



To All Applicants of Liquor Licenses and Related Permits:

Prior to the City of Wixom receiving an application for a license or related permit to sell or serve alcoholic beverages, the applicant must pay a non-refundable application-processing fee. The City thoroughly investigates all persons and businesses applying for licenses/permits to sell or serve alcoholic beverages and follows an orderly, non-discriminatory procedure for its review and recommendation to the Michigan Liquor Control Commission. The Michigan Liquor Control Code and related rules grant local governments and police chiefs the authority to conduct investigations of applicants and make appropriate recommendations to the Michigan Liquor Control Commission. Several City departments, including Police, Fire, Building, Zoning and the City Clerks Office, are involved in this process in which considerable amounts of employee resources and taxpayer dollars are expended.

Prior to paying the non-refundable licensing fee, each applicant should be familiar with the Michigan Liquor Control Act, and the related rules and laws governing the sale of alcoholic beverages. The applicant should also be familiar with Chapter 5.06 of the Wixom Municipal Code, which deals with Alcoholic Liquor. Applicants should review the licensing process and restrictions listed in Chapter 5.06.

Also, please be sure to review **ALL** MLCC rules and requirements, and submit appropriate MLCC forms with your application to the City. Forms can be found at www.michigan.gov/lara/ under Liquor Control Commission – Commission Forms

In addition, applicants should consider the following:

- Application for a liquor license or related permit does not guarantee City approval
- Past criminal convictions, offenses involving alcohol, and/or poor business reputations will likely receive unfavorable recommendations from the City
- Persons and businesses with excellent reputations who can be relied upon to consistently promote the general safety, health and welfare of the community, as well as contribute to the overall growth and development of the City will likely receive favorable recommendations.
- Review of existing or proposed building sites to ensure their conformity to all local Fire, Building and Zoning Department regulations including restrictions regarding the proximity to churches and schools
- Per City Council Resolution #2005-32, The City has suspended consideration for issuance of New Quota, on-premise Liquor License Applications pursuant to City Code Section 5.06 for all establishments located outside the Village Center Area zoning district, until such time as this Resolution may be rescinded by the City. The following provisions also apply:

- The City will not issue a New Quota License to applicants, unless the applicant is willing to agree in writing that, should its operation suspend for more than 90 days, that the license holder will not be sold or transferred outside of the Village Center Area, and will return the New Quota License to the City to be added back to its available licenses under the quota provisions of Section 531 of the Michigan Liquor Control Code. An example of this contract can be provided upon request.
- The City Clerk is authorized to issue a written response to all requests for, or complete applications received during the effective period of this Resolution, stating that consideration of all Liquor License Applications for establishments located outside the Village Center Area has been suspended by the City pursuant to this Resolution.
- This Resolution shall not affect current applications for establishments located within the Village Center Area, or applications for transferred licenses from outside of Wixom into areas besides the Village Center Area zoning district.

Applicants who have concerns or questions about the licensing process or license application and permit fees are encouraged to contact the appropriate City department.

**CITY OF WIXOM
APPLICATION FOR LIQUOR LICENSE
PART I**

1. **INSTRUCTIONS.** This application must be completed and returned to the City of Wixom Clerk's Office with a non-refundable fee, in accordance with the CITY OF WIXOM APPLICATION FEES FOR LIQUOR LICENSES AND RELATED PERMITS, before you can be considered for a license. All answers must be typed or printed in ink. This form must be signed by the applicant.

2. **APPLICATION IDENTIFICATION – ALL APPLICANTS** (Each applicant must complete a separate form)

Applicant (Name of individual, partnership, association, limited liability company, or corporation):

Home Address Business Address

City/State/Zip Code

Business Phone Number

Home Phone Number

Emergency Contact (the name, address, and telephone number of the person to be called in the event of an emergency at the proposed or existing licensed establishment):

-
3. **NATURE OF APPLICATION.** Check all that apply:

<input type="checkbox"/> New license	<input type="checkbox"/> Class C
<input type="checkbox"/> Resort	<input type="checkbox"/> Transfer Ownership
<input type="checkbox"/> Tavern	<input type="checkbox"/> Transfer Location
<input type="checkbox"/> Other (Please explain)	<input type="checkbox"/> DDA Redevelopment License (PA 501 of 2006)

New licenses only – attach site plans, or additional information regarding plans

4. **LOCATION DETAILS:**

A. Provide legal description of the property.

B. What is the zoning classification of the property?

C. Is a new building proposed or will an existing structure be utilized?

5. CURRENT LICENSEE – FOR TRANSFER APPLICANTS:

Name(s) of Licensee(s)

Street Address

City/State/Zip Code

6. PROPOSED LICENSED ADDRESS:

Street Address

City/State/Zip Code

7. BRIEFLY DESCRIBE THE OPERATION OF THE BUSINESS, FOR INSTANCE RESTAURANT, BAR, LOUNGE, ETC.

8. THIS PROPOSED LICENSED BUSINESS WILL BE OWNED BY (CHECK THE APPROPRIATE BOX):

- Individual/Sole Proprietorship
(If doing business under an assumed name attach D/B/A Certificate)
- Partnership (General or Limited)
(Attach applicable Certificate of Partnership)
- Association
(Attach a copy of all written agreements of Association)
- Corporation
(Attach a copy of Articles of Incorporation)
- Limited Liability Company
(Attach a copy of Articles of Organization)

8A. PARTNERSHIPS: LIST PARTNERS (Put an (L) before the names of limited partners)

1st Partner Name and Phone Number

Street Address/ City/State/Zip Code

2nd Partner Name and Phone Number

Street Address/ City/State/Zip Code

3rd Partner Name and Phone Number

Street Address/ City/State/Zip Code

Note: List any additional partners on separate sheet.

9. PERSONAL INFORMATION – INDIVIDUAL APPLICANTS AND PARTNERSHIP MEMBERS ONLY:

Sex: M ___ F ___ Height _____ Color of Hair _____ Color of Eyes _____

Date of Birth: _____ Place of Birth _____ Social Security No. _____

If you are not a U.S. Citizen – are you a registered alien? ___ Yes ___ No
OR do you have a VISA? ___ Yes ___ No

Full name, address (if address is different from yours) and phone number of your spouse:

Have you ever legally changed your name? ___ No ___ Yes If yes, changed from:

_____ to _____

Have you ever been known by any other names? ___ No ___ If yes, give names:

List your criminal record, if any, including the date, place, charge, and disposition (include any alcohol-related convictions): _____

List your former employer(s) and occupation(s) for the past three (3) years:

Employed from _____ to _____ Occupation _____

Name and Address of Employer

Employed from _____ to _____ Occupation _____

Name and Address of Employer

Employed from _____ to _____ Occupation _____

Name and Address of Employer

List all interests previously or presently held by Applicant or Spouse in licenses for the sale of alcoholic beverages as sole licensee, partner, or stockholder:

Name of Licensee/Type of License/Location/Date

Name of Licensee/Type of License/Location/Date

Name of Licensee/Type of License/Location/Date

10. LIMITED PARTNERSHIPS – Is the limited partnership authorized to do business under the laws of Michigan?

___ Yes ___ No Date Authorized _____

11. CORPORATE STOCKHOLDERS AND LIMITED LIABILITY COMPANY MEMBERS MUST COMPLETE INFORMATION BELOW AND SUBMIT WITH THIS APPLICATION A SEPARATE “INDIVIDUAL STOCKHOLDER, LIMITED LIABILITY COMPANY MEMBER OR CORPORATE STOCKHOLDER QUESTIONNAIRE” (FORM LC-621)

AND

ATTACH A COPY OF THE LATEST FILED OR PROPOSED ARTICLES OF INCORPORATION AND THE LAST ANNUAL REPORT FILED. ATTACH A COPY OF THE STOCKHOLDER CERTIFICATION FORM IF IT IS A PRIVATE CORPORATION.

