement that the applicant, should any of the information provided in their application or any attachment thereto change during the term of the license or any renewal thereof, will notify the Township Clerk, in writing, within 30 days of such change.
 18. The application shall be accompanied by a general plan encompassing a ¼ mile radius around the outer boundary of the proposed licensed location showing the proximity of churches and schools to the contemplated location. The distance between the church or school building and the contemplated location must be measured along the center line of the street or streets of address between 2 fixed points on the center line determined by projecting straight lines, at right angles to the center line, from the part of the church or school building nearest to the contemplated location and from the part of the contemplated location nearest to the church or school building. The Commission shall deny a new application for a license to sell alcoholic liquor at retail or a request to transfer location of an existing license if the contemplated location is within 500 feet of a church or a school building, pursuant to MCL 436.1503, as amended.
- B. If the Township Board decides to, in its sole discretion, process an application under this Ordinance, the applicant shall provide the Township a nonrefundable fee, in an amount established by the Township Board by resolution to cover the cost of the investigation, review, inspection, and costs of any notices and hearings by the Township.
 - C. The Township Clerk shall not cause an application to be placed on the agenda of the Township Board for review unless and until the Clerk deems the application complete by having the necessary statements and information as required under this section, or if the Township otherwise declines to process the application under this Ordinance.
 - D. Following receipt of the fully completed application chosen by the Township Board for processing under this Ordinance, the fee and such other information as may be requested by the Township, the Township Clerk shall forward the application to the Sheriff Department, the Township Fire Department, the Township Building Inspector, the Township Zoning Administrator, and such departments may make their recommendations prior to consideration of the application by the Township Board. In making its review, the Township Board may request from the applicant other pertinent information.
 - E. Upon receipt by the Township Clerk's Office of a completed application chosen by the Township Board for processing under this Ordinance, and any recommendations of the Sheriff Department, the Township Fire Department, the Township Building Inspector, the Township Zoning Administrator, and other departments as requested, the Clerk shall cause the application to be placed on the agenda of the Township Board. Due notice will be given to the applicant. The applicant will be required to appear before the Board and answer any questions

pertaining to the application. All applications chosen for processing under this Ordinance are subject to the final approval of the Board.

- F. The Township Board shall conduct a public hearing, preceded by at least ten (10) days written notice to the applicant and publication of notice in a newspaper of general circulation in the Township, before making a decision regarding the application.
- G. Following the public hearing, the Township Board shall decide based upon satisfactory compliance with the standards of review set forth in this Ordinance and take any of the following steps, which shall be submitted to the applicant in writing:
 - 1. Recommend to the Commission approval of the application above all others for the issuance of a liquor license;
 - 2. Reject the application stating the reasons for such rejection;
 - 3. Postpone action on the application; or
 - 4. Take other appropriate action in the discretion of the Township Board.
- H. The Township Board, in making its decision on the application, shall consider the following criteria:
 - 1. The applicant's management experience in the alcoholic liquor business;
 - 2. The applicant's general business management experience;
 - 3. The applicant's general business reputation;
 - 4. The applicant's financial status and ability to build and/or operate the proposed facility on which the proposed liquor license is to be located;
 - 5. The amount invested in the facility/establishment and the extent and nature of renovation to existing buildings;
 - 6. The effect that the issuance of a license would have on the health, welfare and safety of the general public;
 - 7. The recommendations of any state, county or local agencies and departments that provided comment regarding the application;
 - 8. Whether the applicant has demonstrated the public need or convenience for the issuance of the liquor license for the business facility at the location proposed;
 - 9. The uniqueness of the proposed facility when contrasted against other existing or proposed facilities;
 - 10. The number of outstanding liquor licenses that may be issued by the Township;
 - 11. Whether the facility to which the proposed liquor license is to be issued complies, or will comply, with the Building, Plumbing, Electrical, Fire Prevention, and Zoning Codes of the

Township and any other building, plumbing, electrical, fire prevention, and zoning statutes and ordinances applicable to the Township;

12. The effect that the business facility to which the proposed license is to be issued will have upon vehicular and pedestrian traffic in the area;
13. The proximity of the proposed business facility to other similarly situated licensed liquor facilities;
14. The effect that the business facility to which the proposed license is to be issued will have upon the surrounding neighborhood and/or business establishments;
15. The permanence of the establishment in the community as evidenced by the proposed or actual commitments made by the applicant;
16. Input from residents and surrounding business owners; and
17. Such other considerations as the Township Board may deem proper. In making its determination under this section, the Township Board may weigh the above factors.

