

# **Regular City Council Meeting**

## **September 25, 2017**

### **Agenda**

7:30 p.m.      **Call to Order**  
**Pledge of Allegiance**  
**Roll Call**  
**Approval of Minutes: September 11, 2017**  
**Approval of Bills: none**  
**Approval of Agenda**

**Public Comment**

**I.    Old Business –**

**II.   New Business-**

1.   Consider first reading of Liquor License Ordinance
2.   Consider first reading of Ordinance to repeal Sec 58-83 criminalizing the possession of a switchblade knife

**III.   Budget**

**IV.   Discussion- Downtown**

**V.    Manager's Report**

**VI.   Council Comments-**

**VII.   Adjournment**

CITY OF SOUTH LYON  
REGULAR COUNCIL MEETING  
SEPTEMBER 11, 2017

Mayor Galeas called the meeting to order at 7:30 p.m.

Mayor Galeas led those present in the Pledge of Allegiance

Mayor Galeas asked for a moment of silence in memory of September 11, 2001

Mayor Galeas also asked everyone for their thoughts and prayers for everyone affected by the hurricanes.

PRESENT: Mayor Galeas, Councilmembers: Kivell, Kramer, Kurtzweil, Parisien, Rzyzi and Wedell

ALSO PRESENT: City Manager Ladner, Chief Collins, Chief Kennedy, Attorney Wilhelm and Clerk Deaton

MINUTES

CM 9-1-17 MOTION TO APPROVE MINUTES

Motion by Rzyzi, supported Kurtzweil

Motion to approve minutes as presented

VOTE: MOTION CARRIED UNANIMOUSLY

BILLS

Councilmember Kurtzweil asked if the payment for \$1,018,907.74 to The Bank of New York Mellon was for a bond payment. City Manager Ladner stated it was for the bond payment. Councilmember Kurtzweil asked what the payment to South Lyon Schools marked for school debt is for. City Manager Ladner stated that is for a tax disbursement. We collect taxes then we disburse payments to the schools, library and County.

Councilmember Kivell asked about the payment to Plante Moran for capital improvement. City Manager Ladner stated that is for the auditing of that account.

CM 9-2-17 MOTION TO APPROVE THE BILLS

Motion by Kramer, supported by Kivell

Motion to approve the bills as presented

VOTE: MOTION CARRIED UNANIMOUSLY

AGENDA

CM 9-3-17 MOTION TO APPROVE THE AGENDA

Motion by Kramer, supported by Rzyzi

Motion to approve the agenda as presented

VOTE: MOTION CARRIED UNANIMOUSLY

PUBLIC COMMENT- None

OLD BUSINESS

1. Appointment of Erin Kopkowski to Planning Commission

9-11-17

Mayor Galeas stated he would like to appoint Erin Kopkowski to the Planning Commission. He stated he has known her for a long time and she has good experience. Councilmember Kivell stated she has a construction company and has a good understanding of the environment.

CM 9-4-17 MOTION TO APPROVE APPOINTMENT TO PLANNING COMMISSION

Appointed by Mayor Galeas, supported by Kivell

Motion to appoint Erin Kopkowski to the Planning Commission

VOTE:

MOTION CARRIED UNANIMOUSLY

2. Consider first reading of ordinance amendment rezoning parcel 21-30-126-003, West End Industrial Park, from the I-1 District (light industrial) to the RM-1 District (multiple-family residential)

City Manager Ladner stated this was postponed to this specific reading pending the City receiving additional information. She stated she received a letter from our planning consultant stating we have yet to receive the information and he apologized for the delay. She stated Mr. Linnell and his client are here if they would like to speak to this, but she suggests we postpone this item to a future meeting after the report is received. Councilmember Wedell asked if we postpone this until the next meeting is that enough time for the report to come in. City Manager Ladner stated we will have it before the next meeting. Councilmember Kivell asked if the West End people were notified about this being tabled. City Manager Ladner stated that was a misunderstanding between her and Carmine, she thought he was going to notify them when he sent her the letter. Councilmember Kivell stated there was enough time when the packet was done that someone should have notified them. Mr. Linnell stated this has been going on for months and the process has been very cumbersome. He would like advanced notice next time. City Manager Ladner stated she will make sure he is notified in the future if this item will be tabled. Mr. Linnell asked if the people doing the report have committed to a date for the report to be ready. City Manager Ladner stated she will check with Carmine, but she believes they have committed to a date. Councilmember Parisien apologized again and suggested if they don't hear from anyone before the next Council meeting to follow up with the City Manager. Councilmember Kivell asked if we will be waiting for Fullers response as well? City Manager Ladner stated no. Councilmember Kivell asked if we can share the report with Mr. Linnell when it is ready. City Manager Ladner stated we can share the information with them. Councilmember Kivell stated he believes that will be in all of our best interest to do so. Council apologized to them for the inconvenience and thanked them for their time.

CM 9-5-17 MOTION TO POSTPONE UNTIL THE 1<sup>ST</sup> MEETING IN OCTOBER

Motion by Kivell, supported by Rzyzi

Motion to postpone until the 1<sup>st</sup> meeting in October

VOTE:

MOTION CARRIED UNANIMOUSLY

Mayor Galeas noticed Erin Kopkowski was in the audience and informed her she was appointed to the Planning Commission and asked if she wanted to say anything. Ms. Kopkowski 202 Wells Street stated she was on Council for 10 years and she wanted to help with Planning Commission.

3. Considered revised vacation accrual policies for all Non-Union employees, Department Heads and City Manager

City Manager Ladner stated this resolution revises the accumulation of annual leave for Department Heads, City Manager and all non-union administrative employees. She further stated including the changes made in the AFSCME contract, this will now include 50% of the full-time employees. Councilmember Kurtzweil asked Attorney Wilhelm why does the motion include all non-union employees, but the resolution does not. Attorney Wilhelm stated this is based on the personnel manual subsection 4 which is Department Heads and the City Manager only. He stated it is separate. He stated it is a little confusing, but he believes he has the information correct. He stated the Department Heads and City Manager are eligible to bank more than other employees. Councilmember Kurtzweil stated he did a nice job on the resolution. Councilmember Kivell stated there is a typo in section III. Attorney Wilhelm stated he will take care of that. Attorney Wilhelm stated there is now a maximum of 5 days to carryover over 2 years with a total of 10 days, but it will not be paid out at the time of separation from the City.

CM 9-6-17 MOTION TO APPROVE REVISED VACATION ACCRUAL POLICY

Motion by Kivell, supported by Wedell

Motion to approve the revised vacation accrual policies for all Non-Union employees,  
Department Heads and City Manager

VOTE: MOTION CARRIED UNANIMOUSLY

NEW BUSINESS

1. Consider second reading of Ordinance to reduce the number of Planning Commission members from 9 to 7 and bring the division into compliance with the Michigan Planning Enabling Act

Attorney Wilhelm stated there have been no changes from the first reading. He stated they are having a hard time getting 9 members which is a high number for a community of this size and reducing it to 7 is allowed by the law. He stated there were provisions made to bring the commission into compliance with the Michigan Planning Enabling Act. Councilmember Parisien stated she went on our website to see who is on the Planning Commission and the website is out of date. She stated she is requesting to have that information updated. City Manager Ladner stated she will have the website updated tomorrow.

CM 9-7-17 MOTION TO APPROVE SECOND READING

Motion by Kramer, supported by Rzyzi

Motion to approve the second reading of the ordinance to repeal the existing and adopt a new Division 4, in Chapter 2, Article V of the Code of Ordinances for the City of South Lyon as presented

VOTE: MOTION CARRIED UNANIMOUSLY

2. Consider second reading of Ordinance to increase the value of purchases requiring City Council approval and competitive bidding and clarify purchasing authority in emergency circumstances

City Manager Ladner stated this has been discussed in the past and this is the second reading. She stated this ordinance updates the purchasing ordinance. She stated this revises the limit the City Manager or a Department Head can spend from \$2,000 to \$5,000. She further stated this also changes the requirement competitive bidding and we are increasing the no competitive bidding for anything under \$10,000 and anything over that dollar amount must be approved by Council. Attorney Wilhelm stated this also clarified that you can solicit bids by telephone, but you must have the quotes or bids in writing.

Councilmember Ryzyi stated this seems to make the process smoother and allows the City Manager to do her job easier. He further stated he envisions this being the first step for local bidders to get preference but they would still have to show they are the most competitive. He further stated Tim did a very good job on this resolution. Councilmember Parisien stated she takes issue with this because if we are having budget issues, she doesn't want to expand the amount of money they can spend without Council approval, she would rather lower it. Councilmember Kivell stated nothing can still take place without City Manager approval. Councilmember Parisien stated this is a step back. If we are trying to focus on getting us out of the redline, we shouldn't be raising the limits. She stated this seems to be a step backward. It would be different if we weren't having budget issues. She stated this has worked so far, why do we want to change this, especially in a budgetary crisis. Councilmember Kurtzweil clarified that if it is under \$10,000 it is open market and needs prior approval from City Council and it is only under \$5,000 that you need the City Manager's approval but not Council's. She further stated she thinks this is a good step towards modernizing and streamlining governmental decisions. Attorney Wilhelm stated the language doesn't read well, but it creates more efficiency for the Department Heads and the City Manager.

#### CM 9-8-17 MOTION TO APPROVE SECOND READING

Motion by Kurtzweil, supported by Ryzyi

Motion to approve the second reading of the Ordinance to amend the purchasing ordinance

Article VI Purchasing Chapter 2- administration of the Code of Ordinances of the City of South Lyon as presented

VOTE:

MOTION CARRIED- 1 OPPOSED

BUDGET- No Discussion was held

#### DOWNTOWN

Bob Donohue stated driving in this morning he was proud to see Chief Kennedy and the Fire Department for put the flag downtown representing September 11<sup>th</sup>. Mr. Donohue stated Oakland County's Heritage Conference is downtown this Friday and there will be approximately 125 people in town. Mr. Donohue stated the business directory is at the printer and should be back in about 2 weeks. Gary Fagin and his daughter who are the owners of the Good Day Café have added more sponsorship money so we can print more directories. He further stated they are hoping to open in 4-6 weeks. He stated the Tropical Smoothie store is now open and it is great. Mayor Galeas asked about the status of the signs from the Road Commission for the no truck turns downtown. Mr. Donohue stated he will check in with him but it should be happening soon. Mayor Galeas stated the cones at the Farmers Market are helping to get people across the street. Chief Collins stated we are using the yield to pedestrian signs instead of the stop at the crosswalk signs because that could congest traffic more than anticipated. Mr. Donohue stated the South Lyon Hotel will not be open during Pumpkinfest because the Health Department will not allow for a partial opening which is what they were hoping to do, but they are hoping to open October 1<sup>st</sup>. Mayor Galeas stated the wait will be worth it because the inside is looking amazing. Mr. Donohue stated the interior is a great design and more of an industrial feel. He stated the interesting tie in with Superb Fabricating with the rail details and they will eventually replace the wood fence as well. Michigan Seamless Tube will be involved with the foot rails for the bars.

#### MANAGERS REPORT

9-11-17

City Manager Ladner stated she wants to acknowledge Patriots Day and all the men and women serving our Country. She further stated Steve Renwick who used to be the DPW Superintendent passed away this weekend. She stated she didn't personally know him, but have heard many good things about him. City Manager Ladner stated the Pumpkinfest Committee is still looking for volunteers. She stated you can still enter the scarecrow contest, as well as the Pumpkinfest Run. She further stated this Friday is the Heritage Conference hosted by South Lyon and Lyon Township and Bob Donohue will be hosting a walking tour in the morning and afternoon if anyone is interested.

Councilmember Ryzyi stated the entrance of the Knolls, the crosswalk does not have the bumps for the ADA compliance at the crosswalk must have been missed. City Manager Ladner stated she will look into that because that should be done. Councilmember Ryzyi stated a veteran mentioned to him that the Historic Village didn't have a light on the Flag during the night hours. City Manager Ladner stated she will check into it. City Manager Ladner stated the visitation for Steve Renwick is on Tuesday and the funeral on Wednesday at 11:00 at Phillips Funeral Home.

### COUNCIL COMMENTS

Councilmember Kivell stated the Depot Day was spectacular and there was a plaque ceremony for Bob Martin and Bob Tremiere. He further stated it was nice to see all the DPW guys that attended.

Councilmember Kivell stated Depot Day is an interesting event. He stated they had someone that acted as a Doctor from the late 1700's that had the apothecary table showing how they would attend to people's ailments back then. He further stated the Beekeeper is always interesting. He stated the vendors were nice and there were tractors and he enjoyed the fact we capitalized on the parking lot on the south side of Dorothy Street. Councilmember Kivell asked if MERS supplied the City Manager with the information. City Manager Ladner stated she has part of the information and is hoping to get the rest of the information before the next meeting. Councilmember Kivell stated there was a resident that had mentioned that she had a hot water tank replaced and the cost of the permit was \$180.00. He stated he spoke with some of the surrounding communities to see what their fees were and they were anywhere from \$40.00 to \$50.00. He stated he contacted Dennis Smith the building inspector and he suggested we change the cost to \$54.00 because that will cover the activity cost of the two inspections that are needed. He further stated he would like this to be addressed and he urges anyone on Council or anyone in the public if they think the fee is too high, call City Hall or let him know and we can review it. He stated when we approved the fee schedule there was an understanding that we were comparable to our neighbors and we aren't. Councilmember Kivell asked if there was a reason the City Attorney only had 49 hours. He stated we pay for 80 hours of retainer and he hopes we can stay close to that in the future. Attorney Wilhelm stated there was a period where there wasn't too much happening, but this month we are close to the 80 hours again. Councilmember Kivell stated how sorry he is for the loss of Steve Renwick and how hard it must be for his parents Jack and Janet Renwick.

Councilmember Kivell stated we have spent a lot of money and time on the website and it is a very lackluster product. There is a lot of stuff that isn't on there and he would really like Joan or someone like that should have the ability to add things to the website in more real time than what is happening. He further stated we spend a lot of time and money and it should be functional to assist people that live here. He urges the City Manager to loosen the reigns on being the only person allowed to add things to the website. City Manager Ladner stated all office personnel had training and access to make changes to the website. Councilmember Parisien asked if we have a checks and balance system to make sure that someone actually checks to make sure the changes are happening. City Manager Ladner stated the purpose of training everyone was to have each department do their own updates. Councilmember Parisien stated the buck has to stop with someone and there needs to be another check point to make sure

nothing falls through the cracks. We are lacking and we need another system and procedure in place. She further stated she isn't blaming anyone but it needs to be tended to. Mayor Galeas stated he agrees each department should be responsible for their own department and the updates need to be done. Councilmember Parisien asked if a resident calls City Hall and asks a question, and the person that normally deals with that isn't there, she would hope we would offer customer service and do what we can to get them the answer, or send an email but not passing the buck. She stated we should never be telling our residents that it is someone else's fault. City Manager Ladner stated if someone calls City Hall we will get them any information they need, we do not pass the buck. Councilmember Kivell stated if someone is not in the office that day whomever answers the phone can send a note or an email to that person. City Manager Ladner stated we do have a place on the website that someone can ask a question and it will go to the person in that department. Councilmember Parisien stated she is more concerned with the City employee part of it. She stated we still need a better system and it shouldn't be that hard. Councilmember Kivell stated he is delighted the Fire Department flies the Flag downtown as a tribute to 9/11.

Councilmember Ryzyi stated the City Manager is doing a good job. The website has come a long way, it has been updated and user friendly. He stated there is always room for improvement. Councilmember Ryzyi stated other things we have brought up to date is online bill payments, grant software, and he thinks technologically the City is moving in the right direction. He stated the fee schedule has been updated, dangerous building codes have been updated, the Board of Review has been revitalized and we have new businesses coming to town and we are finally working on MERS.

Councilmember Ryzyi stated the South Lyon East Cougars Varsity Football team won their game over Dexter 42 to 13 and he congratulated them. He stated Wendy's is offering discounts for our 55 and over residents. He stated he is looking forward to Pumpkinfest and he knows everyone is looking forward to it.

Councilmember Parisien stated Pumpkinfest still needs volunteers and if you know a good band, they still need bands for the Battle of the Bands and anyone can go to [southlyonareapumpkinfest.com](http://southlyonareapumpkinfest.com) if they are interested. She stated she ran in the Witches Hat Run and it is very well done and a great atmosphere running with all the people. She further stated she wanted to thank the person that made the logo for the Witches Hat Run, it is totally different and very cool. Councilmember Parisien stated the Pumpkinfest Run is on the 23<sup>rd</sup> if anyone is interested, the running community is huge.