Corporation/L.L.C. Name

Incorporation/Organization Date

Incorporated/Organized in what State?

State Authorization Date

___ Profit or ___ Non-Profit Corporation?

___ Public or ___ Private Corporation?

Date the last annual report/statement was filed with the Michigan Department of Labor & Economic Growth Bureau of Commercial Services: _____

Corporate Officers:

President/Address/Phone

Vice President/Address/Phone

Secretary/Address/Phone

Treasurer/Address/Phone

Resident Agent/Address/Phone

Number of shares authorized: Common _____ Preferred _____

Number of shares issued: Common _____ Preferred _____

12. FINANCIAL DETAILS – ALL APPLICANTS.

A. Banks with which you do business:

Name/Address/Type of Account

Name/Address/Type of Account

B. Source of funds used to establish business, or which will be used to purchase this business. [Moneylenders to fill out Form LC-3008].

Bank or Money Lender/Address/Amount

Bank or Money Lender/Address/Amount

C. Attorney or representative:

Name/Address/Phone

D. Realtor/Broker:

Name/Address/Phone

E. Accountant/Bookkeeper:

Name/Address/Phone

Name/Address/Phone

F. Real Estate is owned by:

Name/Address/Phone

Name/Address/Phone

13. TRANSACTION DETAILS – ALL APPLICANTS. Any balance owed on the business selling price must be secured by a non-title retaining instrument such as a promissory note, security agreement, etc.

Land Contracts are not acceptable as security for any unpaid balance to be owed on the business portion of the sale.

Business, fixtures, and equipment cannot be listed on land contracts or real estate mortgages.

All alcoholic beverage inventory must be paid in cash at the time of transfer and not by installment payments.

Acceptable lease agreements must be provided if ownership of real estate is not in the names of applicants.

BUSINESS PURCHASE PRICE

Business, Fixtures, and Equipment \$ _____

Goodwill (if any) \$ _____

Covenant not to compete (if any) \$ _____

Alcoholic Beverages \$ _____

Other Inventory (estimate) \$ _____

TOTAL COST OF BUSINESS \$ _____

Down Payment \$ _____

Balance owed, explain: \$ _____

Terms _____

Collateral _____

REAL ESTATE PURCHASE PRICE

Land \$ _____

Buildings \$ _____

Other \$ _____

TOTAL REAL ESTATE COSTS \$ _____

Down Payment \$ _____

BALANCE OWED \$ _____

Balance Secured by:

Terms _____

Collateral _____

14. DISTANCE FROM OTHER ON-PREMISE LICENSEES WITHIN A TWO (2) MILE RADIUS OF THE PROPOSED BUSINESS.

Name of other licensee

Distance from proposed licensee

Name of other licensee

Distance from proposed licensee

Name of other licensee

Distance from proposed licensee

Name of other licensee

Distance from proposed licensee

**15. PLEASE ANSWER THE FOLLOWING QUESTIONS:
(Attach via separate sheet if more space is needed)**

- A. Please describe your business, why you are seeking a liquor license, how your business make use of this license if granted, and why your business should be granted the requested license.

- B. Is the proposed business within five hundred feet (500') of a church or school building?

- C. Have you or any partner, member, or shareholder ever made another application for a liquor license? If yes, explain the disposition of such application.

- D. Have you been disqualified to receive a license by reason of any provision contained in the Liquor Control Ordinance of the City of Wixom or the laws of the State of Michigan? If yes, please explain.

- E. Describe your experience, financial capability, and history of business experience, including experience as a licensee.

- F. Do you promise not to violate any of the laws of the State of Michigan or of the United States or any ordinances of the City of Wixom in the conduct of the licensed business?

G. Will the proposed location and the methods of operation detrimentally or unreasonably impact nearby property owners, businesses, and residents?

H. Is there any other information relevant to a determination by the City of Wixom whether to support your license application?

16. PURSUANT TO THE CITY'S ALCOHOLIC LIQUOR ORDINANCE SECTION 4B, NO LICENSE WILL BE ISSUED TO:

- A. A person ("licensee") whose liquor license has been revoked or not renewed. Licensee includes every entity, corporation, or partnership, and each shareholder, partner, or member.
- B. A co-partnership, unless each of the members of the co-partnership qualifies to obtain a license.
- C. A limited liability company, if any member would not be eligible to receive a license hereunder for any reason.
- D. A corporation, if any officer, manager, director, or stockholder would not be eligible to receive a license hereunder for any reason.
- E. A person who cannot establish that the license will be used by the licensee within six (6) months and will not be held for investment.
- F. A person who has been convicted of a violation of any federal or state law concerning the manufacture, possession, or sale of alcoholic liquor.
- G. A person who does not own the premises for which a license is sought or does not have a lease therefore for the full period for which the license is issued.
- H. Any law-enforcing public official employed by the City of Wixom.

- I. Any person for any premises where there exists a violation of the applicable Building, Electrical, Mechanical, Plumbing, or Fire Codes, applicable zoning regulations, or applicable public health regulations.
- J. Any entity or person for any premises unless the sale of beer, wine, or spirits is shown to be incidental and subordinate to food sales, hotel, or motel uses, and golf course uses.
- K. Any person for any premises where it is determined by a majority of the Wixom City Council that the premises do not, or will not reasonably soon after commencement of operations, comply fully with all City requirements, including having adequate off-street parking, lighting, refuse disposal facilities, screening, noise and nuisance control, and sewage disposal facilities.
- L. Any person for any premises where the Council determines that the proposed location is inappropriate because of City policy preferring the location of licensed establishments in developed, commercial areas, rather than isolated, undeveloped areas, and also considering the following factors: compatibility with adjacent uses of land; traffic safety; accessibility to the site from abutting roads; capability of abutting roads to accommodate the commercial activity; distance from public or private schools for minors; proximity of an inconsistent zoning classification; and accessibility from primary roads or state highways.
- M. Any applicant who omits or falsifies any information required by the Wixom Alcoholic Liquor Ordinance.