I. Notwithstanding any other section of this Ordinance to the contrary, the Township Board may deny an application for the issuance of a new liquor license for sale, service or allowing the consumption of alcoholic liquor on the premises:

1. For a location that the Township Board determines, by a majority vote, is unsuitable for an on-premises license to sell, serve or allow the consumption of alcoholic liquor considering:
 - i. The proximity of other premises licensed to sell alcoholic liquor for on-premises consumption;
 - ii. The lack of any other facilities or uses on the premises to be licensed which are compatible with a license for on-premises consumption of alcoholic liquor (e.g., a restaurant or hotel);
 - iii. The distance from public or private schools for minors, playgrounds, public parks or churches;
 - iv. The proximity of an inconsistent zoning classification or land use;
 - v. Traffic safety;
 - vi. The accessibility to the site from abutting roads;
 - vii. The capability of abutting roads to accommodate the commercial activity; and
 - viii. Such other relevant factors as the Board may deem appropriate, including without limitations, Section 4.H of this Ordinance.
2. To a person whose liquor license has previously been revoked or not renewed for cause under this Ordinance, or a comparable local ordinance, or state law, whether in Michigan or otherwise;

3. To a person who, at the time of application, is delinquent in the payment of any taxes, fees or other charges owed to or collected by the Township;
 4. To a partnership, unless all of the members of such partnership qualify for approval of a license;
 5. To a limited-liability company or corporation, if any officer, manager, member or director thereof, or a stockholder or stockholders owning in the aggregate more than 10 percent of the stock of such corporation, would not be eligible to receive a favorable recommendation to issue a liquor license for any reason;
 6. To a person whose place of business is conducted by a manager, member, or agent, unless such manager, member or agent possesses the same qualifications required of the licensee;
 7. To a person who has been convicted of a crime punishable by imprisonment in excess of one year under the law which he or she was convicted, or of a crime involving theft, dishonesty, or false statement (including tax evasion), regardless of punishment, or of a crime or administrative violation of a federal or state law concerning beverages or controlled substances;
 8. To a person who does not own the premises for which a license recommendation is sought or does not have a lease for the premises for the full period for which the license is issued;
 9. To any law enforcing public official or any member of the Township Board;
 10. For any premises which does not comply with applicable building, electrical, mechanical, plumbing, fire prevention, zoning, and public health codes and regulations, provided, however, that the Board may approve an application subject to compliance with the applicable codes and regulations within a specified time period;
 11. For any premises where any real or personal property taxes, special assessments, sewer charges, or water charges are delinquent and remain unpaid; or
 12. A person or premises based upon such other relevant factors as the Board may deem appropriate.
- J. When any license is available for issuance to a new applicant, either by lapse, nonrenewal or revocation of a current license or by the authorization and allocation of additional licenses to the Township, and there exist more qualified applicants for such licenses than the number of new licenses available for issuance, the Township Board may choose the qualified applicant or applicants for approval based upon the criteria provided in Section 4.H of this Ordinance.

Section 5: TRANSFER OF EXISTING LICENSE.

The transfer of the location of an existing liquor license or the transfer of ownership of an existing liquor license for sale, service or allowing the consumption of alcoholic liquor on the premises

shall be subject to a recommendation by the Township Board based upon the requirements, criteria, and procedures set forth in this Ordinance for the granting of a new liquor license. The Township Board shall not review an application for a transfer of the location of an existing liquor license until the applicant has received applicable local zoning approvals. In addition, the transferee-applicant shall agree, and sign releases if necessary, to allow the Township, its agents or employees, to review and inspect any and all records and files that may be in possession of the Commission or the possession of the applicant regarding the Commission's investigation of the transferee as a present licensee or as a previous licensee, or of a business or other legal entity in which the transferee has or has had an interest. The Township Board may, by resolution, establish a fee for review of a transfer.

Section 6: RESTRICTIONS ON LICENSES.

A. No license shall be issued, renewed, or transferred to:

1. A person whose license has been previously revoked for cause under this Ordinance or under the laws of any State.
2. A person who at the time of application is not eligible under this Ordinance or at the time of renewal would not be eligible for such license upon a first application.
3. A partnership unless all of the members of such partnership shall qualify to obtain a license.
4. A limited liability company or corporation, if any officer, manager, or director thereof, or a member, stock owner or stockholders owning in the aggregate more than ten percent (10%) of the equity interest in such entity 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 of the licensee.
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 with written permission from the property owner to conduct business at the identified location, or to a person, corporation, limited liability company, or partnership that does not have sufficient financial assets to carry on or maintain the business.
8. A business location with delinquent property taxes owing the or to be collected by the Township.

B. No license shall be issued, renewed, or transferred 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.

C. No license shall be renewed if it has not been in active use for a consecutive period of two (2) years from the time the liquor license is first placed into escrow with the Commission, unless an extension is requested by the applicant and granted approval by the Township Board. (The

term “active use” shall be interpreted to mean the actual use of a specific Class “C” liquor license or another liquor license that permits consumption of alcoholic liquor on the premises in the actual operation of a primary business activity. A liquor license placed in escrow is not in “active use” while held in escrow. This includes allocated liquor licenses placed into escrow with the Commission prior to the adoption of this Ordinance.)

Section 7: RESERVATION OF AUTHORITY.