Councilmember Wedell thanked the Fire Department for flying the Flag to recognize 9/11.

Councilmember Kramer stated his thoughts and prayers are with Steve Renwick's family.

Councilmember Kurtzweil stated she wants to let everyone know the Garden Club will be meeting tomorrow night at the Salem South Lyon Library if anyone is interested. She stated she received the phone call over the weekend regarding Steve Renwick. She stated it was a tough weekend. Steve Renwick is of a passing generation. He was the most perfect public servant. He was very humble, he didn't look for fanfare, he came to work every day and did his job very quietly, he never asked to be in the paper. He was just the perfect public servant and he will be missed. She further stated with his passing it is also a passing of the generation of public servants that served the public and stayed out of the politics, he just came to work and did his job for the community. She further stated he was the finest head of the DPW because of his humility and his kindness.

Councilmember Kurtzweil stated she wanted to thank all of the first responders of South Lyon and also the first responders that risked their lives on 9/11. She further stated we need to remember all those that have lost their lives so suddenly, particularly those from 9/11. She stated let's remember those that have been devastated from the hurricanes and those in Mexico and let's remember to pray for those families that have been changed by grief and loss. She stated she hopes those that have survived are healed from their memories of devastation and let's pray for their strength and courage. Councilmember Kurtzweil stated we are blessed to be in a community like South Lyon, we have a roof over head, we have electricity, we have food in our refrigerator, we are able to travel our roads, we are extremely blessed in this community. She stated she hopes in the next few weeks we can donate to the Red Cross and find a way to give someone a hug or find another way to show an act of kindness to help those that are less fortunate. She further stated we need to keep all those individuals that have been hurt by war, terror or natural disasters and keep them in our prayers.

Mayor Galeas stated years ago he was in charge of the music for Pumpkinfest and he is hoping what can potentially happen is we will have many students from the high schools participate and he hopes more bands apply. He stated he doesn't know anyone personally that was involved with 9/11 and he can remember being in shock and he still is. He goes on to discuss when he was involved in the first tough mudder race that took place after 9/11 and how emotional it was to be involved with firefighters and police and their families. It was very humbling, and he hopes that no one ever forgets what happened and how it has affected all of us.

Mayor Galeas stated there are a lot of changes happening downtown and watching the amount of people coming into town is great. He further stated he wants to challenge everyone to shop local shops, there are a lot going on. Mayor Galeas stated he wants to give his condolences to the Renwick family, Steve was a very humble, amazing man. He had many, many friends and he set a good example for everyone.

## ADJOURNMENT

### CM 9-9-17 MOTION TO ADJOURN

Motion by Kivell, supported by Rzyzi

Motion to adjourn the meeting at 8:42 p.m.

VOTE:

MOTION CARRIED UNANIMOUSLY

Respectfully submitted

\_\_\_\_\_  
Mayor John Galeas

\_\_\_\_\_  
Clerk Lisa Deaton



# AGENDA NOTE

**MEETING DATE:** September 25, 2017

**PERSON PLACING ITEM ON AGENDA:** City Attorney

**AGENDA TOPIC:** First Reading of Liquor Licensing Ordinance

**EXPLANATION OF TOPIC:** The City does not have a liquor licensing ordinance. It has one (1) Class C quota license available for an on-premises liquor establishment. With renewed interest in the downtown and increasing economic development occurring in the community, Council should consider adopting a liquor licensing ordinance to formalize its process for reviewing and approving or denying applications for liquor licenses, particularly the on-premises Class C quota licenses.

The regulation of alcoholic liquor is governed by the Michigan Liquor Control Code, Public Act 58 of 1998 (the "Act"). The Act created the Michigan Liquor Control Commission (MLCC) which is the State administrative agency responsible for liquor licensing. The Michigan Administrative Code also contains rules applicable to various aspects of alcoholic liquors including licensing and sales.

In 2012 the MLCC made significant changes to the State liquor licensing process. The most important change affecting local communities was the elimination of a local approval requirement for license transfers and other types of permits. Also, in 2012, a federal district struck down, as unconstitutional, the MLCC provisions pertaining to various permits, such as dance, entertainment, topless activity, and extended hours permits. The trend at the state level has been to make liquor licensing more friendly to the applicants and business owners and to eliminate or restrict local approval requirements. Local approval of new (as opposed to transfer licenses) Class C quota licenses is still required under the Act. Liquor licensing involves a broad and complex set of laws and regulations. Documents from the MLCC website and other relevant materials, such as MLCC Bulletins, have been included to provide background and context for the ordinance.

The primary purpose of the proposed liquor licensing ordinance is to provide for an application and review process which the City Administration and Council can use in reaching a decision to approve or deny applications for, primarily, on-premises Class C quota liquor licenses.

The proposed ordinance is intended to be consistent with the Act and applicable regulations. Generally, the ordinance contains requirements and procedures for receiving and reviewing applications. Application and permit forms will need to be prepared. The ordinance provides for investigation by relevant city departments. The review criteria for use by staff and Council are also set forth in detail. This list can be added to or criteria can be deleted. The Economic Development Director has offered additional suggestions for criteria to be added which address priorities for encouraging investment in and preservation of historic buildings, and other criteria such as whether the proposed liquor establishment is located within the historic core downtown area, the DDA district, and does it comply with the Master Plan.

In addition, there are several concepts included in the ordinance to ensure that Class C quota licenses are utilized within a reasonable period of time and are not escrowed or transferred out of the City for the licensee's profit.

There are provisions addressing license transfers. Note, the changes by MLCC altered the role of local units of government in the license transfer approval process. The City is allowed to offer comments to the MLCC, but local approval is not required. The concern for South Lyon is the transfer of quota licenses out of the City without the City having any ability to control or prohibit the transfer of one of its quota licenses.

Some communities prohibit license transfers for a period of time similar to State law, some restrict transfers to other locations within the community, and others require an agreement and include provisions for the revocation of the license in the event of an attempt to transfer it out of the community. The proposed ordinance includes a restriction on the transfer of on-premises licenses for three years after being issued which is consistent with State law, MCL 436.1501(2). Section 1501(2) also contains a hardship exception which would be applied by the MLCC. This concept may need additional input from Council.

The ordinance also contains a provision restricting the escrowing of a license to one year. However, MLCC Bulletin Council input is needed on this issue.

The ordinance also contains provisions to address conditional approvals which might apply to liquor establishments that need approvals to construct buildings or complete renovations or buildouts.

There are also provisions addressing City objections to renewals of liquor licenses or its request for the revocation of a liquor license. The proposed ordinance contains a provision for an annual review of liquor licenses which may or may not be an administrative procedure the City Administration wants to implement. Nonetheless, it provides criteria and procedures for the City to object to or seek revocation of a liquor license.

Entertainment, dance and other permits are also addressed, but provisions addressing this area have not been challenged in court since the 2012 federal court decision relating to these types of permits.

Generally, the proposed ordinance is intended to be consistent with State law and contains a number of other concepts to protect the City's interests in the Class C quota licenses which other communities have implemented.

The structure of the proposed ordinance is outlined as follows:

#### Chapter 8 – Alcoholic Liquors

##### Article I – General

##### Article II – Licensing

###### Sections

###### 8-31 – Short Title

###### 8-32 – Statement of Purpose

###### 8-33 – Licensing Policy

###### 8-34 – Definitions

###### 8-35 – License Required

###### 8-36 – Plan of Operation Required

###### a. Plan of Operation

###### b. Contents of Plan

###### c. Use of License

###### d. Compliance

###### e. Changes in Plan

###### 8-37 – Review Procedures

###### a. Application

###### b. Required Information

###### c. Investigation

###### d. Placement of City Council Agenda

- e. City Council Action Required
- f. Review Criteria
- g. Restrictions on Licenses
- h. Changes in Plans, Drawings, etc
- i. Recommendation for Approval of Liquor License
- j. Issuance of Available Quota Licenses
- k. Reservation of Authority
- 8-38 – Changes in Licensed Operations
- 8-39 – Inactive Licenses
- 8-40 – Term of License
- 8-41 – Annual License Review
- 8-42 – Application Procedure for New Permits
- 8-43 – Transfers of Existing Licenses
- 8-44 – Prohibition on Profiteering by Class C Liquor Licensees
- 8-45 – Objections to Renewal or Requests for Revocation of Licenses
  - a. Generally
  - b. Procedure
  - c. Hearing and Final Decision
  - d. Criteria for Non-renewal or Revocation
- 8-46 – Termination of Escrowed License
- 8-47 – Fees
- 8-48 – Nudity
- 8-49 through 8-69 Reserved.

**MATERIALS ATTACHED AS SUPPORTING DOCUMENTS:**

- Proposed Liquor Licensing Ordinance
- MCL 436.1501
- Overview of MLCC
- MLCC Class C Licensing Requirements
- MLCC Approval Chart
- ~~MLCC Retail License and Permit Application~~
- MLCC Local Governmental Approval form
- Objections to Renewals and Recommendations for Revocation
- MLCC Bulletin 2012-12 – Changes to License Application Process
- MLCC Bulletin 2012-04 – Escrow Fees
- Rule 436.1107 Renewal of License

**POSSIBLE COURSES OF ACTION:** Approve/Deny/Postpone/Table/Revise

**RECOMMENDATION:** Approve first reading

**SUGGESTED MOTION:** Motion to approve the first reading of ordinance to add Chapter 8 – Alcoholic Liquor, Sections 8-31 through 8-69, to the City of South Lyon 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.

ORDINANCE NO. \_\_\_\_-17

CITY OF SOUTH LYON  
OAKLAND COUNTY, MICHIGAN

AN ORDINANCE TO ADD CHAPTER 8 – ALCOHOLIC LIQUOR – TO THE CITY OF SOUTH LYON 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.

THE CITY OF SOUTH LYON ORDAINS:

**PART I. Addition of Chapter 8.** Chapter 8 – Alcoholic Liquor – is hereby added to the City of South Lyon Code of Ordinances, to read in its entirety as follows:

CHAPTER 8 – ALCOHOLIC LIQUOR

ARTICLE I – GENERAL

Secs. 8-1 – 8-30. - Reserved.

ARTICLE II – LICENSING

Sec. 8-31. - Short title.

This ordinance shall be known and may be cited as the City of South Lyon "Liquor License Ordinance."

Sec. 8-32. – Statement of purpose.

The purpose of this article is to establish the city'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.

Sec. 8-33. - Licensing policy.

New licenses or permits and transfers of licenses will be approved in the sole discretion of the city council.

This article establishes an application and review procedure for the issuance of new licenses and permits, the transfer of licenses into and within the city 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 city, meet certain minimum requirements as to criminal history, past conduct, and ongoing business operation standards. It requires city council 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 city any and all discretion afforded it under applicable law relating to the issuance of licenses.

Sec. 8-34. – 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, all key personnel involved in the management and operation of the licensed business, and all persons and entities proposed to be involved in the finance of the license and/or licensed premises. Applicant includes all owners, shareholders, officers, partners, members, and managers 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. 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).

(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).

(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 this act.

(h) *Michigan Liquor Control Commission* 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 436.1203. 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 and 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 commission 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 commission 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. 8-35. – License required.

No person shall engage in the business of selling alcoholic liquor for consumption in the City of South Lyon, transfer a liquor license into the city, transfer ownership or location of a liquor license within of the city, without obtaining an approval for same by the city council 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. 8-36. – Plan of operation required.

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

(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 city.

(c) *Use of license.* It is the intent of the city 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 city regulations, this article, and a plan of operation as approved by city council.

(e) *Changes in plan.* Substantial changes to a plan of operation shall be approved by the city council before implementation of the change by the licensee as provided for in Section 8-38.

Sec. 8-37. – Review Procedures.

(a) *Application.* In addition to such application(s) as may be required by the Michigan Liquor Control Commission for licensing by the State of Michigan, each applicant for a new on-premises liquor license, expansion of an existing licensed establishment, transfer of an on-premises license into the city, or relocation or transfer of an existing on-premises license within the city or among owners and applicants, shall submit to the city clerk's office a fully completed "City of South Lyon Liquor License Application" on a form furnished by the clerk's office signed by the applicant or a duly authorized agent, along with the required fee(s) and all additional documents and materials referred to in the application form or otherwise required under this article.

(b) *Required information.* The applicant shall include, with the application, at least the following:

- (1) Name and address of the applicant. If the applicant is a partnership, the name and address of each partner shall be provided, and a copy of any partnership agreement attached. If the applicant is a privately-held corporation, the names and addresses of all corporate officers, members of the board of directors, and stockholders shall be provided, and a copy of the articles of incorporation attached. If the applicant is a publicly-held corporation, the names and addresses of all corporate officers, members of the board of directors, and stockholders who own ten (10) percent or

more of the corporate stock shall be provided. If the applicant is a limited liability company, the names and addresses of all members, managers and assignees of membership interests shall be provided, and a copy of the articles of organization attached.

- (2) The type of license and/or related permit(s) requested.
- (3) The address, legal description, and zoning district of the property where the license is to be located.
- (4) The name and address of the record fee owner of the premises, and, if the applicant is not the owner, proof of its interest in or right to occupy the premises.
- (5) 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.
- (6) A plan of operation.
- (7) 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 the applicant has been in business of that character; or in the case of a partnership or other business entity, the date when it was created, established or organized.
- (8) Three (3) written references as to the applicant's character, experience, and financial ability to meet the obligations and business undertakings for which the license is desired.
- (9) The name and address of the financial institution where the applicant's funds for establishment and operation of the proposed establishment sought to be licensed are deposited.
- (10) A written statement identifying the source of all funds which will be relied upon for the establishment and operation of the proposed establishment sought to be licensed.
- (11) A statement whether applicant has operated or made application for a similar or another license on any premises other than described in this application, and the disposition of such license or application.
- (12) A criminal background report of the applicant's criminal history 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.

- (13) A statement that the applicant is not disqualified to receive a license by reason of any matter or thing contained in this article or by state law.
- (14) A statement that the applicant will not violate any of the laws of the State of Michigan or of the United States or any ordinances of the City of South Lyon or the administrative rules of any regulatory agency in the conduct of its business.
- (15) 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 immediate preceding five (5) years.
- (16) A written statement explaining in detail how the application and applicant meet the review criteria listed in subsection (f).
- (17) Any other information pertinent to the applicant and operation of the proposed establishment as may be required by this chapter, including information regarding each of the criteria listed in subsection (f).

(c) *Investigation.* Following receipt of a complete application, fees and other information as may be requested by the city, the city manager will refer the application to the police department, fire department, planning department, building department, economic development 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 city manager, who shall then report same to the city council. In making its reviews and investigations, the city, and its departments, may request other pertinent information from the applicant.

(d) *Placement upon city council agenda.* Upon receipt by the city manager of the findings, results, and recommendations of the departments, the city manager shall place the application on the city council agenda for consideration. Due notice will be provided to the applicant, and the applicant will be required to appear before the city council and make an oral or written presentation and address any questions concerning the application.

(e) *City council action required.* All applications are subject to action by the city council. The city council may approve, conditionally approve the requested license, postpone consideration for a reasonable period, or deny the license. If the license is either approved or denied, the city council shall cause its decision to be transmitted to the Michigan Liquor Control Commission and promptly give notice of the decision to the applicant, in writing. Unless otherwise indicated by the city council, all approvals are conditioned upon the applicant obtaining any

required building permits and any other necessary permits, licenses, or approvals from the city, including special land use approval, or approvals from other regulatory agencies within sixty (60) days from the date of such conditional approval. The construction of new buildings and alterations of existing buildings shall commence within six (6) months after the date of the conditional 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 city council for good cause. Failure to comply with such conditions shall render the license, and any approval, subject to revocation.

(f) *Review criteria.* In making its determination pursuant to section 8-37(e), the city council may consider and/or weigh, in its discretion, the following factors:

- (1) The possibility of a consequent cost on the city.
- (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 city 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; 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) Liquor Control Commission 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 city.
- (19) The amount invested in the proposed premises/establishment.
- (20) Locating in an underdeveloped area.
- (21) The effect on the economic development of the city 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 city policing and code enforcement activities.
- (29) The overall benefits and/or detriments of the proposed establishment to the city.
- (30) Any other factors that may affect the health, safety and/or welfare of the general public.

(g) *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 city or township 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 Michigan Liquor Control Commission 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 council, 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 city 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 city.