17. PLEASE ATTACH THE FOLLOWING:

- A. A sketch, drawn to scale, showing floor plans, seating arrangements, site dimensions (including parking areas), future building alterations, and other pertinent physical features for existing buildings or proposed buildings in which the applicant's business will be conducted. If the applicant is approved for issuance of a license, the City may condition its approval upon its further consideration and approval of an engineered site plan, complete with building elevations.
- B. A general operational statement outlining the proposed manner in which the establishment will be operated, including a schedule of the hours of operation, food service, crowd control, use of facilities, parking facilities, and the estimated cost of development.
- C. Certification of approval from the Oakland County Health Department of an adequate sewage disposal system if the public sewer system is not available to the proposed operation.

- D. A Manager Information Statement for all managers employed or to be employed at the licensed premises.
- E. Any other information relevant to a determination by the City that there is or is not a need for additional licenses to be issued within the City.

18. PERMITS

Are you applying for any of the following permits? Check all that apply.

- Dance
- Entertainment
- Dance & Entertainment

If so, please attach a copy of your permit or a permit request and plan outlining the type of activity and a plan for dealing with and for avoiding nuisances and neighborhood problems created by the permit.

I ACKNOWLEDGE RECEIPT OF THE CITY OF WIXOM'S ALCOHOLIC LIQUOR ORDINANCE

AND

I SWEAR THAT THE ANSWERS ON THIS APPLICATION AND ITS ATTACHMENTS ARE TRUE TO THE BEST OF MY KNOWLEDGE.

Signature and Title of Applicant

Date

Signature of person making out this application
(if not made out by the applicant)

Print name

**CITY OF WIXOM
APPLICATION FOR LIQUOR LICENSE
PART II
BACKGROUND INVESTIGATION AND AUTHORIZATION**

**EACH APPLICANT (I.E. CO-OWNER, PARTNER, CORPORATE OFFICER, ETC.)
MUST COMPLETE THE FOLLOWING.**

*****FOR POLICE DEPARTMENT USE ONLY*****

The information requested on the following pages is for use by the City of Wixom Police Department only as part of its background investigation pertinent to the City of Wixom's interests in this matter.

Please be aware that the processing of this Application will not begin until all requested documents are submitted and all questions on the application are answered; use additional pages if necessary. All paperwork is to be submitted to the City Clerk's Office with the appropriate fees.

Your cooperation in completely filling out the application is appreciated.

1. Name of Applicant: _____
2. Address: _____
3. Address of Establishment Proposed to be Licensed: _____
4. Type of license applied for: _____

Attach Photograph
Here

5. The following information must also be completed.

(Full name)	(Maiden or Former Name)	(Sex: Male/Female)
(Date of Birth)	(Social Security Number)	(Height) (Weight)
(Eye Color)	(Hair Color)	(Driver's License Number)
(Visa: Date and Place of Issue)	(Citizenship)	(Naturalization i.d. Number)\

6. Describe any physical characteristics (amputations, scars, tattoos, etc.): _____

7. Full name of spouse, including maiden name: _____

8. Full Name of Child	_____	Date of Birth	_____
Full Name of Child	_____	Date of Birth	_____
Full Name of Child	_____	Date of Birth	_____
Full Name of Child	_____	Date of Birth	_____
Full Name of Child	_____	Date of Birth	_____

9. Residence addresses and telephone numbers for the past five (5) years:

(Number and Street)	(City and State)	(Zip Code)	(Telephone)
(Number and Street)	(City and State)	(Zip Code)	(Telephone)

10. Former addresses and telephone numbers for the past ten (10) years:

(Number and Street)	(City and State)	(Zip Code)	(Telephone)
(Number and Street)	(City and State)	(Zip Code)	(Telephone)

11. Give a complete record of all arrests, whether convicted or not, including dates, places, circumstances and dispositions (Use additional pages if necessary):

12. List all civil cases in which you have been involved as a plaintiff or defendant, including dates, places, circumstances, and dispositions, and describe the cases in detail (Use additional pages if necessary):

13. Do you associate, or have you ever associated, with a known person(s) who have been involved in, arrested, or convicted of gambling, narcotic, or vice activities? If yes, explain in detail:

14. List all places of banking, as well as banking references:

15. In regard to your Financial Qualifications: If you are not borrowing the entire amount of money, state specifically the source from which the money was obtained:

Source	Means	Amount
<hr/>	<hr/>	<hr/>
<hr/>	<hr/>	<hr/>
<hr/>	<hr/>	<hr/>
<hr/>	<hr/>	<hr/>

STATE OF MICHIGAN)
) SS
COUNTY OF OAKLAND)

I, _____, authorize any bank, credit organization, insurance company, educational institution, business firm, or person to release any and/or all personal information regarding me relative to the license for which I have applied.

The above authorization is applicable for release only to the City of Wixom, Michigan, Police Department and/or its representative.

Date

Signature of Applicant

, Notary Public
_____ County, Michigan
Acting in _____ County
My Commission Expires: _____

Name and address of person filling out foregoing application, if not completed by applicant:

Full name Address Telephone

**CITY OF WIXOM
APPLICATION FOR LIQUOR LICENSE
MANAGER INFORMATION STATEMENT**

ALL MANAGER(S) EMPLOYED OR TO BE EMPLOYED AT THE PROPOSED LICENSED PREMISES MUST COMPLETE THE FOLLOWING:

Name of Licensee: _____

Full Name: _____

Address: _____

Sex _____ Height _____ Color of Hair _____ Color of Eyes _____

Date of Birth: _____ Place of Birth _____ Social Security No. _____

Have you ever legally changed your name? ___ No ___ Yes from _____ to _____

Have you ever been known by any other names? ___ No ___ Yes – give names _____

List all arrests, excluding only minor traffic offenses (include alcohol-related arrests):

Date	Place	Charge	Disposition
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

List past experience working for licensed establishments:

From	To	Occupation	Name and Address of Employer
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

List your former employer(s) and occupation(s) for the past three (3) years:

From	To	Occupation	Name and Address of Employer
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Date of Hire with Licensee: _____ Hours/Days of Employment: _____

Duties: _____

Manager's Signature

Date

Witness Signature

Date

Witness Signature

Date

**CITY OF WIXOM MUNICIPAL CODE CHAPTER 5.06 - ALCOHOLIC LIQUOR,
SECTION 5 - INFORMATIONAL FILING REQUIRED:**

Whenever the information submitted by a licensee pursuant to the application process 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 twenty (20) days of the change of information or circumstances.

**AGREEMENT
(FORM FOR ISSUANCE OF LIQUOR LICENSE)**

THIS AGREEMENT is hereby made and entered into this ____ day of _____, 200__, by and between _____, (hereinafter referred to as “_____”), and the CITY OF WIXOM, a Michigan municipal corporation (hereinafter referred to as the “City”).