Under no circumstances is the Township Board obligated to issue an available new liquor license for sale, service or allowing the consumption of alcoholic liquor on the premises. The Township Board reserves the right to exercise reasonable discretion to determine who, if anyone, shall be issued 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 reserves the right to maintain a list of all applicants and to review the same when, in its discretion, it determines that the issuance of a liquor license is in the best interest of the Township at large and for the needs and convenience of its citizens.

Section 8: OBJECTION TO RENEWAL OR REQUEST FOR REVOCATION.

- A. The Township Board may object to a renewal of a liquor license or request the revocation of a liquor license by the Commission, upon majority vote of the Township Board’s members.
- B. Before filing an objection to a renewal or a request for revocation of a license with the Commission, the Township Board shall serve the license holder, by first class mail, mailed not less than 10 days prior to the hearing with written 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; and
 4. A statement that the licensee may present evidence and testimony, may confront adverse witnesses, and may be represented by a licensed attorney.
- C. Such hearing may be conducted by the Township Board as a whole or by a hearing officer appointed by the Township Board for such purpose. If a hearing officer is appointed, it shall be that officer’s duty to conduct such hearing and to hear and take evidence, including testimony of the Township or other government officials, employees, or agents, the licensee or of witnesses on his or her behalf or in opposition to such licensee. The licensee may, at his or her expense, employ a court reporter to transcribe the testimony. After such hearing and if the Township designates a hearing officer, the hearing officer shall, in writing, prepare his or her findings and a recommendation to the Township Board for the Township Board’s review and decision. Following the hearing or upon receipt of a hearing officer’s recommendation, the Township Board shall make a written resolution as to its findings and determination. If the Township Board objects to renewal or recommends revocation, it shall forward an adopted

resolution to the Commission, copying the license holder. In addition to the adopted resolution, the Township Board shall forward the following documents to the Commission in a timely fashion:

1. A copy of this Ordinance, including the date(s) of adoption, and when and how it was published;
 2. A notice of hearing sent to the licensee;
 3. Proof of service of the notice of hearing sent to the licensee; and
 4. Any separate findings or determinations not included within the adopted resolution.
- D. The Township Board may object to renewal or request revocation of a license upon a determination by it that any of the following exist:
1. Violation of any of the standards for licensure, or restrictions placed thereon, set forth in this Ordinance, or violation of any of the laws of the State of Michigan or of the United States, or any other ordinances of the Township;
 2. Maintenance of a nuisance upon the premises as provided by state law, local ordinance, or common law;
 3. Failure to comply with the requirements of the Michigan Liquor Control Code or Administrative Rules of the Commission;
 4. Failure to comply with any of the requirements of this Ordinance or any Township Ordinance;
 5. Failure to comply with any promise or representation made by applicant to the Township Board or with any condition, standard, plan, or agreement entered into or imposed upon the applicant as a basis for the approval, transfer or renewal;
 6. Noncompliance with the plan of operation;
 7. Refusal to respond to written warnings that revocation or nonrenewal proceedings may be commenced unless the licensee or licensee's representative appears before the Township Board to show cause as to why revocation or nonrenewal should not be initiated;
 8. Excessive police contacts with the licensed premises, or its patrons of the premises determined to be the fault of the licensee;
 9. Repeated instances where the licensee is serving minors or intoxicated persons;
 10. A material change in those conditions, statements, or representations contained in the written application by the licensee, upon which the Township Board based its approval, when that change is found to be contrary to the best interest of the township residents, in the judgment of the Township Board;

11. Discontinuance or termination of active use of the license for sale of alcoholic liquor under the license at the premises or placing the license in escrow for 24 consecutive months; or
 12. Failure to make active use of the license for sale of alcoholic liquor within 24 months of issuance of the license by the Commission.
- E. The Township Board may, by resolution, request the Commission to revoke a liquor license issued to a licensee that 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, provided said violations did not involve the use of falsified or fraudulent identification by the person who is less than 21 years of age.

Section 9: FEES.

The Township Board may from time to time, by resolution, set additional fees to be paid to the Township for administering this Ordinance, provided same shall not be in conflict with State law or rules and regulations adopted by the Commission.


Section 10: SEVERABILITY.

Should any section or part of this Ordinance be declared unconstitutional, null or void by a court of competent jurisdiction, such declaration shall not affect the validity of the remaining sections or parts of this Ordinance.


Section 11: EFFECTIVE DATE AND REPEAL.

This Ordinance shall become effective immediately upon publication after final adoption. All ordinances or parts of ordinances in conflict with this Ordinance are repealed to the extent of such conflict.

This Ordinance was enacted at a Regular Meeting of the Township Board of the Charter Township of Monroe, held on the 20th day of December, 2022, 7 Board Members being present and 7 voting in favor thereof.


Christina Smith, Clerk
Charter Township of Monroe

Attested:


Alan Barron, Supervisor
Charter Township of Monroe