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

(i) *Recommendation for approval of liquor license.* Upon completion of the building and/or improvements and satisfaction of all other conditions and in accordance with the prior conditional approval of the city council and resolution, if applicable, the city council shall then recommend, above all others, the applicant for approval of the liquor license to the Liquor Control Commission of the State of Michigan.

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

(k) *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 city council reserves the right to exercise reasonable discretion to determine who, if anyone, shall be entitled to the issuance of such licenses.

#### Sec. 8-38. - Changes in licensed operations.

(a) Substantial changes in the licensee's operations shall be approved by the city council. 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 city 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 city objecting to the renewal or recommending revocation of the license.

#### Sec. 8-39. - Inactive licenses.

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

#### Sec. 8-40. - 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 city council for continued compliance with the regulations of this article.

#### Sec. 8-41. - Annual license review.

The city may undertake a review of any license at any time for purposes of making recommendations to the Michigan Liquor Control Commission regarding renewal of said licenses. The city 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. 8-42. - 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 city's discretion. The application for such a permit shall be submitted to the city clerk, in writing, accompanied by a nonrefundable fee in an amount determined by city council. (If the application for such a permit is made at initial application or transfer, no additional fee is required.) The city manager will refer the permit application to the city council which will set the matter for consideration, due notice to be given the applicant.

(b) In reviewing the permit application, the city council 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) Review criteria list in Section 8-37(f).

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

Sec. 8-43. - Transfers of existing licenses.

(a) The transfer of any existing liquor license into, within, out of the city or to different owners shall require approval of the city council. An applicant for approval of a license transfer and the use and occupancy of such an establishment shall:

- (1) Submit an application with all of the information required under Section 8-37(b) above for a new liquor license, including a plan of operation;
- (2) Pay the application fee(s) set forth in this article for the granting of a new liquor license and/or permit.

- (3) Furnish any necessary authorization to permit the city access to any and all files which may be in the Michigan Liquor Control Commission's possession regarding that commission's investigation of the transferee as a present licensee, or as a previous licensee, or in which transferee has or has had a partial interest in.

(b) In reviewing an application for license transfer, the city council may consider the criteria listed in Section 8-37(f).

(c) Requests for approvals of transfers of licenses shall be approved or denied in the sole discretion of the city council.

(d) Transfers that involve the following circumstances may be placed on a city council agenda for consideration without payment of a fee and without the necessity of furnishing the information required for new licenses:

- (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.

(e) 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.

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**Sec. 8-44. – Prohibition on profiteering by class C liquor licensees.**

(a) The city council has determined that profiteering by class C liquor licensees is contrary to the best interests of the city. Accordingly, to prevent profiteering, to the full extent authorized by law, the city council 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 city, following recommendation by the city attorney, shall be prepared and agreed upon to give effect to this provision prior to final

action being taken by the city council on an application. The city council 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 city council 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 Michigan Liquor Control Commission shall terminate the license and the city council 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; provided, 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 Michigan Liquor Control Commission or in the circuit court, if necessary) prior to issuance of the license to a new applicant.

Sec. 8-45. — Objections to renewal and requests for revocation.

(a) *Generally.* The city council may object to a renewal or request the revocation of a liquor license with the Michigan Liquor Control Commission.

(b) *Procedure.* Before filing an objection to the renewal or requesting revocation of a license with the Michigan Liquor Control Commission, the city council 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 city council as a whole, or by a hearing officer appointed by the city council 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 city council for its ultimate final review and decision. The city council shall submit to the licensee and the Michigan Liquor Control Commission, a written statement of its ultimate findings and determination.

(d) *Criteria for non-renewal or revocation.* The city council may recommend non-renewal or request revocation of a license 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 city code provision.
- (2) Maintenance of a nuisance on the premises.
- (3) 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 city council based its recommendation for approval, when, in the judgment of the city council, that change is found to be contrary to the best interest of the city and/or its residents.
- (4) 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.
- (5) The premises does 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.
- (6) A violation of any section of this chapter, the Liquor Control Code, or the rules and regulations of the Liquor Control Commission, including sales of alcoholic liquor to minors.
- (7) 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.
- (8) Non-payment of taxes.

Sec. 8-46. -- Termination of escrowed license.

The city council may, through resolution, request that the Michigan Liquor Control Commission terminate an on-premises license that has been inactive and placed in escrow for more than five (5) years after its expiration.

Sec. 8-47. – 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 city council resolution. Such fee will be in addition to any fee(s) required by the Liquor Control Commission.

Sec 8-48. – Nudity.

No person, while appearing in a state of public nudity as defined in Section 5h of Act 279 of 1909, being MCL 117.5h, 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.

Sec. 8-49 through 8-69. Reserved.

**PART II. 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.

**PART III. Savings Clause.** The amendment of the City of South Lyon 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 City of South Lyon Code of Ordinances set forth in this Ordinance.

**PART IV. 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.

**PART V. Effective Date; Publication.** This ordinance shall take effect upon the later of ten (10) days after adoption or upon publication thereof as provided by the Charter of the City of South Lyon.

Made, passed and adopted by the South Lyon City Council this \_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
John Galeas, Jr., Mayor

\_\_\_\_\_  
Lisa Deaton, City Clerk

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 South Lyon City Council held on the \_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
Lisa Deaton, City Clerk

Adopted:  
Published:  
Effective:

## Timothy Wilhelm

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**From:** Robert Donohue <robert@southlyonmi.org>  
**Sent:** Monday, September 18, 2017 10:08 AM  
**To:** Timothy Wilhelm  
**Cc:** Lynne Ladner  
**Subject:** Additional Criteria for Liquor Licenses

Tim:

The following items which we recently discussed should be considered as additional criteria for granting/approving a Liquor License in the City of South Lyon:

- Is the location of the establishment which would own the Liquor License in the DDA District?
- Is the location of the establishment which would own the Liquor License in the Historic Core Downtown Area (On N. Lafayette Street between Lake Street and the Detroit Street, S. Lafayette Street between Lake Street and McHattie Street, E. Lake street between Wells street and Lafayette Street, and W. Lake Street between Lafayette Street and the first alley west of Lafayette Street?
- Is the location of the establishment which would own the Liquor License in a Historic Building as noted on the DDA's List of Buildings Eligible for Listing on the National Register of Historic Places?
- Will improvements to the Historic Building comply with the U.S. Secretary of the Interior's Standards for Historic Rehabilitation and Historic Preservation and the City of South Lyon's Design Guidelines?
- Is the location of the establishment which would own the Liquor License in a new building which complies with the City of South Lyon's New Master Plan?

I hope these are useful and will be considered. Items similar to those that I have provided here above, have been utilized in other communities. Please let me know if there is anything else you need or that I can do regarding the potential new Liquor License Policy.

Thanks,

Bob Donohue, DDA & Economic Development Director  
City of South Lyon

**MICHIGAN LIQUOR CONTROL CODE OF 1998 (EXCERPT)**  
**Act 58 of 1998**

**436.1501 Licenses; issuance; fees; bonds or liability insurance; expiration of full-year license; license as contract; operation of establishment upon death of licensee; approval of receiver or trustee; part-year license; transfer of license; approval of application; request for revocation of license or permit by local legislative body; hotels; zones and anniversary dates for renewal of licenses; rules; nontransferable tavern licenses for concessionaires at state fairgrounds; notice contained in application.**

Sec. 501. (1) The commission may issue licenses as provided in this act upon the payment of the fees provided in section 525 and the filing of the bonds required in section 801 or liability insurance as provided in section 803. The commission shall provide a notification of the ability of the purchaser or transferee to obtain a tax clearance certificate, as provided in subsection (6). Subject to section 906(2) and (3), the commission shall not issue a new on premises license or transfer more than 50% interest in an existing on premises license unless the applicant or transferee offers proof acceptable to the commission that he or she has employed or has present on the licensed premises, at a minimum, supervisory personnel on each shift and during all hours in which alcoholic liquor is served who have successfully completed a server training program described in section 906. The commission may consider an individual enrolled and actively participating in a server training program as having successfully completed the program for the time the individual is participating. The commission may allow an applicant or a conditionally approved licensee at least 180 days, or more upon a showing of good cause, to meet the minimum personnel training requirements of this subsection. The commission may suspend the license of a conditionally approved licensee if that licensee does not comply with this subsection. The commission may waive the server training requirements of this subsection on the basis of either of the following circumstances:

(a) The licensee's responsible operating experience or training.

(b) The person's demonstration of an acceptable level of responsible operation either as a licensee during the preceding 3 years or as a manager with substantial experience in serving alcoholic liquor.

(2) A full-year license issued by the commission shall expire on April 30 following the date of issuance or the date fixed by the commission. A license issued under this act is a contract between the commission and the licensee and shall be signed by both parties. If a licensee dies, the commission may approve the operation of the establishment by a personal representative or independent personal representative duly appointed by a court of competent jurisdiction, pending the settlement of the estate of the deceased licensee. The commission may approve a receiver or trustee appointed by a court of competent jurisdiction to operate the licensed establishment of a licensee. The commission may grant a part-year license for a proportionate part of the license fee specified in section 525. In a resort area the commission shall grant a license for a period of time as short as 3 months. A license may be transferred with the consent of the commission. A class C or specially designated distributor license obtained in a manner other than by transfer shall not be transferred within 3 years after its issuance except under circumstances where the licensee clearly and convincingly demonstrates that unusual hardship will result if the transfer does not receive the consent of the commission. An application for a license to sell alcoholic liquor for consumption on the premises, except in a city having a population of 600,000 or more, shall be approved by the local legislative body in which the applicant's place of business is located before the license is granted by the commission, except that in the case of an application for renewal of an existing license, if an objection to a renewal has not been filed with the commission by the local legislative body not less than 30 days before the date of expiration of the license, the approval of the local legislative body is not required. The commission shall provide the local legislative body and the local chief of police with the name, home and business addresses, and home and business phone numbers to accomplish the local legislative reviews of new and transferred license applications required by this subsection. Upon request of the local legislative body after due notice and proper hearing by the local legislative body and the commission, the commission shall revoke the license of a licensee granted a license to sell alcoholic liquor for consumption on the premises or any permit held in conjunction with that license.

(3) A local legislative body, by resolution, may request that the commission revoke the license of a licensee granted a license to sell alcoholic liquor for consumption off the premises whose place of business is located within the local legislative body's jurisdiction and that has been determined in commission violation hearings to have sold or furnished alcoholic liquor, on at least 3 separate occasions in a consecutive 12-month period, to a minor if those violations did not involve the use of falsified or fraudulent identification by the minor. If the commission verifies that the licensee who is the subject of the resolution has been found to have committed the violations as prescribed in this subsection, the commission may suspend or revoke the

licensee's license and any permit held in conjunction with that license.

(4) This act does not prohibit a hotel that is or was the holder of a license authorizing the retail sale of alcoholic liquor for consumption on the premises from applying for and receiving under this act any other and different type of license authorizing the retail sale of alcoholic liquor for consumption on the premises, and the application for the license shall not be considered a new application for a license if the total number of public licenses for consumption on the premises does not exceed the authorized total established in this act and the sale of alcoholic liquor is approved by the electors. The commission may divide the state into 3 zones and establish for each zone an anniversary date for renewal of full-year retail licenses in the licensing year. The commission shall promulgate rules pursuant to the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, for the effective administration of the renewal of licenses.

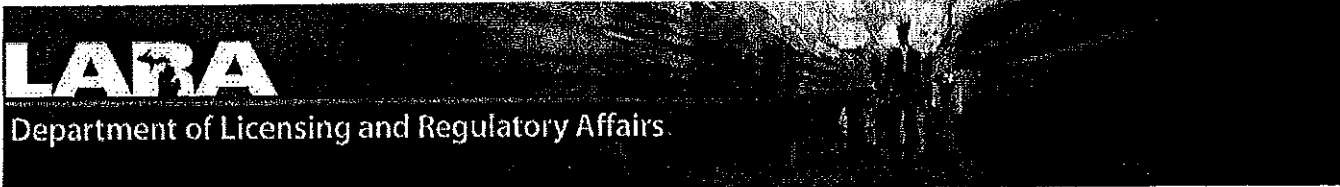
(5) The commission, with the written approval of the department of agriculture and rural development for the Michigan state fairgrounds and the Upper Peninsula state fairgrounds, may issue without regard to the quota provision of section 531 a tavern license to a person as concessionaire leasing or renting a portion of either the Upper Peninsula state fairgrounds or the state fairgrounds, or both, to service the licensed area in use for recreational or exhibition purposes other than at the time of the annual Upper Peninsula state fair under section 2 of 1927 PA 89, MCL 285.142. A license issued under this subsection is not transferable.

(6) The application for initial licensure or for a transfer of a license shall contain a notice in substantial compliance with the following:

When purchasing a license, a buyer can be held liable for tax debts incurred by the previous owner. Prior to committing to the purchase of any license or establishment, the buyer should request a tax clearance certificate from the seller that indicates that all taxes have been paid up to the date of issuance. Obtaining sound professional assistance from an attorney or accountant can be helpful to identify and avoid any pitfalls and hidden liabilities when buying even a portion of a business.

Sellers can make a request for the tax clearance certificate through the Michigan department of treasury.

History: 1998, Act 58, Imd. Eff. Apr. 14, 1998;—Am. 1998, Act 416, Imd. Eff. Dec. 21, 1998;—Am. 2000, Act 431, Imd. Eff. Jan. 9, 2001;—Am. 2006, Act 547, Imd. Eff. Dec. 29, 2006;—Am. 2012, Act 82, Imd. Eff. Apr. 11, 2012.

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LARA / LIQUOR CONTROL COMMISSION / COMMISSION OVERVIEW

## Brief Overview Michigan Liquor Control Commission

- **Commission Overview**

The Michigan Liquor Control Commission was created upon the repeal of Prohibition by the legislature acting in special session in December of 1933. The act empowered the Commission to control all alcoholic beverage traffic within this state. Today, the Commission is a Type I agency housed within the Department of Licensing and Regulatory Affairs (LARA).

The Commission consists of five members appointed by the Governor. No more than three of these members may be of the same political party. Three administrative Commissioners are responsible for all matters pertaining to licensing, purchasing, merchandising and enforcement and act as an appeal board for decisions rendered by the hearing commissioners. The remaining two Commissioners are designated as hearing commissioners who preside over violation matters. The full five-member board promulgates rules and establishes bureau policy, such as the issuance of declaratory rulings. The Governor designates one of the five members as the Chairperson.

The mission of the Liquor Control Commission is to make alcoholic beverages available for consumption while protecting the consumer and the general public through regulation of those involved in the sale and distribution of these alcohol beverage products.

- **Meet the Michigan Liquor Control Commissioners**

- **Contact the Michigan Liquor Control Commission (MLCC)**

- **Enforcement Division**

The Enforcement Division operates from district offices in Southfield, Lansing, Grand Rapids, and Escanaba.

- **Executive Services Division**

The Executive Services Division provides staff support services to the Commission.

- **Financial Management Division**

The Financial Management Division provides support for the Commission in all areas of financial management and accounting.

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- **Licensing Division**

The MLCC Licensing Division processes requests for Retail licenses, such as restaurants, bars, hotels, convenience stores, and grocery stores, Manufacturer and Wholesaler licenses, such as breweries, distilleries, wineries, brokers, and salespersons, and Special licenses for nonprofit organizations. The Licensing Division administers the annual license renewal process for all licensees, verifies licensee insurance, and processes Special License applications, requests for new and temporary permits and permissions.

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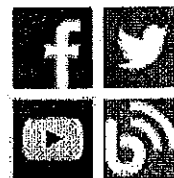
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Liquor Control Commission (MLCC)  
Constitution Hall – 525 W. Allegan, Lansing, MI 48933  
Mailing Address: PO Box 30005, Lansing, MI 48909  
Toll Free 866-813-0011 – [www.michigan.gov/lcc](http://www.michigan.gov/lcc)

### **Class C Licensing Requirements & General Information**

A Class C license, as defined by MCL 436.1107(2), is a place licensed to sell, at retail, beer, wine, mixed spirit drink, and spirits for consumption on the premises.

Bars or restaurants selling beer, wine, spirits, and mixed drinks require a Class C license in order to sell alcoholic liquor to patrons at their establishment.

