

Charter Township of Orion

Ordinance No. 76

Alcoholic Beverages Regulations

Adopted May 7, 1984

AMENDED

February 16, 1993

February 17, 1998

January 21, 2003

July 19, 2004

November 2, 2015

March 6, 2023

AN ORDINANCE TO ESTABLISH PROCEDURES AND STANDARDS FOR REVIEW OF APPLICATIONS, RENEWALS, TRANSFERS, AND REVOCATIONS OF LICENSES TO SELL BEER, WINE, AND/OR SPIRITS.**Section 1 – Title**

This Ordinance shall be known and cited as the Charter Township of Orion "**Alcoholic Beverages Regulations Ordinance**", and it shall be deemed sufficient in any action for enforcement of the provisions hereof to define the same by such short title and by reference to the number hereof.

Section 2 – Purpose *(amended 02.16.93)*

The purpose of this Ordinance shall be:

- A. To further secure and protect the general welfare and safety of the citizens and other persons within the Charter Township of Orion.
- B. To establish procedures and standards for review of applications, renewals, transfers, and revocations of licenses to sell beer, wine, and/or spirits, and permits issued in conjunction therewith.
- C. To establish procedures and standards for issuance or retention of available, but un-issued, licenses.

Section 3 – Definitions *(amended 02.16.93, 11.02.15)*

As used in this Ordinance:

- A. The definitions of "**Beer**", "**Wine**", and "**Spirits**" shall be as they are defined by Michigan State law and as cited in MCLA 436.1 *et. seq.*, as amended.
- B. "**Class C License**" means a license to sell retail beer, wine, mixed spirit drinks and spirits for consumption on premises.
- C. "**Licensee**" means a person who has been issued a Class C License, Tavern License, Resort License, SDM License or SDD License.
- D. "**MLCC**" means the Michigan Liquor Control Commission, as defined in the Michigan Liquor Control Act.
- E. "**Michigan Liquor Control Act**" means Michigan Public Act 8 of 1933, as amended (Michigan Compiled Laws 436.1 *et. seq.*).
- F. "**On-Premises License**" means a license to sell alcoholic liquor, at retail, for consumption on the licensed premises, including Class C, Tavern, and Resort Licenses.
- G. "**Person**" includes individuals, firms, or corporations.
- H. "**Resort License**" means a liquor license issued by the Liquor Control Commission in a resort area, not to exceed twelve (12) months, without regard to other MLCC quota requirements, in accordance with the Michigan Liquor Control Act.
- I. "**Special Permits**" include, but are not limited to, Outdoor Service Permits, "One-Day" Licenses, "After Hours" Permits, Temporary Dance and/or Entertainment Permits, and Specific Purpose Permits, as those terms are defined in the Michigan Liquor Control Act.
- J. "**Specially Designated Distributor**" (**SDD**) means a person, firm or corporation engaged in an established business licensed by the MLCC to distribute spirits and mixed spirit drinks in the original package for consumption off the premises.
- K. "**Specially Designated Merchant**" (**SDM**) means any person, firm or corporation to whom the MLCC grants a license to sell beer and/or wine, at retail, for consumption off the premises of such licensed place.
- L. "**Tavern**" means any place licensed to sell, at retail, beer and wine for consumption on the premises only.

Section 4 – Application for New License *(amended 02.16.93, 11.02.15)*

A. Application.

An application for a new license to sell beer, wine, and/or spirits within the Township shall be made to the Township Board through the office of the Township Supervisor, in writing, signed by the applicant(s) if an individual or partnership, or by a duly authorized agent if a corporation, verified by oath or affidavit, and shall be accompanied by a One Thousand Dollar (\$1,000) non-refundable fee to cover the costs of investigation and review by the Township. The application shall contain the following statements and information *(amended 01.21.03, 03.06.23)*:

