

TITLE XI: BUSINESS REGULATIONS

Chapter

- 110. ALCOHOLIC BEVERAGES
- 111. MEDICAL MARIHUANA LICENSING

CHAPTER 110: ALCOHOLIC BEVERAGES

Section

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§ 110.01 SHORT TITLE.

This chapter shall be known and may be cited as the “Township of Southfield Liquor License Regulations.”
(Ord. 160, passed 7-9-85)

§ 110.02 APPLICATION REQUIREMENTS; CRITERIA.

(A) *Application.* Applications for a license to sell beer, wine and/or spirits shall be made to the Township Board of Trustees in writing, 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 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, the persons entitled to share in the profits thereof; in the case of a corporation, the names and addresses of the officers and directors, and, if a majority interest in the stock of the corporation is owned by one person or his nominee, the name and address of the person.

(2) The character of business of the applicant, and in the case of a corporation, the object(s) for which it was organized. This requirement shall be fulfilled by a current certified copy of the Articles of Incorporation.

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(3) The length of time the applicant has been in business of that character, or, in the case of a corporation, the date when its charter was issued.

(4) 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 the application.

(5) 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 chapter or the laws of the state relating to the manufacture, possession, or sale of alcohol or liquor or a controlled substance.

(6) 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 its business.

(7) The application shall be accompanied by complete building, site and plat plans as required by the township zoning regulations showing the entire structure and premises and in particular the specific areas where the license is to be utilized. The plans shall demonstrate off-street parking, lighting, refuse disposal facilities and where appropriate, adequate plans for screening, and noise control.

(B) *Criteria.* No license shall be issued to an applicant whenever one or more of the following criteria apply.

(1) A person who, at the time of application for any license, would not be eligible for a license upon a first application.

(2) A corporation, if any officer, manager, or director thereof, or a stock owner or stockholders owning in the aggregate more than 5% of the stock of the corporation would not be eligible to receive a license hereunder for any reason.

(3) A person whose place of business is conducted by a full-time manager or agent unless the manager or agent possesses the same qualifications required of the licensee and/or the Township Board of Trustees shall not have been notified within 30 days of a change in manager.

(4) A person who has been convicted of a violation of any federal or state law concerning the manufacture, possession, or sale of alcoholic liquor or a controlled substance.

(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, or to a person, corporation, or co-partnership that does not have sufficient financial resources to carry on or maintain the business. Financial resources shall be disclosed to the Township Board of Trustees and shall be deemed sufficient if the financial resources are shown to support the establishment and operation of the proposed licensed business in proportion to the type and size of the proposed licensed business.

(6) Any law enforcing public official or any member of the Township Board of Trustees.

(7) 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 regulation.

(8) Any new license or the transfer of any existing license unless the sale of beer, wine, and/or spirits is shown to be incidental and subordinate to other

permitted business uses upon the site, limited to food sales, or athletic activities. If food sales are the primary use, those revenues must comprise at least 60% of all gross sales for the premises. Food sales mean a bona fide restaurant operation offering a complete food menu which is served within the confines of the structure. This shall be construed to exclude fast-food types of restaurants. Characteristics of fast-food restaurants can include but not be limited to drive-thru window, counter-only service and no waitress or waiter service. If athletic activities are the primary use, those revenues must comprise at least 80% of all gross operating revenues for the premises. Proof of an establishment complying with this section shall be made each January on a form provided by the Township Clerk.

(9) Premises that do not comply with all the requirements of the township zoning regulations, including site plan review.

(10) Premises which are not within a B-2 Retail Business District or cannot provide ingress and egress to a major thoroughfare having a right-of-way of 150 feet or greater.

(11) Premises that are used for live entertainment without prior approval of Township Board of Trustees.

(12) Premises where it is determined by a majority of the Township Board of Trustees that the premises do not or will not reasonably soon after commencement of operations have adequate off-street parking, lighting, refuse disposal facilities, screening, noise, or nuisance control, or where a nuisance does or will exist.

(13) Where the Township Board of Trustees determines, by majority vote, that the proposed location is inappropriate considering the desirability of establishing a location in developed, commercial areas, in preference to isolated, undeveloped areas; the attitude of adjacent residents and property owners, 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; proximity of the inconsistent zoning classification; and accessibility from primary roads or state highways.

(Ord. 160, passed 7-9-85)

§ 110.03 STANDARDS FOR RENEWAL AND REVOCATION.

No license shall be recommended for renewal and shall be recommended for revocation whenever one or more of the following criteria apply.

(A) Any person who, at the time of renewal of any license issued hereunder, would not be eligible for a license issued hereunder, or would not be eligible for the license upon first application.

(B) A corporation, if any officer, manager, or director thereof, or a stock owner or stockholders owning in the aggregate more than 5% of the stock of the corporation would not be eligible to receive a license hereunder for any reason.

(C) A person whose place of business is conducted by a full-time manager or agent unless the manager or agent possesses the same qualifications required of the licensee and/or the township Board of Trustees shall not have been notified within 30 days of a change in manager of same.

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(D) A person who has been convicted of a violation of any federal or state law concerning the manufacture, possession or sale of alcoholic liquor or a controlled substance.

(E) A person who does not own the premises for which a renewal is sought or does not have a lease therefor for the full period of the renewal, or to a person, corporation, or co-partnership that does not have sufficient financial resources to carry on or maintain the business. Financial resources shall be disclosed to the Township Clerk on a form in conformity with the Michigan Department of Commerce Annual Report for Profit Corporations. Financial resources shall be deemed sufficient if the financial resources are shown to support the licensed business in proportion to similar licensed businesses.