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### **How to Apply**

All applicants requesting new Class C license, seeking to transfer ownership of a Class C license, or transferring interest (stock or membership interest) in a Class C license must submit the following:

- **Application Form**  
For a new Class C license or to transfer a Class C license - Retail License & Permit Application (Form LCC-100)  
  
To transfer interest in a Class C license – License Interest Transfer Application (LCC-101)
- **Inspection Fee** - A \$70.00 nonrefundable inspection fee is required for each license requested in an application. ~~For example, if an applicant has requested to transfer a~~ Class C license that has a Specially Designated Merchant (SDM) license in conjunction, the inspection fee would be \$140.00.
- **License & Permit Fees** – The initial and annual renewal fee for a Class C license is \$600.00. Additional fees will vary based upon whether additional licenses and permits are requested in conjunction with a Class C license.
- **Livescan Fingerprints** – Applicants that have never been licensed through the Michigan Liquor Control Commission must submit fingerprints through the Livescan fingerprinting process - Livescan Fingerprint Background Request Form.
- **Purchase Agreement** – Applicants requesting to transfer a license from another licensee must submit an executed purchase agreement or other documentation signed by both the applicant and the current licensee, which details the sale of the liquor license(s) and other business assets.
  - Purchase agreements must specifically indicate that the liquor license is being sold and provide the purchase price and terms of the sale.

- Purchasers of on-premises licenses must have at least 10% of the purchase price of the business, excluding real estate.
- Purchase agreements that are not for cash only sales and include real estate must list the personal property, including the licenses, and real estate with the terms and price for each.
- If the personal property and real estate are being purchased by separate people or entities, the purchase agreement must indicate those names and who is purchasing which items.
- If the applicant will not pay the full purchase price at closing, the balance due may be covered by a security agreement or promissory note. Alcoholic beverage inventory cannot be included on a security agreement or promissory note.
- **Property Document** – Applicants must provide documentation that demonstrates they will have control over the property that comprises the proposed licensed premises. Property documents include deeds, land contracts, and lease agreements.
  - A provision to reassign the license in the event of a default on a land contract or termination of a lease agreement may be included, but may only provide for the reassignment subject to Commission approval.
  - If the applicant is a company and its members or stockholders own the real estate as individuals or under another company, a lease agreement is needed.
  - If the applicant is an individual and he or she owns the real estate with a spouse or someone else who will not be named on the license, a lease between the applicant and the owners of the real estate is needed.

**In addition to the documents required by all applicants:**

**Corporations** must submit the following information per Administrative Rule R 436.1109:

- Copy of current, filed Articles of Incorporation.
- Current Certificate of Good Standing from the state where incorporated and Certificate of Authority to Do Business in Michigan, if incorporated outside of this state.
- Certified copy of the minutes of a meeting of its board of directors or a statement signed by an officer of the corporation naming the persons authorized by corporate resolution to sign the application and other documents required by the Commission (or Part 3 of Form LCC-301).
- Report of Stockholders/Members/Partners (Form LCC-301)

**Limited Liability Companies (LLC)** must submit the following information pursuant to Administrative Rule R 436.1110:

- Copy of Articles of Organization and copies of any amendments to the Articles of Organization.
- Current Certificate of Authority to Do Business in Michigan, if the LLC is a non-Michigan LLC.
- Copy of Operating Agreement entered into by members.
- Copy of most recent annual statement filed with the Corporations Division, if an existing LLC.

- Statement signed by a manager of the limited liability company or by at least 1 member if management is reserved to the members naming the person authorized to sign the application and other documents required by the Commission (or Part 3 of Form LCC-301).
- Report of Stockholders/Members/Partners (Form LCC-301)

**Partnerships** must submit the following information per Administrative Rule R 436.1111:

- Partnership Agreement, if a Limited Partnership.
- Report of Stockholders/Members/Partners (Form LCC-301)

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### **Licensing Process**

- The Licensing Division reviews the application and corresponding documents for completeness and verifies the appropriate fees have been received. If additional documents, fees, or corrections to documents are needed, Licensing will notify the applicant.
- Once all the necessary documents have been received Licensing will submit the request to the Enforcement Division for its investigation. If an applicant has applied for and meets the requirements for a conditional license, the request will be considered by the Commission.
- The Enforcement Division will contact the applicant to schedule an interview with the applicant (and current licensee for license transfers). At this meeting an investigator will review with the applicant documents, including:
  - purchase agreement
  - financial documents
  - property documents
  - other items pertaining to the application
- After the interview, the investigator will prepare a report for the Commission regarding the investigation and submit the request back to Licensing for further processing.
- Licensing reviews the report from Enforcement and any additional documents received during the interview process. The request is prepared for the Commission to consider and placed on a docket for an upcoming licensing meeting.
- The Commission considers the request, including:
  - the liquor license operating history of the applicant (if a current or prior licensee)
  - the arrest and conviction record of the applicant
  - whether the applicant meets the requirements for a license
  - the applicant's financial information
  - opinions of the local legislative body or police department, if received.

- The Commission will approve or deny the request based on these factors. Occasionally, the Commission will request more information from the applicant before making a final decision.
  - After the Commission makes a decision on the request, the file is returned to Licensing for final processing.
    - Approval orders are sent to the applicant requesting any final items before the issuance of the license.
    - Denial orders are sent to the applicant and the applicant may appeal the decision.
  - When all the final items are received by Licensing, the completed request is forwarded to the Renewal Unit for the issuance of the physical license documents.
    - Any changes in financial provisions at the time of closing which do not conform to the terms previously indicated and investigated may require submission of new forms and possible additional investigation.
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#### **Other Licenses That May Be Held in Conjunction With a Class C License**

A **Specially Designated Merchant (SDM)** license for the sale of beer and wine for consumption off the licensed premises (take-out) may be held in conjunction with a Class C license.

A **Brewpub** license which allows a licensee to manufacture and sell beer produced on the premises or for take-out with an SDM license may be held in conjunction with a Class C license.

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#### **Permits, Permissions, and Authorizations**

**Sunday Sales Permit (A.M.)** - A permit that allows the sale of liquor, beer, and wine on Sunday mornings between 7:00am and 12:00 noon, if allowed by the local unit of government.

**Sunday Sales Permit (P.M.)** - A permit that allows the sale of liquor on Sunday afternoons and evenings between 12:00 noon and 2:00am (Monday morning), if allowed by the local unit of government.

**Additional Bar** – Allows a licensee to set up an additional bar within its licensed premises or Outdoor Service area. The licensee may obtain one or more Additional Bars.

**Specific Purpose Permit** - A permit that allows specific types of activities (such as the service of food, sporting activities, meetings, etc.) to occur on the licensed premises outside the legal hours for the sale of alcohol. A specific purpose permit does not allow the sale of alcohol outside of the legal hours of sale.

**Dance Permit** - Allows dancing by patrons of a business with an on premises license. Often combined with an Entertainment Permit.

**Entertainment Permit** - Permits certain types of live entertainment at a business with an on premises license. An entertainment permit does not allow topless activity. Often combined with a Dance Permit.

**Extended Hours Permit** - A permit held in conjunction with a Dance or Entertainment Permit (or both) that allows dancing or entertainment on the licensed premises outside the legal hours for the sale of alcohol. An Extended Hours Permit does not allow the sale of alcohol outside of the legal hours of sale.

**Catering Permit** - Authorizes a holder of a Class C license to sell, deliver, and serve beer, wine, and spirits in the original containers at private events. A licensee must have a food service establishment license or retail food establishment license to qualify for this permit.

**Banquet Facility Permit** - Authorizes an on-premises licensee to serve alcohol at a separate licensed banquet facility used only for scheduled functions. An on-premises licensee may be issued one Banquet Facility Permit, as an extension of its licensed premises.

**Living Quarters Permit** - Allows living quarters to be directly connected to the licensed premises.

**Topless Activity Permit** - Allows topless activity by the employees, agents, or contractors of a business with an on premises license.

**Direct Connection permission** - Allows connections from the licensed premises to unlicensed premises.

**Outdoor Service authorization** - Authorization granted by the Commission for a licensee to sell alcohol outdoors in an area controlled by the licensee. This can be a patio area next to the licensed premises or a space as large as a golf course

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#### **License Quotas and Local Government Unit Approval for New Class C Licenses**

- Each local governmental unit (city, village, or township) has a limited number of Class C licenses that may be issued based on the population from the most recent federal census.
- An applicant requesting a new Class C license must first verify that the license quota limit for Class C licenses in the local governmental unit has not been reached and an available Class C license exists.

- If an available Class C quota license exists in the local government unit, the applicant must obtain a recommendation from the legislative body of the local governmental unit (city council, village council, or township board).
  - The legislative body may pass a resolution to recommend the applicant's application for the new Class C license. It may also record its approval on the Local Government Approval Form (Form LCC-106).
  - The resolution must be submitted to the Commission with the initial application and documents.
- 

### **Churches & Schools**

A new application to sell alcoholic beverages at retail, or a request to transfer location of an existing license, may be denied if the proposed location is within 500 feet of a church or school. The Commission may waive the church/school provision if the church or school does not file an objection to the proposed license. If the church or school does file an objection, the Commission shall hold a hearing before making a decision on the issuance of the license.

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### **Proof of Financial Responsibility**

- Liquor liability coverage of at least \$50,000.00 is required by Michigan law for active operation of a licensed business. Types of acceptable coverage are:
    - liquor liability insurance
    - cash
    - unencumbered securities
    - constant value bond
    - membership in an authorized group self-insurance pool
  - For more information, please read the instructions in the Proof of Financial Responsibility form (Form LC-95).
-



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Liquor Control Commission (MLCC)  
7150 Harris Drive, P.O. Box 30005 - Lansing, Michigan 48909-7505  
Toll Free (866) 813-0011 • www.michigan.gov/lcc

On Premise Transactions	Is Local Legislative Body approval required?				Is Local Police approval required?			Is Local Legislative Body or Police options required to be considered?		MLCC investigation required?		Inspection Fees?		Base Fees
	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No	Yes	Yes	No	
Add Space														
Change Specific Purpose Permit hours														
Change status														
Correct address														
Drop Space (current licensees)														
New Additional Bar														\$350.00 per bar
New A-Hotel License														\$250.00
New Aircraft License														\$600.00
New Banquet Facility Permit														\$600.00
New B-Hotel License														\$600.00
New Brewpub License														\$100.00
New Catering Permit														\$100.00
New Class C issued under MCL 436.1521a(1)(a)														\$20,000 upon licensure
New Class C issued under MCL 436.1521a(1)(b)														\$20,000 upon licensure
New Class C License														\$600.00
New Class G-1 License														\$1,000.00
New Class G-2 License														\$500.00
New Club License														\$300.00

\*except in a city having a population of 600,000 or more, pursuant to MCL 436.150(2)

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New Continuing Care Retirement Center License	Yes*	No	Yes	Yes	Yes	\$600.00
New Dance Permit	No	No	Yes	No	Yes	
New Dance-Entertainment Permit	No	No	Yes	No	Yes	
New Direct Connection	No	No	No	Yes	No	
New Entertainment Permit	No	No	Yes	No	Yes	
New Extended Hours Permit (Dance, Topless Activity, Entertainment)	No	No	Yes	No	Yes	
New Living Quarters Permit	No	No	Yes	No	Yes	
New Outdoor Service	No	No	No	Yes	No	
New Participation Permit	No	No	Yes	No	No	
New Resort A-Hotel License	Yes*	No	Yes	Yes	Yes	\$20,000 Enhancement upon licensure
New Resort B-Hotel License	Yes*	No	Yes	Yes	Yes	\$20,000 Enhancement upon licensure
New Resort Class C License	Yes*	No	Yes	Yes	Yes	\$20,000 Enhancement upon licensure
New Resort Tavern License	Yes*	No	Yes	Yes	Yes	\$20,000 Enhancement upon licensure
New SDM in conj with On Premise license	No	No	Yes	Yes	Yes	\$100.00
New Specific Purpose Permit (Food, Golf, etc.)	No	No	Yes	No	Yes	
New Sunday Sales Permit (AM)	No	No	Yes	No	No	\$160.00
New Sunday Sales Permit (PM)	No	No	Yes	No	No	15% of total license fee
New Tavern License	Yes*	No	Yes	Yes	Yes	\$250.00

\*except in a city having a population of 600,000 or more, pursuant to MCL 436.1501(2)

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New Topless Activity Permit	No	No	Yes	No	Yes	
New Train License	No	No	Yes	Yes	Yes	\$100.00
New Watercraft License	No	No	Yes	Yes	Yes	\$100.00
Release license from escrow (in escrow <6 months)	No	No	No	No	No	
Release license from escrow (in escrow 6+ months)	No	No	No	Yes	No	
Temporary Permit	No	Yes	Yes	No	Yes	
Transfer Classification Class C to Tavern	No	No	Yes	No	Yes	
Transfer Classification Class C/Tavern to G1/G2	Yes	No	Yes	Yes	Yes	
Transfer Classification Hotel to Class C/Tavern	Yes	No	Yes	Yes	Yes	
Transfer Classification Tavern to Class C	Yes	No	Yes	No	Yes	\$600.00
Transfer Location- On Premise	No	No	Yes	Yes	Yes	
Transfer of stock or transfer of interest	No	No	Yes	Yes	Yes	Upon approval by the Commission pursuant to MCL 436.1529(3)
Transfer ownership of Additional Bar	No	No	No	No	No	\$350.00
Transfer ownership of A-Hotel License	No	No	Yes	Yes	Yes	\$250.00
Transfer ownership of Aircraft License	No	No	Yes	Yes	Yes	\$600.00
Transfer ownership of Banquet Facility Permit	No	No	Yes	Yes	No	\$600.00
Transfer ownership of B-Hotel License	No	No	Yes	Yes	Yes	\$600.00
Transfer ownership of Brewpub License	No	No	Yes	Yes	Yes	\$100.00

\*except in a city having a population of 600,000 or more, pursuant to MCL 436.1501(2)

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	Is Local Legislative Body approval required?				Is Local Police approval required?				Is Local Legislative Body or Police options required to be considered?				MLCC Investigation required?				Inspection Fees?				
Transfer ownership of Catering Permit	No				No				Yes				No				No				\$100.00
Transfer ownership of Class C License	No				No				Yes				Yes				Yes				\$600.00
Transfer ownership of Class G-1 License	No				No				Yes				Yes				Yes				\$1,000.00
Transfer ownership of Class G-2 License	No				No				Yes				Yes				Yes				\$500.00
Transfer ownership of Continuing Care Retirement Center License	No				No				Yes				Yes				Yes				\$600.00
Transfer ownership of Dance Permit	No				No				Yes				No				No				
Transfer ownership of Dance-Entertainment Permit	No				No				Yes				No				No				
Transfer ownership of Direct Connection	No				No				No				Yes				No				
Transfer ownership of Entertainment Permit	No				No				Yes				No				No				
Transfer ownership of Extended Hours Permit(Dance,Topless,Entertain)	No				No				Yes				No				No				
Transfer ownership of Living Quarters Permit	No				No				Yes				No				No				
Transfer ownership of Outdoor Service	No				No				No				Yes				No				
Transfer ownership of Participation Permit	No				No				Yes				No				No				
Transfer ownership of Resort A-Hotel License	No				No				Yes				Yes				Yes				\$250.00
Transfer ownership of Resort B-Hotel License	No				No				Yes				Yes				Yes				\$600.00
Transfer ownership of Resort Class C License	No				No				Yes				Yes				Yes				\$600.00
Transfer ownership of Resort Tavern License	No				No				Yes				Yes				Yes				\$250.00
Transfer ownership of Specific Purpose Permit (Food, Golf, etc.)	No				No				Yes				No				No				

\*except in a city having a population of 600,000 or more, pursuant to MCL 436.1501(2)

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	Is Local Legislative Body approval required?	Is Local Police approval required?	Is Local Legislative Body or Police opinions required to be considered?	MLCC Investigation required?	Inspection Fees?	Base Fees	Is Local Legislative Body approval required?	Is Local Police approval required?	Is Local Legislative Body or Police opinions required to be considered?	MLCC Investigation required?	Inspection Fees?	Base Fees	
Transfer ownership of Sunday Sales Permit (AM)	No	No	Yes	No	No	\$160.00	No	No	No	No	No	\$160.00	
Transfer ownership of Sunday Sales Permit (PM)	No	No	Yes	No	No	15% of total license fee	No	No	No	No	No	15% of total license fee	
Transfer ownership of Tavern License	No	No	Yes	No	No	\$250.00	Yes	Yes	Yes	Yes	Yes	\$250.00	
Transfer ownership of Topless Activity Permit	No	No	Yes	No	No		No	No	No	No	No		
Transfer ownership of Train License	No	No	Yes	No	No	\$100.00	Yes	Yes	Yes	Yes	Yes	\$100.00	
Transfer ownership of Watercraft License	No	No	Yes	No	No	\$100.00	Yes	Yes	Yes	Yes	Yes	\$100.00	