1. The name, address and telephone number of the applicant, in the case of an individual; or, in the case of a co-partnership, the persons entitled to share in the profits thereof; in the case of a corporation, the object for which organized, the names, addresses and telephone numbers of the officers and directors and, if a majority interest in the stock of such corporation is owned by one person or his nominee, the name, address and telephone number of such person.
2. The character of business of the applicant; and in the case of a corporation, the object for which it was formed.
3. The length of time said applicant has been in a business of that character; or, in the case of a corporation, the date when its charter was issued.
4. The location and description of the premises or place of business which is to be operated under such license.
5. A statement whether the applicant has made application for a similar or other license on premises other than described in this application, and the disposition of such application.
6. A statement that the applicant has never been convicted of a felony and is not disqualified to receive a license by reason of any matter or thing contained in this Ordinance or the laws of the State of Michigan.
7. 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 Township in the conduct of its business.
8. The sources of all funds which will be relied upon in the establishment and operation of the entity sought to be licensed.
9. The distance from other licensees within a two (2) mile radius of the area where the proposed business will be located.
10. Whether a new building is proposed or an existing structure will be utilized.
11. 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.
12. The name, address and telephone number of the person to be called in the event of an emergency at the licensed establishment.
13. A statement demonstrating that the location proposed and the methods of operation will not detrimentally and unreasonably impact nearby property owners, businesses and residents.
14. 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.
15. Any other information relevant to a determination by the Township that there is or is not a need for additional licenses to be issued within the Township.
16. The application shall be accompanied by building and plot plans showing the entire structure and premises, and in particular, the specific areas where the license is to be utilized. The plans shall demonstrate adequate off-street parking, lighting, refuse disposal facilities and, where appropriate, adequate plans for screening and noise control.

B. Processing of Applications *(amended 11.02.15, 03.06.23)*

1. Investigation: A copy of any application submitted under this article shall be referred by the Township Supervisor to any Township department for an investigation relating to its areas of responsibility and a report back to the Township Board if, in the discretion of the Township Board, such investigation is in the interest of the Township residents or would assist the Board in its review. As part of the Township's investigation, the Township shall undertake the following:
 - a. The Township shall determine whether there are any uncured Ordinance violations; and forward its finding together with a written recommendation to the Township Board within thirty (30) days of receipt of the application unless a longer time period is determined to be appropriate as set forth by Resolution of the Township Board.
 - b. The Treasurer's office shall determine whether there are outstanding real estate taxes due and owing, or other unpaid fees such as water bill, inspection/permit fees, etc.; and forward its findings together with written recommendation to the Township Board within thirty (30) days of receipt of the application unless a longer time period is determined to be appropriate as set forth by Resolution of the Township Board.
2. Disqualification. An applicant shall be deemed ineligible for issuance of a new license and such application shall not be submitted to the Township Board if any of the following conditions apply:
 - a. An applicant is ineligible if they have had a liquor license revoked, or not renewed for cause, in the last seven (7) years under this Article or a comparable City or Township ordinance or state law, whether in Michigan or otherwise;
 - b. An applicant is ineligible if they had an influential interest in a business that has been declared by a court of law to be a nuisance, as defined under the Revised Judicature Act MCL 600.3801, within seven (7) years prior to the filing of the application for local approval, if the conditions creating the nuisance occurred during the time that the applicant had the influential interest in the business.
 - c. An applicant who is eligible to obtain a Class C Redevelopment Liquor License, based on the location of the proposed establishment for which an Applicant seeks local approval, shall not be eligible for local approval for a Class C License subject to a quota.
3. Determination: After receiving the reports of the Township Supervisor and any department from which the Township Board has requested a report, the Township Board shall grant a public hearing upon the license application to consider whether the issuance of an additional liquor license is in the best interests of the Township at large and fits the needs and convenience of its citizens. Following such hearing, the Township Board shall determine whether to approve or disapprove the issuance of a new license of the issuance of a dance, entertainment or dance-entertainment permit to the state liquor control commission and shall transmit its decision to the state liquor control commission and give notice of its decision promptly to the applicant in writing.
4. Township Board Decision: Such decision of the Township Board to approve or disapprove of an application shall be wholly within its discretion and its determination as to what action will best promote the best interest of the Township and its residents. Notwithstanding anything to the contrary in this Ordinance, no applicant for local approval has a right to the issuance of an alcoholic liquor-related license to the applicant; and the Township hereby reserves the right to determine who, if anyone, shall be entitled to the issuance of such a license, based on the objective criteria listed herein which relate to concerns of the public health, safety, and welfare as they correlate to the project. In reaching its decision, the Board should consider all pertinent factors, including those listed in this subsection. By listing some of the factors to be considered, this subsection shall not be deemed to accord applicants (For purposes of the review factors listed below, "applicant" shall be considered to include all officers, partners, members and managers of the proposed business or the entity applying for the license.) for liquor licenses any more or greater due process rights than those existing under the laws of the state. The factors considered by the Board may include the following:
 - a. Any possible cost burden on the Township;
 - b. Input, and the Board's perception, of the attitude of Township residents and business owners generally, as well as those in the surrounding area of the proposed licensed premises;
 - c. Whether the property values or character of the adjoining neighborhood will be adversely affected;