WITNESSETH

WHEREAS, _____ has requested that the City recommend to the Michigan Liquor Control Commission (hereinafter referred to as “LCC”), approval of a Class C Quota license for operation at _____, Wixom, Michigan; and,

WHEREAS, as of the date of this Agreement, the City has ____ (__) Class C quota liquor licenses available for possible issuance; and,

WHEREAS, there is currently _____ Class C liquor license(s) which was/were previously issued by the City from the City’s quota of licenses which is/are being held in escrow with the LCC because the business which utilized said license has closed; and,

WHEREAS, the City’s ability to encourage economic development may be demitted over the years as a result of liquor licenses which are in escrow and unavailable to the City for issuance as part of its statutory quota of licenses; and,

WHEREAS, as a result of the foregoing, the City has established a policy that it will not issue new Class C quota liquor licenses; approve transfers of existing Class C quota liquor licenses, whether active or in escrow; or approve transfers to stock with regard to Class C quota liquor licenses, unless the license applicant is willing to abide by the terms of the provisions contained in this Agreement; and,

WHEREAS, as an inducement to the City to process and approve its application of the aforesaid Class C liquor license _____ is willing to abide by the terms of the policy of the City if its request is approved.

NOW, THEREFORE, in consideration of their mutual promises, the parties agree as follows:

1. The City will, in reliance upon _____ agreement herein, recommend to the LCC approval of the Quota Class C liquor license to be utilized at _____, Wixom, Michigan.
2. _____ agrees that if for any reason, except for fire or acts of God, it should discontinue the use and operation of said license for a period of in excess of ninety (90) consecutive days without the prior written consent of the City, then, and in that event, _____ will return the license to the LCC and request that its rights to the license be terminated and that the license not be placed or

continued in escrow but instead be returned to the City to be added to its available licenses under the quota provisions of Sections 531(1) of the Michigan Liquor Control Code (MCLA 436.1531, as amended).

3. Nothing in this Agreement shall prohibit _____ from selling, assigning or transferring its interest in the license and/or business, nor from transferring the location of said license within the boundaries of the City subject to the approval of the City and the LCC.
4. In the event _____ transfers, sells, or assigns, its interest in the license and/or business to another person or entity, it shall make the provision, as a requirement of said sale, that the purchaser or purchasers abide by the terms of this Agreement, in writing, or in the alternative, enter into a new agreement with the City under the same terms and conditions as stated herein.
5. The City and _____ acknowledge that this Agreement and the covenants and obligations herein are unique, and in the event of default by _____, the City would not be able to be adequately compensated in damages. It is therefore agreed that in the event of default by _____ hereunder, the City shall have the right to enforce the terms and provisions hereof by an action for specific performance, and if the City prevails in such action, it shall be entitled to recover its reasonable costs and attorney fees.

IN WITNESS WHEREOF, the parties have hereto set their hands and seals the day and year first mentioned above.

Witnesses:

By: _____

Its: _____

Witnesses:

CITY OF WIXOM

By: _____
_____, Supervisor

By: _____
_____, Clerk

FOR LCC USE ONLY

**INDIVIDUAL STOCKHOLDER, LIMITED LIABILITY COMPANY MEMBER
 OR CORPORATE STOCKHOLDER QUESTIONNAIRE**
 (Authorized by MAC R436.1103)

Instructions: Completion of this form is required to be considered for a license. All applicants must complete parts 1 & 2. Individual stockholders / members must also complete part 3. Corporate stockholders must also complete part 4. Sign the completed form in ink and return it to the Commission address above.

1. Applicant Corporation/Limited Liability Company Identification:

Full Name of Corporation/ Limited Company:

Street Address: _____ City or Village: _____ County: _____

2. Stockholder/Member Identification – all stockholders/members (individual or corporate):

Name of Individual, Corporate Stockholder or Limited Liability Company Member:

Street Address: _____ City or Village: _____ State: _____ Zip Code: _____

Home Phone No. _____ Business Phone No. _____
 () ()

I am, or will be, the owner of the following shares of stock in this Corporation or % of membership interest in the Limited Liability Company (include joint ownership, trusteeships, etc.)

Number of Shares/ % of Interest	Common or Preferred	Other Names on these Shares or membership interest, if any
_____	_____	_____
_____	_____	_____
_____	_____	_____

3. Individual Stockholders/Members – Complete this section:

Sex _____ Height _____ Weight _____ Hair Color _____ Eye Color _____

Date of Birth _____ Place of Birth _____ Social Security No. _____

Full Name of Spouse _____

If you are not a U.S. Citizen – are you a registered alien? Yes No
 OR do you have a Visa? Yes No

Have you ever legally changed your name? Yes No If Yes, From _____ To _____

Have you ever been known by any other names? Yes No List Names: _____

Have you ever been arrested? Yes No If yes, list all arrests, excluding minor traffic offenses, include alcohol arrests:

DATE	PLACE	CHARGE	DISPOSITION
_____	_____	_____	_____
_____	_____	_____	_____

Do you or your spouse hold any law enforcement powers including powers of arrest? Yes No

I or my spouse previously held, or now hold, interest in the following licenses for sale of alcoholic beverages as sole licensee, partner, or stockholder / member:

Name of Licensee	Type of License	Location	Date
_____	_____	_____	_____
_____	_____	_____	_____

3. Individual Stockholders / Members – Continued:

List your occupations for the past 3 years:

FROM	TO	OCCUPATION	NAME and ADDRESS of EMPLOYER
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

4. Corporate Stockholders / Limited Liability Company Members – Complete this section:

Corporation/L.L.C. name: _____ Incorp./Organization date: _____

Incorporated/organized in what State? _____ Michigan Authorization date: _____

Resident Agent: _____
 Name Address Phone No.

(Circle one of each) Profit or Non-Profit Corporation / Public or Private Corporation

Date last annual report / statement filed with Michigan Corporation & Securities: _____

Corporate Officers:	Name	Address	Phone No.
President	_____	_____	_____
Vice-President	_____	_____	_____
Secretary	_____	_____	_____
Treasurer	_____	_____	_____

Number of shares authorized: Common _____ Preferred _____

Number of shares issued: Common _____ Preferred _____

THE COMMISSION WISHES TO WARN ALL APPLICANTS FOR LICENSES NOT TO INVEST ANY MONEY OR TO COMMIT THEMSELVES BY ANY BINDING AGREEMENTS IN THE EXPECTATION OF BEING ISSUED A LICENSE FOR SALE OF ALCOHOLIC BEVERAGES UNTIL OFFICIALLY NOTIFIED BY THE COMMISSION THAT THEIR APPLICATION HAS BEEN APPROVED.