\*except in a city having a population of 600,000 or more, pursuant to MCL 436.1501(2)

Last updated on 12-21-2012



Michigan Department of Licensing and Regulatory Affairs  
Liquor Control Commission (MLCC)  
7150 Harris Drive, P.O. Box 30005 - Lansing, Michigan 48909-7505  
Toll Free (866) 813-0011 • www.michigan.gov/lcc

Off Premise Transactions	Is Local Legislative Body approval required?	Is Local Police approval required?	Is Local Legislative Body or Police options required to be considered?	MLCC Investigation required?	Inspection Fees?	Base Fees
Add Space	No	No	No	Yes	Yes	
Change status	No	No	No	No	No	
Correct address	No	No	No	Yes	No	
Drop Space	No	No	No	Yes	Yes	
New Beer & Wine Sampling Permit	No	No	Yes	No	Yes	
New Catering Permit	No	No	Yes	No	Yes	\$100.00
New Direct Connection	No	No	No	Yes	No	
New Gas Pumps	No	No	No	Yes	No	
New Living Quarters Permit	No	No	Yes	No	Yes	
New Participation Permit	No	No	Yes	No	No	
New Resort SDD License	No	No	Yes	Yes	Yes	\$150.00 upon licensure
New SDD License	No	No	Yes	Yes	Yes	\$150.00
New SDM License	No	No	Yes	Yes	Yes	\$100.00
New Sunday Sales Permit (AM)	No	No	Yes	No	No	\$160.00
New Sunday Sales Permit (PM)	No	No	Yes	No	No	15% of total license fee
Release license from escrow (in escrow <6 months)	No	No	No	No	No	
Release license from escrow (in escrow 6+ months)	No	No	No	Yes	No	
Transfer Location- Off Premise	No	No	Yes	Yes	Yes	



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Off Premise Transactions	Is Local Legislative Body approval required?				Is Local Police approval required?		Is Local Legislative Body or Police options required to be considered?		MLCC Investigation required?		Inspection Fees?		Base Fees
	No	No	No	No	No	No	Yes	Yes	Yes	Yes	Yes	Yes	Upon approval by the Commission pursuant to MCL 436.1529(3)
Transfer of stock or transfer of interest	No	No	No	No	No	No	Yes	Yes	Yes	Yes	Yes	Yes	
Transfer owner Drive-thru/In Window(w/alcobol beverage sales)	No	No	No	No	No	No	No	Yes	Yes	Yes	No	No	
Transfer ownership of Beer & Wine Sampling Permit	No	No	No	No	No	No	Yes	Yes	No	No	No	No	
Transfer ownership of Catering Permit	No	No	No	No	No	No	Yes	Yes	No	No	No	No	\$100.00
Transfer ownership of Direct Connection	No	No	No	No	No	No	No	Yes	Yes	No	No	No	
Transfer ownership of Gas Pumps	No	No	No	No	No	No	No	Yes	Yes	No	No	No	
Transfer ownership of Living Quarters Permit	No	No	No	No	No	No	Yes	Yes	No	No	No	No	
Transfer ownership of Participation Permit	No	No	No	No	No	No	Yes	Yes	No	No	No	No	
Transfer ownership of Resort SDD License	No	No	No	No	No	No	Yes	Yes	Yes	Yes	Yes	Yes	\$150.00
Transfer ownership of SDD License	No	No	No	No	No	No	Yes	Yes	Yes	Yes	Yes	Yes	\$150.00
Transfer ownership of SDM License	No	No	No	No	No	No	Yes	Yes	Yes	Yes	Yes	Yes	\$100.00
Transfer ownership of Sunday Sales Permit (AM)	No	No	No	No	No	No	Yes	Yes	No	No	No	No	\$160.00
Transfer ownership of Sunday Sales Permit (PM)	No	No	No	No	No	No	Yes	Yes	No	No	No	No	15% of total license fee



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### Retailer License & Permit Application

For more information on retail licenses and permits, please visit the Liquor Control Commission's frequently asked questions website [by clicking this link](#).

**Before you begin filling out the attached application, please review this checklist for the forms and documents you will need to submit with your completed application form.**

**The attached LCC-100 form will automatically calculate fees when opened using Adobe Acrobat Reader. The form's functionality may not work with third-party PDF readers. You may download a free copy of Adobe Acrobat Reader on the Adobe website: <https://get.adobe.com/reader/>**

- ☐ Completed Retail License & Permit Application (Form LCC-100, attached)
- ☐ Livescan Fingerprint Form\* (attached)
- ☐ Inspection, License, and Permit Fees
- ☐ Local Government Authorization (Form LCC-106) - **For a new on-premises license only**
- ☐ Purchase agreement - **For the transfer of ownership of a license**
- ☐ Property document (lease, deed, land contract, etc.)
- ☐ New Specially Designated Merchant license documents - **For new Specially Designated Merchant license only** (see page 3)

Are you transferring stock or membership interest? If yes, use the License Interest Transfer Application (LCC-101).

*If applicant is a corporation also include (pursuant to R 436.1109):*

- ☐ Report of Stockholders/Member/Partners (Form LCC-301)
- ☐ Copy of Articles of Incorporation filed with the Corporations Division of the Department of Licensing & Regulatory Affairs
- ☐ Current Certificate of Good Standing from the state where incorporated and Certificate of Authority to Do Business in Michigan, if incorporated outside of Michigan.
- ☐ Certified copy of the minutes of a meeting of its board of directors or a statement signed by an officer of the corporation naming the persons authorized by corporate resolution to sign the application and other documents required by the Commission or Part 3 of Form LCC-301.

*If applicant is a limited liability company also include (pursuant to R 436.1110):*

- ☐ Report of Stockholders/Member/Partners (Form LCC-301)
- ☐ Copy of Articles of Organization filed with the Corporations Division of the Department of Licensing & Regulatory Affairs
- ☐ Copy of the operating agreement or bylaws of the applicant company
- ☐ Current Certificate of Authority to Do Business in Michigan, if the LLC is a non-Michigan LLC.
- ☐ Statement signed by a manager of the limited liability company or by at least 1 member if management is reserved to the members naming the person authorized to sign the application and other documents required by the Commission or Part 3 of Form LCC-301.

*If applicant is a limited partnership also include (pursuant to R 436.1111):*

- ☐ Report of Stockholders/Member/Partners (Form LCC-301)
- ☐ Copy of the partnership agreement of the applicant limited partnership
- ☐ Each general partner of a partnership shall sign the application, bond, and other papers filed in connection with securing a new license or transferring an existing license. This requirement may be waived by the Commission upon showing of good cause, which must be submitted in writing.

\*Fingerprints are required for applicants that have not been fingerprinted for MLCC licensure in the past and will hold 10% or more interest in a license or applicant entity.



## Retailer License & Permit Application

For information on retail licenses and permits, including a checklist of required documents for a completed application, please visit the Liquor Control Commission's frequently asked questions website by [clicking this link](#).

### Part 1 - Applicant Information

Individuals, please state your legal name. Corporations or Limited Liability Companies, please state your name as it is filed with the State of Michigan Corporation Division.

Applicant name(s): \_\_\_\_\_

Address to be licensed: \_\_\_\_\_

City: \_\_\_\_\_

Zip Code: \_\_\_\_\_

City/township/village where license will be issued: \_\_\_\_\_

County: \_\_\_\_\_

Federal Employer Identification Number (FEIN): \_\_\_\_\_

- |  |  |
|--|--|
| 1. Are you requesting a new license?   | <input type="radio"/> Yes <input type="radio"/> No |
| 2. Are you applying ONLY for a new permit or permission?   | <input type="radio"/> Yes <input type="radio"/> No |
| 3. Are you buying an existing license?   | <input type="radio"/> Yes <input type="radio"/> No |
| 4. Are you modifying the size of the licensed premises?  | <input type="radio"/> Yes <input type="radio"/> No |
| If Yes, specify: <input type="checkbox"/> Adding Space <input type="checkbox"/> Dropping Space <input type="checkbox"/> Redefining Licensed Premises |  |
| 5. Are you transferring the location of an existing license?   | <input type="radio"/> Yes <input type="radio"/> No |
| 6. Is this license being transferred as the result of a default or court action?   | <input type="radio"/> Yes <input type="radio"/> No |
| 7. Do you intend to use this license actively?   | <input type="radio"/> Yes <input type="radio"/> No |

Leave Blank - MLCC Use Only

### Part 2 - License Transfer Information (If Applicable)

If transferring ownership of a license ONLY and not transferring the location of a license, fill out only the name of the current licensee(s)

Current licensee(s): \_\_\_\_\_

Current licensed address: \_\_\_\_\_

City: \_\_\_\_\_

Zip Code: \_\_\_\_\_

City/township/village where license is issued: \_\_\_\_\_

County: \_\_\_\_\_

### Part 3 - Licenses, Permits, and Permissions

**Off Premises Licenses** - Applicants for off premises licenses, permits, and permissions (e.g. convenience, grocery, specialty food stores, etc.) must complete the attached Schedule A and return it with this application. Transfer the fee calculations from the Schedule A to Part 4 below.

**On Premises Licenses** - Applicants for on premises licenses, permits, and permissions (e.g. restaurants, hotels, bars, etc.) must complete the attached Schedule A and return it with this application. Transfer the fee calculations from the Schedule A to Part 4 below.

### Part 4 - Inspection, License, and Permit Fees - Make checks payable to State of Michigan

**Inspection Fees** - Pursuant to MCL 436.1529(4) a nonrefundable Inspection fee of \$70.00 shall be paid to the Commission by an applicant or licensee at the time of filing of a request for a new license or permit, a request to transfer ownership or location of a license, a request to increase or decrease the size of the licensed premises, or a request to add a bar. Requests for a new permit in conjunction with a request for a new license or transfer of an existing license do not require an additional inspection fee.

**License and Permit Fees** - Pursuant to MCL 436.1525(1), license and permit fees shall be paid to the Commission for a request for a new license or permit or to transfer ownership or location of an existing license.

Inspection Fees: \_\_\_\_\_

License & Permit Fees: \_\_\_\_\_

**TOTAL FEES:** \_\_\_\_\_

# Schedule A - Licenses, Permits, & Permissions

Applicant name: \_\_\_\_\_

## Off Premises License Type:

New Transfer

Base Fee:

Fee Code  
MLCC Use  
Only

- ☐ ☐ SDM License \$100.00
- ☐ ☐ SDD License \$150.00
- ☐ ☐ Resort SDD License Upon Licensure/\$150.00

## Off Premises Permits:

Base Fee:

- ☐ Sunday Sales Permit (AM)\* \$160.00
- ☐ Sunday Sales Permit (PM)\*\* \$22.50  
(Held with SDD License)
- ☐ Catering Permit \$100.00
- ☐ Secondary Location Permit - Complete Form LCC-201
- ☐ Beer and Wine Tasting Permit No charge
- ☐ Living Quarters Permit No charge

## On/Off Premises Permission Type:

Base Fee:

- ☐ Off-Premises Storage No charge
- ☐ Direct Connection(s) No charge
- ☐ Motor Vehicle Fuel Pumps No charge

\*Sunday Sales Permit (AM) allows the sale of liquor, beer, and wine on Sunday mornings between 7:00am and 12:00 noon, if allowed by the local unit of government.

\*\*Sunday Sales Permit (PM) allows the sale of liquor on Sunday afternoons and evenings between 12:00 noon and 2:00am (Monday morning), if allowed by the local unit of government. No Sunday Sales Permit (PM) is required for the sale of beer and wine on Sunday after 12:00 noon. The Sunday Sales Permit (PM) fee is 15% of the fee for the license that allows the sale of liquor. Additional bar fees and B-Hotel room fees are also calculated as part of the permit fee.

Licenses, permits, and permissions selected on this form will be investigated as part of your request. Please verify your information prior to submitting your application, as some licenses, permits, or permissions cannot be added to your request once the application has been sent out for investigation by the Enforcement Division.

## Inspection, License, Permit, & Permission Fee Calculation

Number of Licenses: \_\_\_\_\_ x \$70.00 Inspection Fee

Total Inspection Fee(s): \_\_\_\_\_

Total License Fee(s): \_\_\_\_\_

Total Permit Fee(s): \_\_\_\_\_

**TOTAL FEES DUE:** \_\_\_\_\_

Please note that requests to transfer SDD licenses will require the payment of additional fees based on the seller's previous calendar year's sales. These fees will be determined prior to issuance of the license to the applicant.

Make checks payable to **State of Michigan**

## On Premises License Type:

New Transfer

Base Fee:

Fee Code  
MLCC Use  
Only

- ☐ ☐ B-Hotel License \$600.00
- Number of guest rooms: \_\_\_\_\_
- ☐ ☐ A-Hotel License \$250.00
- Number of guest rooms: \_\_\_\_\_
- ☐ ☐ Class C License \$600.00
- ☐ ☐ Tavern License \$250.00
- ☐ ☐ Resort License Upon Licensure
- ☐ ☐ Redevelopment License Upon Licensure
- ☐ ☐ Brewpub License \$100.00
- ☐ ☐ G-1 License \$1,000.00
- ☐ ☐ G-2 License \$500.00
- ☐ ☐ Aircraft License \$600.00
- ☐ ☐ Watercraft License \$100.00
- ☐ ☐ Train License \$100.00

- ☐ ☐ Continuing Care Retirement Center License \$600.00
- ☐ MCL 436.1545(1)(b)(i) ☐ MCL 436.1545(1)(b)(ii)

B-Hotel or Class C Licenses Only:

- ☐ ☐ Additional Bar(s)

Number of Additional Bars: \_\_\_\_\_

B-Hotel or Class C licenses allow licensees to have one (1) bar within the licensed premises. A \$350.00 licensing fee is required for each additional bar over the one (1) bar initially issued with the license.

## On Premises Permits:

Base Fee:

- ☐ Sunday Sales Permit (AM)\* \$160.00
- ☐ Sunday Sales Permit (PM)\*\* 15%\*\*
- ☐ Catering Permit \$100.00
- ☐ Banquet Facility Permit - Complete Form LCC-200

A Banquet Facility Permit is an extension of the license at a different location. It may have its own permits and permissions. It is not a banquet room on the licensed premises.

- ☐ Outdoor Service No charge

- ☐ Dance Permit No charge

- ☐ Entertainment Permit No charge

- ☐ Extended Hours Permit: No charge

- ☐ Dance ☐ Entertainment Days/Hours: \_\_\_\_\_

- ☐ Specific Purpose Permit: No charge

Activity requested: \_\_\_\_\_

Days/Hours requested: \_\_\_\_\_

- ☐ Living Quarters Permit No charge

- ☐ Topless Activity Permit No charge



## Schedule B - New Specially Designated Merchant License Supplemental Application - New SDM License Applications ONLY

Applicant name:

Effective January 4, 2017 pursuant to MCL 436.1533(5), Specially Designated Merchant (SDM) licenses are quota licenses based on one (1) SDM license for every 1,000 of population in a local governmental unit. MCL 436.1533 provides for several exemptions from the quota for qualified applicants. Please carefully read the requirements in the boxes below, selecting the applicable approved type of business option(s) from Section 1 and an applicable new SDM license quota option from Section 2.

### Section 1 - Requirements to Qualify as Approved Type of Business for New SDM License Applicants

Applicant must meet one (1) or more of the following conditions (check those that apply to your business):

- ☐ a. Applicant holds and maintains retail food establishment license or extended retail food establishment license under the Food Law of 2000, MCL 289.1101 to MCL 289.8111.
- ☐ b. Applicant holds or has been approved for Specially Designated Distributor license (Applicant must also hold and maintain food establishment license as described above).
- ☐ c. Applicant holds or has been approved for an on-premises license, such as a Class C, A-Hotel, B-Hotel, Tavern, Club, G-1, or G-2 license.