- d. Consistency with the building code, zoning ordinance, zoning map, land use plan, and master plan;
 - e. Proximity to residences, schools and churches, with consideration of any adverse effect the proposed establishment may have on such land uses;
 - f. Whether the location of the proposed licensed premises is in the best interest of the Township, when considering the location of licensed locations already in existence;
 - g. Whether the Township's best interests are best served by approving the issuance of another liquor license at the time an application is before it for consideration;
 - h. Whether an applicant's business, whether existing or proposed, will generate at least 50 percent of its gross revenues from the sale of food for on-site consumption and whether the applicant's premises are or will be, prior to commencing liquor sales, equipped to serve the required volume of food sales;
 - i. Whether traffic and parking requirements generated by the proposed licensed premises will cause unnecessary congestion or inconvenience on the public highways;
 - j. The applicant's experience, if any, in conducting a business holding a license from the state liquor control commission;
 - k. The applicant's management experience and reputation in connection with the operation of other businesses or facilities;
 - l. Crowd control and pedestrian and vehicle movement;
 - m. Number of similar licensed premises in the Township;
 - n. Concentration and capacity of similar establishments;
 - o. The adequacy of the applicant's financial resources to establish and operate the proposed establishment;
 - p. Association or integration with multi-use development;
 - q. Substantial renovation of existing building or preservation or restoration of historic resources;
 - r. Public safety and policing requirements, including whether applicant has any uncured Ordinance violations and the applicant's moral character, with special consideration given to any convictions for crimes involving moral turpitude, violence, or alcoholic liquor violations by the applicant or those who are intended to manage the facility:
 - (i) Background Check
 - (ii) Building Code Violations
 - (iii) OCSO recommendation
 - (iv) Fire Department recommendations
 - s. Proportion of floor area devoted to dining compared with bar area;
 - t. Size of kitchen;
 - u. Size of dance floor, if any;
 - v. Character of the establishment (e.g., night club, hotel, restaurant, dance club); and
 - w. Non-payment of taxes including outstanding real estate taxes due and owing, or other unpaid fees such as water bill, inspection/permit fees, etc.
5. The Township Board may also deny an application:

- a. To a person whose license, under this Ordinance, has been revoked for cause or not renewed at the request of the Township.
- b. To a person who, at the time of application for renewal of any license issued hereunder, would not be eligible for such license upon a first application.
- c. To a co-partnership, unless all of the members of such co-partnership shall qualify to obtain a license.
- d. To a corporation, if any officer, manager or director thereof, or a stock owner or stockholders owning in the aggregate more than five percent (5%) of the stock of such corporation, would not be eligible to receive a license hereunder for any reason.
- e. To a person whose place of business is conducted by a manager or agent unless such manager or agent possesses the same qualifications required of the licensee.
- f. To a person who has been convicted of a violation of any federal or state law concerning the manufacture, possession or sale of alcoholic liquor or a controlled substance.
- g. To 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, or to a person, corporation or co-partnership that does not have sufficient financial assets to carry on or maintain the business.
- h. To any law enforcing public official or any member of the Township Board, and no such official shall be interested in any way either directly or indirectly in the manufacture, sale, or distribution of alcoholic liquor.
- i. For premises where there exists a violation of the applicable Building, Electrical, Mechanical, Plumbing or Fire Codes, applicable Zoning Regulations, applicable Public Health Regulations, or any other applicable Township ordinance.
- j. For premises where it is determined by a majority of the Township Board that the premises do not, or will not reasonably soon after commencement of operations, have adequate off-street parking, lighting, refuse disposal facilities, screening, noise, or nuisance control where a nuisance does or will exist.
- k. Where the Township Board determines, by majority vote, that the proposed location is inappropriate, considering the desirability of establishing a location in developed, commercial areas, in preference to isolated, undeveloped areas; the reasonable likelihood that the location will become a nuisance to adjacent residents and property owners; traffic safety; accessibility to the site from abutting roads; capability of abutting roads to accommodate the commercial activity; distance from public or private schools for minors; proximity of any inconsistent zoning classification; and accessibility from primary roads or State highways.
- l. To any applicant who omits or falsifies any information required by this Ordinance.
- m. To sell alcoholic beverages at retail, nor shall a request to transfer an existing license be granted, if the contemplated location is within five hundred (500) feet of a church or school building. The distance between the church or school building and the contemplated location shall be measured along the center line of the street or streets of address between 2 fixed points on the center line determined by projecting straight lines, at right angles to the center line, from the part of the church or school building nearest to the contemplated location and from the part of the contemplated location nearest to the church or school building. *(added 07.19.04)*