WARNING! Section 436.2003 of the Liquor Control Code provides :
 "A person who makes a false or fraudulent statement to the Commission, orally or in writing, for the purpose of inducing the Commission to act or refrain from taking action, or for the purpose of enabling or assisting any person to evade the provisions of this act is guilty of a violation of this act and is punishable in the manner provided for in section 909." Further, the rules and regulations of the Commission entitled "General Rules" provide: "A licensee shall not obtain a license for the use or benefit of another person whose name does not appear on the license nor shall a licensee allow a person whose name does not appear on the license to use or benefit from the license," and, "A licensee shall not sell or transfer an interest in a business licensed by the Commission without the prior written approval of the Commission."

I hereby swear that I have read all of the above answers and that they are true and that I have read and understand the warning.

 Date of Application Signature of Applicant (if applicant is a corporation, include title of signor)

 Name of person completing this form if not applicant

STATEMENT OF MONEY LENDER

(Authorized by MCL 436.1217)

INSTRUCTIONS: Anyone (including applicants, stockholders, members, bank, partners, etc.) loaning money for the purchase of interest in a license or proposed licensed business, must complete this money lender's statement. Rule 436.1105 (b) requires that applicants have adequate financial resources for the proposed licensed business. The rule also requires the funds be from legitimate and verifiable sources. **You may be required to submit tax returns, bank statements and any other documentation sufficient to verify the funds you are lending.** Please complete this statement, sign and return it to the Commission.

I am loaning \$ _____ to _____
AMOUNT NAME OF APPLICANT

for the purchase of the _____ licensed business (and real estate if applicable), located
TYPE OF LICENSE

at _____
STREET AND NUMBER CITY OR VILLAGE ZIP CODE COUNTY

The debt is secured by the following instruments:

The following persons are acting as co-signers or co-makers:

The debt is repayable as follows:

I will will not have interest in the licensed business other than as creditor for the debt listed.

I do do not have Law Enforcement Powers

I do do not have interest in a wholesale license

I am prepared to present any documentation required for verification of these funds.

My occupation is _____

My bank accounts are located at:

SIGNATURE OF MONEY LENDER

DATE

CITY OF WIXOM

APPLICATION FEES FOR LIQUOR LICENSES AND RELATED PERMITS

ON-PREMISE LICENSE FEE - \$1,000

The non-refundable application fee for each type of new or transferred on-premise license is \$1,000.00.

Examples of on-premise licenses:

- Class C (Beer, Wine, Spirits)
- Class A Hotel (Beer, Wine)
- Class B Hotel (Beer, Wine, Spirits)
- Tavern License (Beer, Wine)
- Club License (Beer, Wine, Spirits)
- Resort License (Beer, Wine, Spirits)

OFF-PREMISE LICENSE FEE - \$500

The non-refundable application fee for each type of new or transferred off-premises license is \$500.00.

Examples of off-premise licenses:

- Specially Designated Merchants (SDM) (Beer, Wine)
- Specially Designated Distributor (SDD) (Spirits)

ADDITION OR DELETION OF A STOCKHOLDER FEE - \$300

Each existing liquor licensee who applies to add or drop a stockholder resulting in investigation by the Wixom Police Department, in accordance with requirements of the Michigan Liquor Control Commission, shall pay a non-refundable fee of \$300.00 for each person who must be investigated.

SPECIAL LICENSE - NO FEE

There will be no licensing fee charged to bona fide non-profit organizations who qualify as such in accordance with the M.L.C.C.

Example: A 24-hour Special License for a non-profit organization.

Application Fees for Liquor Licenses and Related Permits
Page 2

*** PERMIT FEE - \$250**

Each applicant requesting a liquor license related permit of any type shall pay a non-refundable permit fee of \$250.00 for each requested.

Permit Examples:

Sunday Sales, Dance, Entertainment, Outdoor Service, Living Quarters, Concourse, Bowling, Building Site Transfer, Add Space, Drop Space, Additional Bar

IN SUMMARY:

On-Premise License	\$1,000.00
Off-Premise License	500.00
Stock Transfer	300.00
Special License	0.00
Permit	250.00

Applicants will be charged a non-refundable fee for each license and/or permit required. For example, if an applicant requests a Class C on-premise license with a Dance Permit, the fee would be \$1,250.00.

Class C	\$1,000.00
Dance Permit	<u>250.00</u>
Total Fee	\$1,250.00

If an applicant requested an off-premise Special Designated Merchant license (SDM - Beer and Wine) and also applied for a Specially Designated Distributor license (SDD - Spirits), the licensing fee would be \$1,000.00.

SDM License	\$ 500.00
SDD License	<u>500.00</u>
Total Fee	\$1,000.00

*** Permit Fee**

Applicants simultaneously requesting more than one type of permit may only be required to pay one permit fee at the discretion of the Chief of Police who shall consider the related nature of the permits and length of investigation.

Chapter 5.06 ALCOHOLIC LIQUOR*

Sections:

5.06.010 Short title.

This chapter shall be known and may be cited as the "alcoholic liquor ordinance."

(Ord. 06-02 § 1, 2006)

5.06.020 Statement of purpose.

The purpose of this chapter is to emphasize and clarify the city's requirements for the issuance, transfer, renewal, relocation, and enforcement of liquor licenses and permits, and address the operation of licensed premises.

(Ord. 06-02 § 2, 2006)

5.06.030 Definitions.

As used in this chapter:

"Brewpub" means a liquor license issued by the liquor control commission in conjunction with a class, tavern, or hotel license that authorizes the person licensed to manufacture and brew not more than five thousand barrels of beer per calendar year in Michigan and sell at that licensed brewery 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 license is considered a hybrid on and off premises liquor license.

"Class C license" means a license to sell retail beer, wine, mixed spirit drink and spirits for consumption on premises.

"Club license" means a liquor license issued to a club as defined by Section 107 of the Michigan Liquor Control Code of 1998 and pursuant to Rule 436.1127 of the Michigan Administrative Code.

"Hotel license" means a liquor license issued to a hotel as defined in Section 107 of the Michigan Liquor Control Code of 1998.

"LCC" means the Michigan Liquor Control Commission as defined in the Michigan Liquor Control Code of 1998.

"Licensee" means a person who has been issued a Class C, tavern, resort, SDM, SDD, club, hotel, brewpub, or micro brewer license.

"Michigan Liquor Control Code of 1998" means Michigan Public Act No. 58 of the Public Acts of 1998, as amended. (Michigan Compiled Laws 326.1101 et seq., as amended).

"Micro brewer" means a brewer licensed to manufacture and sell beer to licensed wholesalers, which produces in total less than thirty thousand barrels of beer per year and who may sell at the licensed brewery premises the beer produced to consumers for consumption on or off the licensed brewery premises. In determining the thirty thousand 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. A micro brewer license is considered a hybrid on and off premises liquor license.

"Off-premises license" means a person who is licensed by the LCC to sell alcoholic liquor at retail for consumption off the licensed premises, including SDD, SDM, brewpub and micro brewer licenses.

"On-premises license" means a 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.