### Section 2 - Quota Requirements for New SDM License Applicants

Applicant must qualify under one of the following sections of the Liquor Control Code regarding the SDM quota:

- ☐ a. Applicant is an applicant for or holds a Class C, A-Hotel, B-Hotel, Tavern, Club, G-1, or G-2 license.  
*MCL 436.1533(5)(a) - SDM license is exempt from SDM quota and license cannot be transferred to another location.*
- ☐ b. Applicant's establishment is at least 20,000 square feet and at least 20% of gross receipts are derived from the sale of food.  
*MCL 436.1533(5)(b)(i) - SDM license is exempt from SDM quota and license cannot be transferred to another location.*
- ☐ c. Applicant's establishment is a pharmacy as defined in the Public Health Code, MCL 333.17707.  
*MCL 436.1533(5)(b)(ii) - SDM license is exempt from SDM quota and license cannot be transferred to another location.*
- ☐ d. Applicant's establishment qualifies as a marina under MCL 436.1539.  
*MCL 436.1533(5)(e) - SDM license is exempt from SDM quota and license may be transferred to another location if the applicant complies with MCL 436.1539 at the new location.*
- ☐ e. Applicant does not qualify under any of the quota exemptions or waiver listed above.  
*MCL 436.1533(5) - Commission shall issue one (1) SDM for every 1,000 population in a local governmental unit and an unissued SDM must be available in the local governmental unit for the applicant to qualify. SDM license may be transferred to another location.*

### Documents Required To Be Submitted with New SDM License Application

In addition to the documents listed on the application checklist, the new SDM license applicant must submit the documents listed below, as applicable, with its application to comply with the requirements described above. Select one or more of the following:

- ☐ Copy of retail food establishment license or extended retail food establishment license for a SDM license or a SDM license to be issued in conjunction with a Specially Designated Distributor license. The name on the food establishment license must match the applicant name in Part 1 of this application form. *A food establishment license is not required for a SDM license to be issued in conjunction with an on-premises license.*
- ☐ If applying under Section 2b above, documentary proof that applicant's establishment is at least 20,000 square feet and at least 20% of gross receipts are derived from the sale of food.
- ☐ If applying under Section 2c above, a copy of the pharmacy license issued under the Public Health Code.

**Part 5a - Information on Individual Applicant, Stockholder, Member, or Limited Partner**

Each individual, stockholder, member, or partner must complete Part 5a, 5b, and 5c. If a stockholder or member of an applicant company is a corporation or limited liability company, complete Part 5a and 5c and submit a completed Form LCC-301.

For applications with multiple individuals, stockholders, members, or partners - each person or entity must complete a separate copy of this page.

Name:		
Home address:		
City:	State:	Zip Code:
Business Phone:	Cell Phone:	Email:
Have you ever been licensed by the Michigan Liquor Control Commission (MLCC) or do you currently hold an interest in any other licenses issued by the MLCC? If <b>Yes</b> , please list business ID numbers below. If you hold interest in 2 or more locations under the same name, please also write "chain" below. Pursuant to MCL 436.1603, a retailer licensee <u>may not</u> hold interest in a manufacturer or wholesaler licensee. <span style="float:right"><input type="radio"/> Yes <input type="radio"/> No</span>		
Do you hold 10% or more interest in the applicant entity? <span style="float:right"><input type="radio"/> Yes <input type="radio"/> No</span>		
If you answered "no" to the first question and "yes" to the second question, you must submit fingerprints and undergo an investigation by the MLCC. Please see the attached instructions for submitting fingerprints to the MLCC. You must submit a copy of the completed and endorsed " <u>Livescan Fingerprint Background Request</u> " with your application.		

**Part 5b - Personal Information (Individuals)**

Date of Birth:	Social Security Number:	Driver's License Number:	
Are you a citizen of the United States of America?		<input type="radio"/> Yes <input type="radio"/> No	
Have you ever legally changed your name?		<input type="radio"/> Yes <input type="radio"/> No	
If you answered "yes", please list your prior name(s) (including maiden):			
Spouse's full name (if currently married):			
Spouse's date of birth:	Is your spouse a citizen of the United States of America? <input type="radio"/> Yes <input type="radio"/> No		
Do you or your spouse hold any position, either by appointment or election, which involves the duty to enforce any penal law of the United States of America, or the penal laws of the State of Michigan, or any penal ordinance or resolution of any municipal subdivisions of the State of Michigan? <span style="float:right"><input type="radio"/> Yes <input type="radio"/> No</span>			
Does your spouse hold a retail, manufacturer, or wholesaler license issued by the MLCC? <span style="float:right"><input type="radio"/> Yes <input type="radio"/> No</span>			
Have you ever been found guilty, pled guilty, or pled no contest to a criminal charge or any local ordinance violations? If <b>Yes</b> , list below (attach additional pages if necessary): <span style="float:right"><input type="radio"/> Yes <input type="radio"/> No</span>			
Date	City/State	Charge	Disposition
Has your spouse ever been found guilty, pled guilty, or pled no contest to a criminal charge or any local ordinance violations? If <b>Yes</b> , list below (attach additional pages if necessary): <span style="float:right"><input type="radio"/> Yes <input type="radio"/> No</span>			
Date	City/State	Charge	Disposition

**Part 5c - Signature**

I certify that the information contained in this form is true and accurate to the best of my knowledge and belief. I agree to comply with all requirements of the Michigan Liquor Control Code and Administrative Rules. I also understand that providing **false** or **fraudulent** information is a violation of the Liquor Control Code pursuant to MCL 436.2003. (This form must be signed by the person whose information it contains).

\_\_\_\_\_  
Print Name\_\_\_\_\_  
Signature\_\_\_\_\_  
Date

## Part 6 - Contact Information

Provide information on the contact person for this application. Please note that corporations and limited liability companies must provide documentation (e.g. meeting minutes, corporate resolution) authorizing anyone other than the applicant or an attorney of record to be the contact person. If an authorization is not provided, your contact person will not be acknowledged if they are anyone other than the applicant or attorney.

What is your preferred method of contact?		<input type="radio"/> Phone	<input type="radio"/> Mail	<input type="radio"/> Email	<input type="radio"/> Fax
What is your preferred method for receiving a Commission Order?		<input type="radio"/> Mail	<input type="radio"/> Email	<input type="radio"/> Fax	
Contact name:	Relationship:				
Mailing address:					
Phone:	Fax number:		Email:		

## Part 7 - Attorney Information (If You Have An Attorney Representing You For This Application)

Attorney name:		Member Number: P-	
Attorney address:			
Phone:	Fax number:	Email:	
Would you prefer that we contact your attorney for all licensing matters related to this application?		<input type="radio"/> Yes <input type="radio"/> No	
Would you prefer any notices or closing packages be sent directly to your attorney?		<input type="radio"/> Yes <input type="radio"/> No	

## Part 8 - Signature of Applicant

Be advised that the information contained in this application will only be used for this request. This section will need to be completed for each subsequent request you make with this office.

**Notice:** When purchasing a license, a buyer can be held liable for tax debts incurred by the previous owner. Prior to committing to the purchase of any license or establishment, the buyer should request a tax clearance certificate from the seller that indicates that all taxes have been paid up to the date of issuance. Obtaining sound professional assistance from an attorney or accountant can be helpful to identify and avoid any pitfalls and hidden liabilities when buying even a portion of a business. Sellers can make a request for the tax clearance certificate through the Michigan Department of Treasury.

Under administrative rule R 436.1003, the licensee shall comply with all state and local building, plumbing, zoning, sanitation, and health laws, rules, and ordinances as determined by the state and local law enforcements officials who have jurisdiction over the licensee. Approval of this application by the Michigan Liquor Control Commission does not waive any of these requirements. The licensee must obtain all other required state and local licenses, permits, and approvals for this business before using this license for the sale of alcoholic liquor on the licensed premises.

I certify that the information contained in this form is true and accurate to the best of my knowledge and belief. I agree to comply with all requirements of the Michigan Liquor Control Code and Administrative Rules. I also understand that providing false or fraudulent information is a violation of the Liquor Control Code pursuant to MCL 436.2003.

The person signing this form has demonstrated that they have authorization to do so and have attached appropriate documentation as proof.

Print Name of Applicant & Title

Signature of Applicant

Date

Please return this completed form along with corresponding documents and fees to:  
Michigan Liquor Control Commission  
Mailing address: P.O. Box 30005, Lansing, MI 48909  
Hand deliveries or overnight packages: Constitution Hall - 525 W. Allegan, Lansing, MI 48933  
Fax to: 517-373-4202



## **Livescan Fingerprint Background Request Instructions for Michigan & Out-of-State Applicants**

### **APPLICANTS THAT LIVE IN MICHIGAN**

Applicants for a Michigan liquor license must have their fingerprints at a law enforcement agency in Michigan that offers digital fingerprinting or a private Livescan vendor approved by the Michigan State Police. You may access a list of approved vendors on the Michigan State Police website (contains vendors' websites and contact information):  
[http://www.michigan.gov/msp/0,4643,7-123-1878\\_8311-237662--,00.html](http://www.michigan.gov/msp/0,4643,7-123-1878_8311-237662--,00.html).

**On the attached Livescan Fingerprint Background Request form, you must use the correct Code (LL), Agency ID Number (1479), and Agency Name (MI DEPT OF LICENSING AND REGULATORY AFFAIRS - LIQUOR CONTROL) in order for the fingerprint report to be sent to the Michigan Liquor Control Commission.** Payment receipts should not be mailed to the office, but kept for your own records.

You must bring the Livescan Fingerprint Background Request form with a driver's license or other state or federal-issued picture identification to your fingerprint appointment. You will also be required to pay a separate fee to the fingerprint agency when registering and/or scheduling your appointment. A copy of the Livescan Fingerprint Background Request form, which is signed by the Livescan Operator and returned to you, must be submitted with your application in order for your request to be investigated.

When your fingerprints are taken, a technician will perform a scan of your fingerprints and submit the data electronically to the Michigan State Police.

### **APPLICANTS THAT LIVE OUTSIDE OF MICHIGAN**

Applicants for a Michigan liquor license that live outside of Michigan must submit fingerprints through one of the private Livescan vendors approved by Michigan State Police that offer fingerprinting for residents that live outside of Michigan. You may access a list of approved vendors that process finger print cards for non-Michigan residents on the Michigan State Police website (contains vendors' websites and contact information): [http://www.michigan.gov/msp/0,4643,7-123-1878\\_8311-237662--,00.html](http://www.michigan.gov/msp/0,4643,7-123-1878_8311-237662--,00.html).

The applicant must contact a local law enforcement agency, governmental agency, or private fingerprint agency to perform ink fingerprinting on a FBI fingerprint card (FD-258) or fingerprint cards from any other state or local agency (fingerprint cards must be on card stock). These fingerprint cards must be submitted for processing to one of vendors on the Michigan State Police's list of approved vendors. Contact the vendor directly regarding its process and the fee for submitting the fingerprint cards for processing.

Make a copy of the completed and signed Livescan Fingerprint Background Request form and submit that copy with the license application.

### **WHAT HAPPENS AFTER FINGERPRINTS ARE SUBMITTED**

The law enforcement agency or private vendor will submit your fingerprints to the Michigan State Police for analysis.

If no criminal history is found, the Michigan Liquor Control Commission will be notified.

~~If criminal history is found, the Michigan State Police will send the record directly to the Michigan Liquor Control Commission for review.~~

### **QUESTIONS AND ADDITIONAL INFORMATION**

For questions about the Livescan fingerprinting process, call the Michigan State Police at 517-241-0606.

Please do not contact the Michigan Liquor Control Commission regarding your criminal background check, unless your fingerprints were taken more than 30 days ago.

**Please note: Fingerprints taken for any other agency will not fulfill fingerprint requirements for a liquor license in Michigan.**

## LIVESCAN FINGERPRINT BACKGROUND REQUEST

**AUTHORITY:** MCL 28.214, MCL 28.273 & MCL 28.162; **COMPLIANCE:** Voluntary, however failure to complete this form will result in denial of request.

**Purpose:** To conduct a fingerprint-based background check for employment, to volunteer, or for licensing purposes as authorized by law.

<b>I. Fingerprint Reason</b>							
1. Code LL	2. Requestor/Agency ID 1479J		3. Agency Name MI DEPT OF LICENSING AND REGULATORY AFFAIRS - LIQUOR CONTROL				
<b>II. Applicant Information:</b> Type or clearly print answers in all fields before going to be fingerprinted.							
1a. Last Name		1b. First Name		1c. Middle Initial		1d. Suffix	
2. Any Alternative Names, Last Names, or Aliases				3. Social Security Number (Optional)			
4. Place of Birth (State or Country)		5. Date of Birth		6. Phone Number		7. Driver License State	
9. Address		10. City		11. State		12. ZIP Code	
13. Sex		14. Race		15. Height		16. Weight	
				17. Eye Color		18. Hair Color	
<b>III. Live Scan:</b> Must be completed by the Livescan Operator at the time of fingerprinting.							
1. Date Printed		Picture ID Type Presented		3. TCN		4. Live Scan Operator	

**NOTE:** After fingerprinting, applicant must return signed and completed document to the requesting agency. Livescan Operator must return completed copy to applicant.

I understand that my personal information and biometric data being submitted by livescan will be used to search against criminal identification records from both the Michigan State Police (MSP) and Federal Bureau of Investigation (FBI) for the fingerprint reason listed above. I hereby authorize the release of my personal information for such purposes and release any records found to the authorized requesting agency listed above.

During the processing of this application, and for as long as your fingerprints and associated information/biometrics are retained at the State and or FBI, they may be disclosed without your consent as permitted by the Federal Privacy Act of 1974 (Pub. L. 93-579) for all applicable routine uses published by the FBI, including the Federal Register and the FBI's Next Generation Identification (NGI).

Routine uses include, but is not limited to, disclosure to: governmental or authorized non-governmental agencies responsible for employment, contracting, licensing, security clearances, and other suitability determinations; local, state, tribal or federal law enforcement agencies; criminal justice agencies; and agencies responsible for national security or public safety.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

### Procedure to obtain a change, correction or update of identification records:

If, after reviewing his/her identification record, the subject thereof believes that it is incorrect or incomplete in any respect and wishes changes, corrections or updating of the alleged deficiency, he/she should make application directly to the agency which contributed the questioned information. The subject of a record may also direct his/her challenge as to the accuracy or completeness of any entry on his/her record to the FBI, Criminal Justice Information Services (CJIS) Division, ATTN: SCU, Mod. D2, 1000 Custer Hollow Road, Clarksburg, WV 26306. The FBI will then forward the challenge to the agency which submitted the data requesting that agency to verify or correct the challenged entry. Upon the receipt of an official communication directly from the agency which contributed the original information, the FBI CJIS Division will make any changes necessary in accordance with the information supplied by that agency. (28 CFR §16.34)

**\*\* ENSURE THAT THE CORRECT FINGERPRINTING REASON CODE AND AGENCY ID ARE USED. MSP WILL CHARGE FOR SECOND REQUESTS DUE TO INCORRECT CODES. \*\***



Michigan Department of Licensing and Regulatory Affairs  
Finance and Administrative Services  
Revenue Services

LARA Revenue Services is not a part of  
the Michigan Liquor Control  
Commission (see note below).

### Credit Card Authorization Form

**\*\* FAX COMPLETED FORM TO SECURE FAX LINE: 517-373-4202 \*\***

**\*\* DO NOT EMAIL OR MAIL THIS FORM \*\***

Requests with credit card payments that are not faxed to the above secure fax line will be destroyed along with the credit card authorization in order to ensure the security of applicants' personal credit card numbers.