(F) Any law enforcing public official or any member of the Township Board of Trustees.

(G) Premises where there exists a violation of the applicable Building, Electrical, Mechanical, Plumbing, Fire Codes, or applicable Public Health Regulations.

(H) Any license unless the sale of beer, wine, and/or spirits is shown to be incidental and subordinate to other permitted business uses upon the site, limited to food sales, or athletic activities. If food sales are the primary use, those revenues must comprise at least 60% of all gross sales for the premises. Food sales mean a bona fide restaurant operation offering a complete food menu which is served within the confines of the structure. This shall be construed to exclude fast-food types of restaurants. Characteristics of fast-food restaurants can include but not be limited to drive-thru window, counter-only service and no waitress or waiter service. If athletic activities are the primary use, those revenues must comprise at least 80% of all gross operating revenues for the premises. Proof of an establishment complying with this section shall be made each January on a form provided by the Township Clerk.

(I) Premises that are used for live entertainment without prior approval of the Township Board of Trustees.

(Ord. 160, passed 7-9-85)

§ 110.04 TERM OF LICENSE.

Approval of a license shall be for a period of one year subject to annual renewal by the Township Board of Trustees upon continued compliance with the regulations of this chapter. 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 of Trustees or the Michigan Liquor Control Commission approving the license, whichever last occurs. Any unusual delay in the completion of the remodeling or construction may subject the license to revocation.

(Ord. 160, passed 7-9-85)

§ 110.05 RESERVATION OF AUTHORITY.

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No applicant for a liquor license has the right to the issuance of a license to him, her or it, and the Township Board of Trustees reserves the right to exercise reasonable discretion to determine who, if anyone, shall be entitled to the issuance of a license. The Township Board of Trustees further 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 or an additional liquor license is in the best interest of the township at large and for the needs and convenience of its citizens.
(Ord. 160, passed 7-9-85)

§ 110.06 LICENSE HEARING.

The Township Board of Trustees shall grant a public hearing upon the license application when, in its discretion, the Township Board of Trustees determines that the issuance of a liquor license or an additional liquor license is in the best interests of the township at large and for the needs and convenience of its citizens. Following this hearing the Township Board of Trustees shall submit to the applicant a written statement of its findings and determination. The Township Board of Trustees' determination shall be based upon satisfactory compliance with the restrictions set forth in § 110.02(B).
(Ord. 160, passed 7-9-85)

§ 110.07 OBJECTIONS TO RENEWAL AND REQUEST FOR REVOCATION.

(A) *Procedure.*

(1) Before filing an objection to renewal or request for revocation of a license with the Michigan Liquor Control Commission, the Township Board of Trustees shall serve the license holder, by first class mail, mailed not less than ten days prior to hearing with notice of a hearing, which notice shall contain the following:

- (a) Notice of proposed action;
- (b) Reasons for the proposed action;
- (c) Date, time, and place of hearing; and
- (d) A statement that the licensee may present evidence and

testimony and confront adverse witnesses.

(2) Following the hearing, the Township Board of Trustees shall submit to the license holder and the Commission a written statement of its findings and determination.

(B) *Criteria for nonrenewal or revocation.* The Township Board of Trustees shall recommend nonrenewal or revocation of a license upon a determination by it that based upon a preponderance of the evidence presented at a hearing, either of the following exist.

- (1) Violation of any of the restrictions on licenses set forth in § 110.03;

or

- (2) Maintenance of a nuisance upon the premises.

(Ord. 160, passed 7-9-85)

CHAPTER 111: MEDICAL MARIHUANA LICENSING

Section

- 111.01 Definitions
- 111.02 Prohibition of medical marihuana establishments

- 111.99 Penalty

§ 111.01 DEFINITIONS.

Words used herein shall have the definitions as provided for in the Michigan Regulation and Taxation of Marihuana Act, MCL 333.27951 *et seq.*, as may be amended and the Medical Marihuana Facilities License Act MCL 333.27101 *et seq.* as may be amended.

(Ord. 210, passed 3-12-19)

§ 111.02 PROHIBITION OF MEDICAL MARIHUANA ESTABLISHMENTS.

(A) Pursuant to the Michigan Regulation and Taxation of Marihuana Act, Section 6.1, set out in MCL 333.27951 *et seq.*, the township elects to prohibit marihuana establishments within its boundaries.

(B) The township also elects to prohibit all marihuana facilities created under the Medical Marihuana Facilities and Licensing Act set out in MCL 333.27101 *et seq.* within its boundaries.

(Ord. 210, passed 3-12-19)

§ 111.99 PENALTY.

(A) Any person who disobeys, neglects or refuses to comply with any provision of this ordinance or who causes, allows or consents to any of the same shall be deemed to be responsible for the violation of this chapter. A violation of this chapter is deemed to be a nuisance per se.

(B) A violation of this ordinance is a municipal civil infraction, for which the fines shall not be less than \$100 nor more than \$500, in the discretion of the Court. The foregoing sanctions shall be in addition to the rights of the township to proceed at law or equity with other appropriate and proper remedies. Additionally, the violator shall pay costs which may include all expenses, direct and indirect, which the township incurs in connection with the municipal civil infraction.

(C) Each day during which any violation continues shall be deemed a separate offense.

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(D) In addition, the township may seek injunctive relief against persons alleged to be in violation of this chapter, and such other relief as may be provided by law.

(E) This chapter shall be administered and enforced by the ordinance enforcement officer of the township or by such other person(s) as designated by the Township Board from time to time.

(Ord. 210, passed 3-12-19)