"Person" means and includes individuals, firms, corporations, partnerships or limited liability companies.

"Resort license" means a liquor license issued by the liquor control commission in a resort area, not to exceed twelve months, without regard to other LCC quota requirements, in accordance with the Michigan Liquor Control Code of 1998.

"Special permits" means and includes, but are not limited to, outdoor service permits, "one-day" licenses, "after hours" permits, temporary dance, entertainment, "add bar" permits, specific purpose permits, and special licenses, as those terms are defined by or utilized in the Michigan Liquor Control Code of 1998 and the Michigan Administrative Code.

"Specially designated distributor (SDD)" means a person, firm or corporation engaged in an approved business licensed by the LCC to distribute spirits and mixed spirit drink in the original package for consumption off the premises.

"Specially designated merchant (SDM)" means any person, firm or corporation to whom the LCC grants a license to sell beer and/or wine at retail for consumption off the premises of such licensed place.

"Tavern" means any place licensed to sell retail beer and wine for consumption on the premises only.

(Ord. 06-02 § 3, 2006)

5.06.040 Application procedure for new "on-premises" licenses.

- A. Application. Every applicant for an on-premises liquor license approval must complete and file an application with the city clerk's office on forms that will be provided by the city. The application must be accompanied by a nonrefundable fee as established by the city, made payable to the city of Wixom. The application pertains to the city only, and is in addition to the separate application required by the LCC. The city application shall include the following information:
1. Applicant's name, address and phone number;
 2. Names, addresses and phone numbers of all persons with an interest in a proposed business, including partners and stockholders;
 3. Address and telephone number of resident agent for accepting service of process, if applicant is a corporation, or limited liability company;
 4. Name and address of financial institution where an applicant's funds for establishment and operation of the entity sought to be licensed are deposited;
 5. The sources of all funds which will be relied upon in the establishment and operation of the entity sought to be licensed;
 6. The distance from other licensees within a two-mile radius of the area where the proposed business will be located;
 7. A statement that the proposed business is not within five hundred feet of a church or school building;

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8. List criminal record, if any, of the applicant, including all partnership members and all stockholders, if a corporation, and all members if a limited liability company;
 9. A statement regarding whether applicant or any partner, member, or shareholder has ever made another application for a liquor license and the disposition of such application;
 10. A statement that the applicant is not disqualified to receive a license by reason of any matter or thing contained in this chapter or the laws of the state of Michigan;
 11. 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 in the conduct of its business;
 12. The legal description, address, and zoning classification for location where business is proposed;
 13. State whether a new building is proposed or whether an existing structure will be utilized;
 14. A sketch, drawn to scale, showing floor plans, seating arrangements, site dimensions (including parking areas), future building alterations and other pertinent physical features for existing buildings or proposed buildings in which the applicant's business will be conducted. If the applicant is approved for issuance of a license, the city may condition its approval upon its further consideration and approval of an engineered site plan, complete with building elevations;
 15. Details of the applicant's experience, financial capability and history of business experience, including experience as a licensee;
 16. A general operational statement outlining the proposed manner in which the establishment will be operated, including a schedule of the hours of operation, food service, crowd control, use of facilities, parking facilities and estimated cost of development;
 17. The name, address, and telephone number of the person to be called in the event of an emergency at the licensed establishment;
 18. A statement demonstrating that the location proposed and the methods of operation will not detrimentally and unreasonably impact nearby property owners, businesses, and residents;
 19. Certification of approval from the Oakland County health department of an adequate sewage disposal system if the public sewer system is not available to the proposed operation;
 20. Any other information relevant to a determination by the city that there is or is not a need for additional licenses to be issued within the city.
- B. License Restrictions in Application. The following restrictions will be imposed upon all applicants. No license shall be issued to:
1. A person ("licensee") whose liquor license has been revoked or not renewed. Licensee includes every entity, corporation or partnership, and each shareholder, member or partner.
 2. A co-partnership, unless each of the members of the co-partnership qualify to obtain a license.
 3. A corporation, if any officer, manager, director or stockholder would not be eligible to receive a license hereunder for any reason.
 - a. A limited liability company if any member would not be eligible to receive a license hereunder for any reason.
 4. A person who cannot establish that the license will be used by licensee within six months of city approval and will not be held for investment.
 5. A person who has been convicted of a violation of any federal or state law concerning the manufacture, possession, or sale of alcoholic liquor.

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6. 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.
 7. Any law enforcing public official employed by the city.
 8. Any person for any premises where there exists a violation of the applicable building, electrical, mechanical, plumbing or fire codes, applicable zoning regulations, or applicable public health regulations.
 9. Any entity or person for any premises unless the sale of beer, wine, or spirits is shown to be incidental and subordinate to food sales, hotel or motel uses, and golf course uses.
 10. Any person for any premises where it is determined by a majority of the Wixom city council that the premises does not or will not reasonably soon after commencement of operations, comply fully with all city ordinances, including having adequate off-street parking, lighting, refuse disposal facilities, screening, noise and nuisance control, and sewage disposal facilities.
 11. Any person for any premises where the Wixom city council determines that the proposed location is inappropriate because of city policy preferring the location of licensed establishments in developed, commercial areas, rather than isolated, undeveloped areas, and also considering the following factors: the compatibility with adjacent uses of the land; traffic safety; accessibility to the site from abutting roads; capability of abutting roads to accommodate the commercial activity; distance from public or private schools for minors; proximity of the inconsistent zoning classification; and accessibility from primary roads or state highways.
 12. Any applicant who omits or falsifies any information required by this chapter.
- C. Investigation. Upon receipt of the application, the city clerk will refer the application to the police department, fire department, building department, health department, and such other departments as required by the city manager. All departments shall make their recommendations prior to consideration by the city council. The police chief shall cause a thorough investigation to be made of the persons and the premises, including a complete history of past business experience and any liquor law violations. The findings resulting from the investigations shall be submitted to the city council.
- D. Hearing. After the city completes its investigation, the application will be placed on the city council's agenda for consideration. Due notice will be given to the applicant and to all residents and/or businesses located within five hundred feet of the applicant. The applicant will be required to appear before the city council and answer any questions pertaining to the application.
- E. License Approval. If the city is satisfied that the establishment for which a liquor license is sought may constitute an asset to the community, and meets the requirements set forth herein, it may adopt a resolution granting approval, subject to the satisfaction of the conditions stated below, which will be set forth in a separate letter to the LCC. Approval of the license shall be granted with the following conditions:
1. In the city's discretion, issuance of an on-premises license may be restricted to a tavern license. (A tavern license is included in the state of Michigan quota allowances for Class C licenses.)
 2. Issuance of licenses shall be contingent upon the application for and receipt of site plan approval, building permits, zoning changes and other necessary approvals required by the city within four months after the issuance. In addition, the city council may condition its issuance of a license upon its further review and approval of an engineered site plan, independent of the required approvals under the city building code or zoning ordinance.
 3. Construction shall be pursued within six months after the issuance of a license, at which time the progress of the applicant in meeting all of the above-stated conditions shall be reported by the city manager to the city council.