**\*IF YOU ARE NOT SUBMITTING AN APPLICATION FORM WITH THIS CREDIT CARD AUTHORIZATION, YOU MUST PROVIDE AN ITEMIZATION OF THE FEES FOR WHICH YOU ARE SUBMITTING PAYMENT OR YOUR PAYMENT WILL NOT BE PROCESSED\*\***

Name: \_\_\_\_\_ Transaction Amount: \_\_\_\_\_  
Address: \_\_\_\_\_ Card Number: \_\_\_\_\_  
City: \_\_\_\_\_ Check One:  
State: \_\_\_\_\_ ☐ MasterCard ☐ Visa ☐ Discover  
Zip Code: \_\_\_\_\_ Expiration Date: \_\_\_\_\_  
Phone: \_\_\_\_\_

Applicant/Licensee Name: \_\_\_\_\_ Request or Business ID #: \_\_\_\_\_  
Signature \_\_\_\_\_

Payment is for: \_\_\_\_\_

**IF YOU ARE NOT SUBMITTING AN APPLICATION FORM WITH THIS CREDIT CARD AUTHORIZATION, YOU MUST PROVIDE AN ITEMIZATION OF THE FEES FOR WHICH YOU ARE SUBMITTING PAYMENT OR YOUR PAYMENT WILL NOT BE PROCESSED.**

**Credit Card Payment Itemization:**

Fee Type	Fee Amount	MLCC Fee Code
<input type="checkbox"/> Inspection Fee(s):	_____	4036
<input type="checkbox"/> Special License Fee(s):	_____	4008
<input type="checkbox"/> Temporary Authorization Fee:	_____	4037
<input type="checkbox"/> License Renewal Fee(s):	_____	4004
<input type="checkbox"/> Manufacturer License(s):	_____	4038
<input type="checkbox"/> Wholesaler License(s):	_____	4085
<input type="checkbox"/> New Retailer License(s):	_____	4012
<input type="checkbox"/> Transfer Retailer License(s):	_____	4034
<input type="checkbox"/> Conditional License	_____	4012
<input type="checkbox"/> New Add Bar <input type="checkbox"/> Transfer Add Bar:	_____	4012/4034
<input type="checkbox"/> Sunday Sales Permit (AM):	_____	4033
<input type="checkbox"/> Sunday Sales Permit (PM):	_____	4032
<input type="checkbox"/> Catering Permit:	_____	4031

LARA Revenue Services is not a part of the Michigan Liquor Control Commission (MLCC). Receipt of payment and application forms by LARA Revenue Services does not constitute receipt of an application by the MLCC. **Applications submitted through LARA Revenue Services may take up to two (2) additional business days to be received by the MLCC after receipt by LARA Revenue Services.**

For requests that require a timely receipt of an application by the MLCC to be processed, such as Special Licenses and temporary requests, please ensure that your application will be received in adequate time to be processed by the MLCC after the payment is received and processed by LARA Revenue Services.



Michigan Department of Licensing and Regulatory Affairs  
Liquor Control Commission (MLCC)  
Toll Free: 866-813-0011 • [www.michigan.gov/lcc](http://www.michigan.gov/lcc)

Business ID: \_\_\_\_\_  
Request ID: \_\_\_\_\_  
(For MLCC use only)

**Local Government Approval**  
(Authorized by MCL 436.1501)

**Instructions for Applicants:**

- You must obtain a recommendation from the local legislative body for a new on-premises license application, certain types of license classification transfers, and/or a new banquet facility permit.

**Instructions for Local Legislative Body:**

- Complete this resolution or provide a resolution, along with certification from the clerk or adopted minutes from the meeting at which this request was considered.

At a \_\_\_\_\_ meeting of the \_\_\_\_\_ council/board  
(regular or special) (township, city, village)  
called to order by \_\_\_\_\_ on \_\_\_\_\_ at \_\_\_\_\_  
the following resolution was offered: (date) (time)  
Moved by \_\_\_\_\_ and supported by \_\_\_\_\_  
that the application from \_\_\_\_\_  
(name of applicant)  
for the following license(s): \_\_\_\_\_  
(list specific licenses requested)  
to be located at: \_\_\_\_\_

and the following permit, if applied for:

☐ Banquet Facility Permit Address of Banquet Facility: \_\_\_\_\_

It is the consensus of this body that it \_\_\_\_\_ this application be considered for  
(recommends/does not recommend)  
approval by the Michigan Liquor Control Commission.

If disapproved, the reasons for disapproval are \_\_\_\_\_

**Vote**

Yeas: \_\_\_\_\_

Nays: \_\_\_\_\_

Absent: \_\_\_\_\_

I hereby certify that the foregoing is true and is a complete copy of the resolution offered and adopted by the  
council/board at a \_\_\_\_\_ meeting held on \_\_\_\_\_ (township, city, village)  
(regular or special) (date)

Print Name of Clerk

Signature of Clerk

Date

Under Article IV, Section 40, of the Constitution of Michigan (1963), the Commission shall exercise complete control of the alcoholic beverage traffic within this state, including the retail sales thereof, subject to statutory limitations. Further, the Commission shall have the sole right, power, and duty to control the alcoholic beverage traffic and traffic in other alcoholic liquor within this state, including the licensure of businesses and individuals.

Please return this completed form along with any corresponding documents to:

Michigan Liquor Control Commission

Mailing address: P.O. Box 30005, Lansing, MI 48909

Hand deliveries or overnight packages: Constitution Hall - 525 W. Allegan, Lansing, MI 48933

Fax to: 517-763-0059



RICK SNYDER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
MICHIGAN LIQUOR CONTROL COMMISSION  
ANDREW J. DELONEY  
CHAIRMAN

MIKE ZIMMER  
DIRECTOR

## **Objections to Renewals and Recommendations for Revocation**

### **Statutory Authority**

MCL 436.1501(2) and (3) provides three tools for local units of government to use concerning licenses issued by the Michigan Liquor Control Commission.

1. Objection to renewal of an on-premise license
2. Request for revocation of an on-premise license
3. Request for revocation of an off-premise license

### **Objection to Renewal**

An objection to a renewal must be filed with the MLCC by the local legislative body not less than 30 days before the date of expiration of the license. While the statute appears to be silent on the rest of the process, the courts have clearly established that a licensee has a property interest in the license, and is therefore entitled to due process protection. [See *Bundo v City of Walled Lake*, 395 Mich 697 (1976)]

Further, administrative rule R 436.1061 provides that:

"Any permit issued to a licensee by the commission or any privilege granted to a licensee by the commission may be revoked or suspended by the commission or a hearing commissioner, **after due notice and proper hearing**, if the licensee or the establishment no longer qualifies for the permit or the privilege or if the licensee is found to be in violation of the act or a commission rule which directly pertains to the permit issued or the privilege granted."

If an objection to renewal of a license is received, then the Commission will proceed to schedule and notice a hearing.

### **Request for Revocation of an On-Premise License**

A local unit of government may request the revocation of a license or permit, after due notice and proper hearing at the local level. Upon receipt of this request, the Commission must revoke the license or permit. The statutory language is clear, using the words "shall revoke." This provision applies to on-premise establishments.

~~If a request for revocation of an on-premise license or permit is received, then the Commission~~  
will proceed to schedule and notice a hearing. The Commission will review and consider the information presented from both sides.

For example, in January 2012, the Commission acted on such a request in the case of an on premises licensee. A request was received by the local unit of government to revoke the permit. After a show cause hearing as to whether the license and/or permit should be considered for revocation, the Commission determined that the license as well as the requested permit should be revoked. Under its own motion, administrative rule R 436.1925(1), the Commission revoked the license and well as the permit as requested by the local unit under MCL 436.1501(2).



### **Request for Revocation of an Off-premise License**

For off-premise establishments, a local unit of government may request, by resolution, that the Commission revoke the license if the off-premise licensee has sold or furnished alcoholic liquor to a minor on at least three separate occasions in a consecutive three-month period. The Commission may suspend or revoke the license and any permits.

If a request for revocation of an on-premise license or permit is received, then the Commission will proceed to schedule and notice a hearing. The Commission will review and consider the information presented from both sides.

### **Documents from the Local Unit of Government**

In making any of the requests authorized by law and discussed above, the local unit of government should, at a minimum, present documentation to the Commission concerning the proper notice to the licensee of the hearing held at the local level, any board resolutions pertaining to the request, and any other findings of fact, ordinance, or other relevant information for the Commission to consider in reviewing and considering the request made by the local unit of government.

### **Documents from the Licensee**

The licensee is welcome to submit any information or documentation concerning the license and the request by the local unit of government.

### **Filing of Papers**

Under administrative rule R 436.1927, all documents and papers pertaining to a hearing or appeal hearing shall be filed at the Lansing office of the Commission. The presiding Commissioner has the discretion as to whether or not to allow papers to be filed at a hearing or appeal hearing.



RICK SNYDER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
MICHIGAN LIQUOR CONTROL COMMISSION  
ANDREW J. DELONEY  
CHAIRMAN

STEVEN H. HILFINGER  
DIRECTOR

## Bulletin No. 2012-12

DATE: June 21, 2012

TO: Local Units of Government, Local Law Enforcement Agencies, and Applicants for MLCC Licenses

FROM: Michigan Liquor Control Commission

SUBJECT: Changes to the License Application Process

This is an important notice about the application process for the Michigan Liquor Control Commission ("Commission"). Effective July 1, 2012, the Commission is changing the procedure for submitting applications to the Commission, and obtaining approvals for licenses. Approvals from local units of government are required only for the issuance of new licenses under MCL 436.1501. The Commission will continue to review all comments received under administrative rule R 436.1105(2), taking into consideration the opinions of the local residents, local legislative body, or local law enforcement agency with regard to the proposed business. The Commission will provide notice to the local legislative body of pending applications.

### I. Applications for New Licenses

The first step in the application process for a new on-premises license is to submit the license application to the Commission, along with any license, permit, and inspection fees. This process will result in the immediate assignment of a request identification (RID) number by the Commission at the beginning of the application process. Additionally, this will allow the Commission to conduct an initial review of the application, to notify the applicant of deficient items, and to provide the applicant with the appropriate local and police forms, including blank fingerprint cards, where applicable.

It will continue to be the responsibility of the applicant to directly submit requests for these local approvals to the local unit of government. The Commission cannot proceed with the licensing process or consider an application until that application is "complete," as defined in MCL

436.1525(6). A completed application must include any information, records, approval, or similar item required by law or rule from a law enforcement agency or local unit of government.

An application for a new license, which has not been previously issued by the Commission, requires approval of the local legislative body under MCL 436.1501(2) and the application will not be considered to be complete until such approval is received."

## **II. Applications for Transfer of Ownership, Transfer of Interest, or Transfer of Location of Existing Licenses**

An application for transfer of ownership of an existing license, transfer of interest in an existing license, or transfer of location of an existing license does not require approval of the local unit of government.

## **III. Permits**

Applications for dance permits, entertainment permits, dance-entertainment permits, topless activity permits, and extended hours permits require approvals from both the local unit of government and local law enforcement agency, in addition to the Commission, under MCL 436.1916(10).

## **IV. Rescission**

Commission Bulletin 2012-05 is hereby immediately rescinded.

~~Please contact the Commission's Licensing Division at (866) 813-0011 with any questions.~~



RICK SNYDER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
MICHIGAN LIQUOR CONTROL COMMISSION  
ANDREW J. DELONEY  
CHAIRMAN

STEVEN H. HILFINGER  
DIRECTOR

## MLCC Bulletin No. 2012-04

DATE: February 28, 2012  
TO: Holders of Escrowed Licenses and All Licensees  
FROM: Michigan Liquor Control Commission  
SUBJECT: Escrow Fees

This is an important notice concerning the payment of escrow fees for those licenses held in escrow with the Michigan Liquor Control Commission ("Commission").

Effective May 1, 2012 the Commission will be enforcing the fee requirements as set forth in administrative rule R 436.1107 regarding escrowed licenses.

Administrative rule R 436.1107 requires a license that is not in active operation to be placed in escrow. A licensee may place a license into escrow for a total of five (5) licensing years. During these five (5) years, the Commission must receive renewal information and payment for a license held in escrow in the same manner as an active license, including payment of all required license fees, each year by April 30.

If the license is not put into active operation within the five (5) years, then the Commission will terminate all rights to the license unless the Commission has received written verification of either of the following:

- a. That the license or an interest in the license is the subject of litigation or estate or bankruptcy proceedings in a court of competent jurisdiction.
- b. That the license was placed into escrow as a result of damage to the licensed premises by fire, flood, tornado or other natural event that makes the licensed premises unsuitable for the operation of the business and unsafe for public accommodation.

Upon receipt of written verification of court proceedings or of damage as described above, the Commission is authorized to extend the escrow beyond the five (5) years. If the Commission does extend the escrow beyond the five (5) years for these reasons, then the Commission must receive the license fees accruing beyond the five (5) years for each elapsed licensing year before the license can be placed in active operation.

[NOTE: The licensee does not need to pay the licensing fees for the period of elapsing time between the end of the initial five (5) years of escrow and during the pendency of the court proceedings or the repair of the damage. The Commission must receive payment of all accrued license fees before the license can be placed in active operation.]

Further, the Commission is authorized to extend the escrow period for a license after a showing of good cause by the licensee. If the Commission grants a "good cause" extension, then the Commission must receive renewal information and payment in the same manner as an active license, including payment of all required license fees, each year by April 30. The Commission will terminate all rights to a license if the license is not renewed in the same manner as an active license during the entire escrow period.

The Commission reminds licensees that if a license is placed in escrow, then the licensee has the responsibility to provide the Commission with current contact information, in writing, for all correspondence, which includes the name, mailing address, and telephone number.

Please contact the Commission's Licensing Division at (866) 813-0011 if you have any questions.

**R 436.1107 Renewal of license.**

Rule 7. (1) A license that is not in active operation shall be placed in escrow with the commission.

(2) A licensee shall have only 5 licensing years after the expiration date of the escrowed license to put the license into active operation. If the licensee fails to put the license into active operation within 5 licensing years after its expiration, then all rights to the license shall terminate unless the commission has received written verification of either of the following

(a) That the license or an interest in the license is the subject of litigation or estate or bankruptcy proceedings in a court of competent jurisdiction.

(b) That the license was placed into escrow as a result of damage to the licensed premises by fire, flood, tornado or other natural event that makes the licensed premises unsuitable for the operation of the business and unsafe for public accommodation.

(3) If the commission extends the length of time for which a licensee may renew the license during the pendency of litigation or estate or bankruptcy proceedings or as a result of damage to the licensed premises for the reasons as stated in subrule (2) of this rule, then the licensee shall pay the required license fee for each elapsed licensing year before placing the license in active operation.

(4) Except as provided in subrule (3) of this rule, a license held in escrow with the commission shall be renewed in the same manner as an active license, including payment of all required license fees, each year by April 30.

(5) A licensee who places a license in escrow with the commission shall be responsible for providing the commission with current contact information, in writing, for all correspondence, which includes the name, mailing address, and telephone number.

(6) Not later than 90 days after the effective date of this rule, the commission shall provide or attempt to provide each licensee whose license is in escrow with a copy of this rule.

~~(7) A license that is held in escrow with the commission on the effective date of this rule begins the 5-~~  
year period allowed by subrule (2) of this rule for a license to be held in escrow on the effective date of this rule.

# AGENDA NOTE

**MEETING DATE:** September 25, 2017

**PERSON PLACING ITEM ON AGENDA:** Police Chief / City Attorney

**AGENDA TOPIC:** First reading of Ordinance to repeal Section 58-83 criminalizing the possession of a switchblade knife.

**EXPLANATION OF TOPIC:**

Public Act 96 of 2017 was adopted and, in part, it repeals MCL 750.226a of the Michigan Penal Code which criminalizes the possession and sale of switchblade knives.

Section 58-83 of the Code of Ordinances criminalizes the possession of a switchblade knife. To make the City's Code consistent with State law, an ordinance to repeal Section 58-83 is presented.

**MATERIALS ATTACHED AS SUPPORTING DOCUMENTS:**

- Proposed ordinance amendment
- Section 58-83 of the Code of Ordinances
- Public Act 96 of 2017
- Senate Fiscal Agency Bill Analysis of SB 245 which became PA 96 of 2017

**POSSIBLE COURSES OF ACTION:** approve/deny/revise/postpone

**RECOMMENDATION:** approve first reading

**SUGGESTED MOTION:** Motion to approve the first reading of the Ordinance to Repeal Section 58-83 - Possession of a Switchblade Knife, of the City of South Lyon Code of Ordinances

ORDINANCE NO. \_\_-17

CITY OF SOUTH LYON  
OAKLAND COUNTY, MICHIGAN

AN ORDINANCE TO REPEAL SECTION 58-83 – POSSESSION OF A SWITCHBLADE KNIFE, OF THE CITY OF SOUTH LYON CODE OF ORDINANCES, CHAPTER 58 – OFFENSES AND MISCELLANEOUS PROVISIONS – ARTICLE II - OFFENSES AGAINST PUBLIC PEACE – DIVISION 2 – DISORDERLY PERSONS, TO MAKE THE CITY CODE OF ORDINANCES CONSISTENT WITH THE MICHIGAN PENAL CODE AND PUBLIC ACT 96 OF 2017 WHICH REPEALS MCL 750.226a CRIMINALIZING THE POSSESSION OR SALE OF SWITCHBLADE KNIVES.

THE CITY OF SOUTH LYON ORDAINS:

**PART I. Repeal of Existing Section 58-83, Chapter 58, Article II, Division 2.** Existing Section 58-83 in Chapter 58 – Offenses and Miscellaneous, Article II – Offenses Against Public Peace, Division 2 – Disorderly Persons, is hereby repealed.

**PART II. 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.

**PART III. Savings Clause.** The amendment of the City of South Lyon 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 City of South Lyon Code of Ordinances set forth in this Ordinance.

**PART IV. 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.

**PART V. Effective Date; Publication.** This ordinance shall take effect upon the later of ten (10) days after adoption or upon publication thereof as provided by the Charter of the City of South Lyon.

Made, Passed and Adopted by the South Lyon City Council this \_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
John Galeas, Jr., Mayor

\_\_\_\_\_  
Lisa Deaton, City Clerk



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 South Lyon City Council held on the \_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
Lisa Deaton, City Clerk

Adopted:  
Published:  
Effective:

~~Sec. 58-83. - Possession of a switchblade knife.~~

It shall be unlawful for any person, firm, corporation to sell, offer for sale, keep, possess, use or loan any switchblade knife.

(Code 1988, § 9.167)



Senate Fiscal Agency  
P. O. Box 30036  
Lansing, Michigan 48909-7536

BILL ANALYSIS



Telephone: (517) 373-5383  
Fax: (517) 373-1986

Senate Bill 245 (as enacted)  
Sponsor: Senator Rick Jones  
Senate Committee: Judiciary  
House Committee: Judiciary

**PUBLIC ACT 96 of 2017**

Date Completed: 8-15-17

**RATIONALE**

Section 226a of the Michigan Penal Code prohibits the sale or possession of knives commonly called switchblades, which look like folding pocket knives but are opened by pressure on a spring. Evidently, spring-assisted knives are commonly owned and sold throughout the State. The Code's description of the knives is said to apply to many different types of knives, including utility knives often carried by police officers and members of the National Guard. Although a violation of the prohibition is a misdemeanor, criminal charges apparently are not pursued on a consistent basis. In view of these factors, it was suggested that the prohibition be repealed.

**CONTENT**

**The bill repeals Section 226a of the Michigan Penal Code, and deletes references to that section from the Code.**

Section 226a prohibits a person from selling, offering for sale, or possessing a knife having the appearance of a pocket knife, the blade or blades of which can be opened by the flick of a button, pressure on a handle, or other mechanical contrivance. A violation is a misdemeanor punishable by up to one year's imprisonment or a maximum fine of \$300, or both. The prohibition does not apply to a one-armed person carrying a knife in connection with his or her living requirements.

Under Section 231, certain provisions of the Code, including Section 226a, do not apply to particular individuals (generally law enforcement and corrections officers and military personnel).

Under Section 237a, an individual who engages in certain proscribed conduct, including that prohibited under Section 226a, in a weapon-free school zone is guilty of a misdemeanor.

The bill repeals Section 226a and deletes the references to it in Sections 231 and 237a.

The bill will take effect on October 11, 2017.

MCL 750.231 & 750.237a

**ARGUMENTS**

*(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)*

**Supporting Argument**

Section 226a of the Penal Code was enacted in 1952, when Hollywood movies portrayed the use of switchblades by gangsters and delinquents. Reportedly, however, no data supported the notion that spring-assisted knives presented a problem at that time, and there is no evidence that they

do today. Spring-assisted knives cannot be deployed more quickly than folding knives that can be opened with one hand, and a knife with a fixed blade can be deployed more quickly than a folding knife. On the other hand, folding knives are safer than fixed-blades in the event of a fall or an accident. Switchblades, in particular, are safer because most lock in the closed position.

Spring-assisted knives are owned by many residents of the State and can be purchased easily from major retailers. According to Senate Judiciary Committee testimony on behalf of the Michigan State Police, the chance that a violation of Section 226a will be prosecuted is about 50-50, which means that there is a patchwork of enforcement across the State. Considering how common the knives are, and the likelihood that a violation will not be pursued by law enforcement, it makes sense to repeal the prohibition.

Furthermore, Sections 226 and 227 of the Penal Code will continue to prohibit a person from using a stiletto, dagger, or dirk against another person, or carrying a concealed stiletto, dagger, or dirk, respectively. Section 226 also refers to a knife having a blade over three inches long, and Section 227 includes a double-edged nonfolding stabbing instrument of any length. A violation of either section is a felony punishable by up to five years' imprisonment or a fine of \$2,500, or both.

According to testimony on behalf of Knife Rights, Inc., half of the states never enacted a ban of any sort against spring-assisted knives, 43 states today allow civilian possession of switchblades to one degree or another, and 30 allow "everyday carry". Knife Rights also reported that no state has tried to prohibit switchblades since the 1950s, and 12 states have repealed their bans since 2010. With the enactment of Senate Bill 245, Michigan joins these states in repealing an unnecessary and antiquated law.

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Legislative Analyst: Suzanne Lowe

#### **FISCAL IMPACT**

The bill will have no fiscal impact on the State and may have a positive fiscal impact on local government to the extent that violations of Section 226a are currently prosecuted. Any reduction in misdemeanor arrests and convictions will reduce resource demands on law enforcement, court systems, community supervision, and jails. Any associated decrease in fine revenue will reduce funding to public libraries.

Fiscal Analyst: Ryan Bergan

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**SAS1718\sb245ea**

This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.

**THE MICHIGAN PENAL CODE (EXCERPT)**  
**Act 328 of 1931**

**\*\*\*\*\* 750.226a THIS SECTION IS REPEALED BY ACT 96 OF 2017 OCTOBER 11, 2017 \*\*\*\*\***

**750.226a Pocket knife opened by mechanical device; unlawful sale or possession; persons exempted.**

Sec. 226a. Any person who shall sell or offer to sell, or any person who shall have in his possession any knife having the appearance of a pocket knife, the blade or blades of which can be opened by the flick of a button, pressure on a handle or other mechanical contrivance shall be guilty of a misdemeanor, punishable by imprisonment in the county jail for not to exceed 1 year or by a fine of not to exceed \$300.00, or both.

The provisions of this section shall not apply to any one-armed person carrying a knife on his person in connection with his living requirements.

**History:** Add. 1952, Act 233, Eff. Sept. 18, 1952.

Act No. 96  
Public Acts of 2017  
Approved by the Governor  
July 13, 2017  
Filed with the Secretary of State  
July 13, 2017  
EFFECTIVE DATE: October 11, 2017

**STATE OF MICHIGAN  
99TH LEGISLATURE  
REGULAR SESSION OF 2017**

Introduced by Senator Jones

**ENROLLED SENATE BILL No. 245**

AN ACT to amend 1931 PA 328, entitled "An act to revise, consolidate, codify, and add to the statutes relating to crimes; to define crimes and prescribe the penalties and remedies; to provide for restitution under certain circumstances; to provide for the competency of evidence at the trial of persons accused of crime; to provide immunity from prosecution for certain witnesses appearing at criminal trials; to provide for liability for damages; and to repeal certain acts and parts of acts inconsistent with or contravening any of the provisions of this act," by amending sections 231 and 237a (MCL 750.231 and 750.237a), section 231 as amended by 2006 PA 401 and section 237a as amended by 2015 PA 26; and to repeal acts and parts of acts.

*The People of the State of Michigan enact:*

Sec. 231. (1) Except as provided in subsection (2), sections 224, 224a, 224b, 224d, 227, 227c, and 227d do not apply to any of the following:

(a) A peace officer of an authorized police agency of the United States, of this state, or of a political subdivision of this state, who is regularly employed and paid by the United States, this state, or a political subdivision of this state.

(b) A person who is regularly employed by the state department of corrections and who is authorized in writing by the director of the department of corrections to carry a concealed weapon while in the official performance of his or her duties or while going to or returning from those duties.

(c) A person employed by a private vendor that operates a youth correctional facility authorized under section 20g of the corrections code of 1953, 1953 PA 232, MCL 791.220g, who meets the same criteria established by the director of the state department of corrections for departmental employees described in subdivision (b) and who is authorized in writing by the director of the department of corrections to carry a concealed weapon while in the official performance of his or her duties or while going to or returning from those duties.

(d) A member of the United States Army, Air Force, Navy, or Marine Corps or the United States Coast Guard while carrying weapons in the line of or incidental to duty.

(e) An organization authorized by law to purchase or receive weapons from the United States or from this state.

(f) A member of the National Guard, United States Armed Forces Reserve, the United States Coast Guard Reserve, or any other authorized military organization while on duty or drill, or in going to or returning from a place of assembly or practice, while carrying weapons used for a purpose of the National Guard, United States Armed Forces Reserve, United States Coast Guard Reserve, or other duly authorized military organization.

(g) A security employee employed by the state and granted limited arrest powers under section 6c of 1935 PA 59, MCL 28.6c.

(h) A motor carrier officer appointed under section 6d of 1935 PA 59, MCL 28.6d.

(2) As applied to section 224a(1) only, subsection (1) is not applicable to an individual included under subsection (1)(a), (b), or (c) unless he or she has been trained on the use, effects, and risks of using a portable device or weapon described in section 224a(1).

Sec. 237a. (1) An individual who engages in conduct proscribed under section 224, 224a, 224b, 224c, 224e, 226, 227, 227a, 227f, 234a, 234b, or 234c, or who engages in conduct proscribed under section 223(2) for a second or subsequent time, in a weapon free school zone is guilty of a felony punishable by 1 or more of the following:

(a) Imprisonment for not more than the maximum term of imprisonment authorized for the section violated.

(b) Community service for not more than 150 hours.

(c) A fine of not more than 3 times the maximum fine authorized for the section violated.

(2) An individual who engages in conduct proscribed under section 223(1), 224d, 227c, 227d, 231c, 232a(1) or (4), 233, 234, 234e, 234f, 235, 236, or 237, or who engages in conduct proscribed under section 223(2) for the first time, in a weapon free school zone is guilty of a misdemeanor punishable by 1 or more of the following:

(a) Imprisonment for not more than the maximum term of imprisonment authorized for the section violated or 93 days, whichever is greater.

(b) Community service for not more than 100 hours.

(c) A fine of not more than \$2,000.00 or the maximum fine authorized for the section violated, whichever is greater.

(3) Subsections (1) and (2) do not apply to conduct proscribed under a section enumerated in those subsections to the extent that the proscribed conduct is otherwise exempted or authorized under this chapter.

(4) Except as provided in subsection (5), an individual who possesses a weapon in a weapon free school zone is guilty of a misdemeanor punishable by 1 or more of the following:

(a) Imprisonment for not more than 93 days.

(b) Community service for not more than 100 hours.

(c) A fine of not more than \$2,000.00.

(5) Subsection (4) does not apply to any of the following:

(a) An individual employed by or contracted by a school if the possession of that weapon is to provide security services for the school.

(b) A peace officer.

(c) An individual licensed by this state or another state to carry a concealed weapon.

(d) An individual who possesses a weapon provided by a school or a school's instructor on school property for purposes of providing or receiving instruction in the use of that weapon.

(e) An individual who possesses a firearm on school property if that possession is with the permission of the school's principal or an agent of the school designated by the school's principal or the school board.

(f) An individual who is 18 years of age or older who is not a student at the school and who possesses a firearm on school property while transporting a student to or from the school if any of the following apply:

(i) The individual is carrying an antique firearm, completely unloaded, in a wrapper or container in the trunk of a vehicle while en route to or from a hunting or target shooting area or function involving the exhibition, demonstration or sale of antique firearms.

(ii) The individual is carrying a firearm unloaded in a wrapper or container in the trunk of the person's vehicle, while in possession of a valid Michigan hunting license or proof of valid membership in an organization having shooting range facilities, and while en route to or from a hunting or target shooting area.

(iii) The individual is carrying a firearm unloaded in a wrapper or container in the trunk of the individual's vehicle from the place of purchase to his or her home or place of business or to a place of repair or back to his or her home or place of business, or in moving goods from one place of abode or business to another place of abode or business.

(iv) The individual is carrying an unloaded firearm in the passenger compartment of a vehicle that does not have a trunk, if the individual is otherwise complying with the requirements of subparagraph (ii) or (iii) and the wrapper or container is not readily accessible to the occupants of the vehicle.

(6) As used in this section:

(a) "Antique firearm" means either of the following:

(i) A firearm not designed or redesigned for using rimfire or conventional center fire ignition with fixed ammunition and manufactured in or before 1898, including a matchlock, flintlock, percussion cap, or similar type of ignition system or a replica of such a firearm, whether actually manufactured before or after the year 1898.

(ii) A firearm using fixed ammunition manufactured in or before 1898, for which ammunition is no longer manufactured in the United States and is not readily available in the ordinary channels of commercial trade.

(b) "School" means a public, private, denominational, or parochial school offering developmental kindergarten, kindergarten, or any grade from 1 through 12.

(c) "School property" means a building, playing field, or property used for school purposes to impart instruction to children or used for functions and events sponsored by a school, except a building used primarily for adult education or college extension courses.

(d) "Weapon" includes, but is not limited to, a pneumatic gun.

(e) "Weapon free school zone" means school property and a vehicle used by a school to transport students to or from school property.

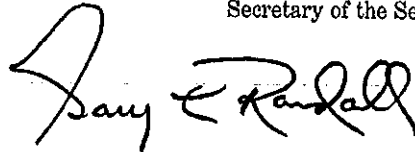
Enacting section 1. Section 226a of the Michigan penal code, 1931 PA 328, MCL 750.226a, is repealed.

Enacting section 2. This amendatory act takes effect 90 days after the date it is enacted into law.

This act is ordered to take immediate effect.



Secretary of the Senate



Clerk of the House of Representatives

Approved.....

.....  
Governor



**SOUTH LYON HISTORICAL COMMISSION MEETING  
WEDNESDAY, SEPTEMBER 6, 2017**

**MINUTES**

**Members Present:** Larry Ledbetter, Linda Ross, Gary Wickersham, Bob Tremitiere

**Members Absent:** Jim Race, Bob Martin, Phil Weipert

**Others Present:** Greg Jacobs, Pete Niedzielski

**President Larry Ledbetter** called the meeting to order at 7:35 and declared a quorum.

**August Minutes:** Linda motioned to accept the August minutes. Gary seconded the motion and the motion passed.

**New commission member:** Larry announced that Bob Martin is our new commission member, replacing Roger Heiple who resigned earlier this year.

**Vandalism:** Larry reported that vandals kicked out some slats in the gazebo. Jack Matney reported the damage to Larry. Larry replaced the missing/ broken slats. Pete said that he was willing to make new ones as needed. Larry thanked him, but said that the father of one of his scouts had already volunteered. Larry also took pictures of the vandalism and reported it to the police.

**Depot Day:** Larry reported that the tent will be delivered Friday morning, the grass will be cut Thursday, and barricades and parking signs will be delivered. We had some discussion of traffic on Dorothy during the event, and Pete suggested that we ask the police if they could put up a "your speed is" sign during the event. Larry has plenty of help from Scouts and their dads on Friday night to set up. He requested that we be there around 8AM on Saturday to complete the setup. The Scouts will do the opening ceremony. We will be honoring Bob Martin and the DPW.

Linda reported that our original budget was \$3000, and so far we are running under budget. We also have about \$750 in donations to offset the cost.

**Budget:** Bob reported that the alarm repair bill (to replace the caboose alarm with a wireless one) came in at \$570. Larry thought that CSC had estimated \$400. Bob will get a copy of the bill from city hall and forward it to Tom Ross for analysis. We also got a bill for about \$150 from Mark Popravsky to repair a leak in the underground irrigation system.

**Gazebo floor:** Bob said that we need to get Mark Crouch to give us an estimate to do the limited repairs to the gazebo floor and steps that we would like to accomplish this year. We will probably need a competitive bid too.

**Gazebo finial:** The finial needs to be replaced, and Linda suggested a weathervane instead. This idea was liked. Greg Jacobs suggested that we check [windandweather.com](http://windandweather.com) as a source. Bob mentioned that he had seen a witch weathervane and that idea was liked. Pete will check with Northville Lumber for a finial, and also suggested Fingerle as a resource.

**Other Business:** Linda brought to our attention a program called Making Places which is being presented by the Michigan Heritage Conference on September 15 at the South Lyon Theater. She also said that the theater is doing some remodeling and they wanted to know if we wanted any of the old seats. We agreed that we have no place to use them, but that we would take two of them.

**Business concluded,** Bob motioned to adjourn. Linda seconded and the meeting ended at 8:20PM

Minutes recorded by Bob Tremitiere, secretary  
Minutes submitted by Larry Ledbetter, president