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4. The city council may extend, upon a showing of special or unusual circumstances not the fault of the applicant, the time period set forth in subsections (E)(2) and (E)(3) of this section, upon timely request.
 5. No floor plans, building elevation, site plan, seating arrangement, kitchen layout or other pertinent facts, drawings, or documents submitted to the city may be changed, unless the change reasonably improves the design or service function of the facility, and the applicant receives approval for the change from the city council. There shall be no fee charged for city review of such an approval request.
 6. When the building or remodeling is complete, it must meet all state and local regulations, and must comply with representations made to the city council by the applicant.
 7. Failure of any applicant to meet any of the conditions of the ordinance codified in this chapter shall be reason for the city council to deny the annual renewal of any of the licenses issued.
- F. Available Licenses. Under no circumstances is the city council obligated to issue an available license. No applicant for a liquor license has the 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 license. Additionally, no applicant for a liquor license has the right to have such application processed, and the city council further reserves the right to take no action with respect to any application filed with the city. The city council further reserves the right to maintain a list of all applicants and to review the same when, in its discretion, it determines that the issuance of an additional liquor license is in the best interests of the city at large and for the needs and convenience of its citizens. Before taking action with regard to a specific application, the city council shall make a determination that a need exists for the issuance of an additional liquor license within the city based upon the following criteria:
1. The applicant bears the burden of establishing that the city can meet the needs for its residents for availability of liquor only by issuance of another liquor license.
 2. Can the city's need for licenses be met if an issued, but inactive, liquor license is made active? (Issued, but inactive, licenses include licenses which have been placed in escrow pursuant to law.)
 3. Is there currently a reasonable relationship between the number of licenses issued (whether inactive or not) and the needs of the city for availability of liquor?
 4. Is there an unmet demand for a land use which would be enhanced by the issuance of a liquor license to be used in conjunction with it?
 5. Are currently issued licenses not being used in conjunction with another primary purpose, such as food service, recreation, or hotel uses?
 6. Does the city have adequate police, fire, and other emergency service personnel to service an additional licensed establishment?

Additional Criteria

7. The city council shall also consider whether the applicant's proposal is reasonable when measured against the following criteria:
 - a. The applicant's management experience in the alcohol/liquor business;
 - b. The applicant's general business management experience;
 - c. The applicant's general business reputation;
 - d. The applicant's moral character;
 - e. The applicant's financial status and its ability to build and/or operate the proposed facility on which the proposed liquor license is to be located;

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- f. Past criminal convictions of the applicant for crimes involving moral turpitude, violence, drug-related or alcoholic liquor offenses;
 - g. The applicant's excessive use of alcoholic beverages;
 - h. The effect that the issuance of a license would have on the economic development of the surrounding area;
 - i. The effects that the issuance of a license would have on the health, welfare and safety of the general public;
 - j. The recommendations of the police department, building department, Oakland County health department, and/or fire department with regard to the proposed facility;
 - k. Whether the applicant has demonstrated the public need or convenience for the issuance of the liquor license for the business facility at the location proposed;
 - l. The uniqueness of the proposed facility when contrasted against other existing or proposed facilities, and the compatibility of the proposed facility to surrounding architecture and land use;
 - m. Whether the facility to which the proposed liquor license is to be issued complies, or will comply, with the applicable building, plumbing, electrical and fire prevention codes, and zoning statutes and ordinances applicable in the city;
 - n. The effects that the business facility to which the proposed license is to be issued will have upon vehicular and pedestrian traffic in the area;
 - o. The proximity of the proposed business facility to other similarly situated licensed liquor facilities;
 - p. The proximity to complementary uses such as office and commercial development;
 - q. The effects that the business facility to which the proposed license is to be issued would have upon the surrounding neighborhood and/or business establishments, including impacts upon residential areas, churches and school districts;
 - r. The permanence of the establishment in the community as evidenced by the proposed or actual commitments made by the applicant;
 - s. The availability of utilities to serve the facility;
 - t. Other considerations as the city council may deem proper, provided such considerations are reasonable under the circumstances.
- G. Multiple Applicants for Available Licenses. If the city council elects to issue an available license and more than one person applies for same, the criteria set forth in this subsection shall determine which, if any, applicant is issued an available license.
- 1. The applicant that best meets the criteria set forth in Section 5.06.060.
 - 2. The applicant whose operations will be most consistent with the promotion of the health, safety, and welfare of the residents of the city.
 - 3. The applicant whose operations will be most consistent with the appropriate use of adjacent properties and the city as a whole.
 - 4. The applicant whose operations will be most consistent with the policies of the city as expressed in its other ordinances and resolutions.
 - 5. The applicant whose operations will be most consistent with the public policies of the state of Michigan as expressed in its laws, rules, and regulations.

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- H. Term of License. Approval of a liquor license shall be for a period of one year, expiring annually on April 30th following the date of issuance. The liquor license is subject to annual review by the city council.
 - I. Changes. Substantial changes in the licensee's operation shall be approved by the city council. Substantial changes include changes in space of more than ten percent, reduction of more than ten percent 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.

(Ord. 06-02 § 4, 2006)

5.06.050 Informational filing required.

Whenever the information submitted by a licensee pursuant to the application process 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 twenty days of the change of information or circumstances.

(Ord. 06-02 § 5, 2006)

5.06.060 Application procedure for new permits.

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 discretion of the city council. The request for a permit shall be submitted to the city clerk, in writing, accompanied by a nonrefundable fee as established by the city. If the request for permit is made at initial application or transfer, no additional fee is required. The city clerk will set the matter for hearing before the city council, with due notice to be given the licensee. In passing on the licensee's request, the city council may consider the following:

- A. Past record of the licensee, including liquor license violations and police contacts;
- B. Plans presented for dealing with and for avoiding nuisances and neighborhood problems created by the permit;
- C. The proposed changes in the licensee's operation if granted the permit;
- D. The type of entertainment or dance proposed;
- E. Adequate provisions for any increased parking needs;
- F. Management operations and compliance with the informational filing required in Section 5.06.050.

(Ord. 06-02 § 6, 2006)

5.06.070 Inactive licenses.

Any license which has not been activated by the licensee upon the city council's yearly review for renewal (Section 5.06.100) may cause the city to object to annual renewal of the license.

(Ord. 06-02 § 7, 2006)

5.06.080 Transfers.

- A. Liquor Licenses. Applications for the transfer of an on-premises liquor license will proceed and be reviewed under the new license provisions of Section 5.06.040, as any other new license, except that the following additional factors may be considered by the city council.
1. Consideration will be given to whether or not the operation is expected to change from the existing operation.
 2. If continuation of an existing operation is contemplated, the licensee must present a plan relating to how it will deal with existing problems created by the business by reason of insufficient parking, nuisance created on- or off-site, civil or criminal liability.
 3. Consideration will be given to the intentions of a licensee who obtained the license as a secured party, and does not intend to operate the premises. In this instance, the city council may use its discretion in waiving certain requirements.
 - a. If the new license provisions are waived by the city council, the license transfer will be approved only if the transferee agrees in writing that:
 - i. The licensed premises will not be operated; and
 - ii. The transferee will not operate the premises through a management agreement; and
 - iii. If the transferee operates or attempts to operate the licensed premises this shall constitute grounds for immediate revocation or nonrenewal.
 - b. A license that is transferred pursuant to this section is considered an inactive license for purposes of Section 5.06.070.
 4. Transfers which involve the following circumstances may go directly to the city council for consideration without payment of a fee and without the necessity of furnishing the information required for new licenses by Section 5.06.040.
 - a. 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 either the sole proprietor, all members of the general partnership, or all members of the limited partnership are the only stockholders of that corporation.
 - b. 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.
 - c. The addition to a license of the spouse, son, daughter, or parent of any of the following:
 - i. A licensed sole proprietor;
 - ii. A stockholder in a licensed corporation;
 - iii. A member of a licensed general partnership, licensed limited partnership, or other licensed association.
 - d. The occurrence of any of the following events:
 - i. A corporate stock split of a licensed corporation;
 - ii. The issuance to a stockholder of a licensed corporation of previously unissued stock as compensation for services performed;
 - iii. The redemption by a licensed corporation of its own stock;

iv. A corporate public offering.

B. Permits. 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.

(Ord. 06-02 § 8, 2006)

5.06.090 Renewal.

The city will review each on-premises licensee's liquor license and permits annually to determine whether or not to object to the liquor control commission's renewal of said license and/or permits. If the licensee is not notified to appear before the city council by March 30th of the licensing year, then the license and/or permit will be renewed in accordance with the liquor control commission rules. The city council shall object to renewal if the following standards are not met.

A. Liquor Licenses.

1. Compliance with all standards and plans established and approved at time of issuance of license or at time of later city approvals.
2. The city may also object to renewal based on the criteria set forth in Section 5.06.110 regarding revocation.

B. Permits.

1. Annual renewal procedure of permits shall take place concurrent with the renewal process for liquor licenses, and shall be subject to the following considerations:
 - a. The city council will inquire into nuisances created or contributed to by the licensee.
 - b. Civil or criminal violations that cause a disturbance in the community, or that endanger person or property and which can fairly be attributed to the licensee or its customers or employees.
 - c. Licensees must demonstrate that they have continued to operate in compliance with the plan of operation submitted at the time of obtaining the permit or as subsequently supplemented with city approval.

(Ord. 06-02 § 9, 2006)

5.06.100 Procedure for objecting to renewal or requesting revocation of liquor license or permit.

A. Procedure. Prior to filing an objection with the LCC to renewal or filing a request for revoking an on-premises liquor license or a permit, the city council shall do the following:

1. Serve the licensee, by first class mail, mailed not less than ten days prior to hearing with notice of a hearing, which notice shall contain the following:
 - a. Notice of proposed action;
 - b. Reasons for the proposed action;
 - c. Date, time, and place of hearing;

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- d. A statement that the licensee may present evidence and testimony and confront adverse witnesses.
 2. Hold a Hearing as Scheduled. The licensee will be given an opportunity to be represented by counsel and to present evidence and testimony and to confront adverse witnesses.
 3. Following the hearing, the city council shall submit to the licensee and the LCC a written statement of its findings and determination.
 4. If the city council determines that a recommendation of nonrenewal and/or a request for revocation is to be filed with the LCC it shall pass a resolution to that effect, stating the specific reasons for the determination. The resolution will be forwarded to the LCC in a timely fashion.

(Ord. 06-02 § 10, 2006)

5.06.110 Revocation.

The city council may request that the LCC revoke an on-premises license or a permit at any time for any of the following reasons:

- A. Failure to comply with all conditions, standards, plans, or agreements entered into in consideration for the issuance of the license;
- B. Violations of the state liquor laws;
- C. Violation of state law or local ordinance;
- D. Refusal to respond to written warnings that revocation proceedings may be commenced unless the licensee or licensee's representative appears before the city council and show cause why revocation should not be initiated;
- E. Maintenance of a nuisance upon or in conjunction with the licensed premises, including, but not limited to, any of the following:
 1. Violations of building, electrical, mechanical, plumbing, zoning, health, fire or other applicable regulatory rules,
 2. A pattern of patron conduct in the neighborhood of the licensed premises which is in violation of the law and/or disturbs the peace, order, and tranquility of the neighborhood,
 3. Failure to maintain the grounds and exterior of the licensed premises, including litter, debris, or refuse blowing or being deposited upon adjoining properties,
 4. Entertainment on the licensed premises without a permit and/or entertainment which disturbs the peace, order, and tranquility in the neighborhood of the licensed premises,
 5. Any advertising, promotion, or activity in connection with the licensed premises which by its nature causes, creates, or contributes to disorder, disobedience of rules, ordinances or laws, or contributes to the disruption of normal activity of those in the neighborhood of the licensed premises;
- F. Excessive police contacts with licensed premises, or its patrons off the premises determined to be the fault of the licensee;
- G. Repeated instances where the licensee is serving minors or intoxicated persons;
- H. Failure by the licensee to permit the inspection of the licensed premises by the city's agents or employees in connection with the enforcement of this chapter.

(Ord. 06-02 § 11, 2006)

5.06.120 Request for revocation of off-premises license.

The city council may, by resolution, request the LCC to revoke the license of an off-premises licensee (SDD or SDM) after it has been determined pursuant to LCC violation hearings that the licensee sold or furnished alcoholic liquor, on at least three separate occasions in a single calendar year, to a person who is less than twenty-one years of age, provided said violations did not involve the use of falsified or fraudulent identification by the person who is less than twenty-one years of age.

(Ord. 06-02 § 12, 2006)

5.06.130 Operation of licensed premises.

A. Nudity on Licensed Premises.

1. No person, while appearing in a state of nudity as defined by this section, shall frequent, loiter, work for or perform in any establishment licensed or subject to licensing by the LCC. 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.
2. "Nudity" shall be defined to be the exposure by view of persons, of any of the following body parts, either directly or indirectly, including but not limited to exposure, see-through clothing articles, or boding stockings:
 - a. The whole or part of the pubic region;
 - b. The whole or part of the anus;
 - c. The whole or part of the buttocks;
 - d. The whole or part of the genitals;
 - e. The breast area including nipple, or more than one-half of the area of the breast.

(Ord. 06-02 § 13, 2006)



Michigan Department of Licensing and Regulatory Affairs
Liquor Control Commission (MLCC)
Toll Free: 866-813-0011 • 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 - if a corporation or limited liability company, please state the company name)

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