C. License Approval.

If the Township is satisfied that the establishment for which a liquor license is sought may constitute an asset to the community, and meets all the criteria 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 the resolution. Approval of the license shall be granted with the following conditions:

1. In the Township'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. In the Township's discretion, a contract setting forth restrictions acceptable to the Township and agreed to by the applicant. Said contract may provide regulations as to the use of the license in conjunction with entertainment, prohibit or restrict the transfer of the license for a period of time, and any other provision allowed by law and agreed to by the Township and the applicant.
3. 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 Township within six (6) months after the issuance.
4. Construction shall be pursued within six (6) 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 Township Supervisor, and his subordinates, to the Township Board.
5. The Township Board may extend, upon a showing of special or unusual circumstances not the fault of the applicant, the time period set forth in Subparagraphs 3 and 4 above, upon a request made before expiration of said time periods.
6. No floor plans, building elevation, site plan, seating arrangement, kitchen layout or other pertinent facts, drawings or documents considered by the Township in granting its approval 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 Township Board. There shall be no fee charged under this Ordinance for Township review of such an approval request.
7. When the building or remodeling is complete, it must meet all State and local regulations, and must comply with representations made to the Township Board by the applicant.
8. Failure of any applicant to meet any of the conditions of this Ordinance shall be reason for the Township Board to deny the annual renewal of any of the licenses issued.

D. Term of License.

Approval of a license shall be for a period of one year, subject to annual renewal by the Township Board upon continued compliance with the regulations of this Ordinance. *(revised amendment 02.16.93)*

E. Available Licenses, Reservation of Authority, Procedure and Standards Regarding Issuance.

No such applicant for a liquor license has the right to the issuance of such license to him, her or it, and the Township Board 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 Township Board further reserves the right to take no action with respect to any application filed with the Township Board. The Township Board 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 Township at large and for the needs and convenience of its citizens. Before taking action with regard to a specific application, the Township Board shall make a determination that a need exists for the issuance of an additional liquor license within the Township, based upon the following criteria:

1. The applicant bears the burden of establishing that the Township can meet the needs of its residents for availability of liquor only by issuance of another liquor license.
2. Can the Township's need for a license be met, if an issued, but inactive, liquor license is made active? (Issued, but inactive, licenses include licenses which have been escrowed, pursuant to State law.)
3. Is there currently a reasonable relationship between the number of licenses issued (whether inactive or not) and the needs of the Township 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 Township have adequate police, fire and other emergency service personnel to service an additional licensed establishment?

F. Multiple Applicants for Available Licenses.

If the Township Board elects to issue an available license and more than one person applies for same, the criteria set forth in this paragraph shall determine which, if any, applicant is issued an available license.

1. The applicant which best meets the criteria set forth in Section 4.
2. The applicant whose operations will be most consistent with the promotion of the health, safety, and welfare of the residents of the Township.
3. The applicant whose operations will be most consistent with the appropriate use of adjacent properties and the Township as a whole.
4. The economic and social impact of the applicant's proposed establishment, including, but not limited to, the dollar amount of investment, the number of new employment opportunities, and whether a parcel of property in the Township will be developed and/or redeveloped. *(added 03.06.23)*
5. The applicant whose operations will be most consistent with the established policy of the Township as expressed in its other ordinances and resolutions.
6. 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.

Section 5 – Informational Filing Required *(amended 02.16.93)*

Whenever the information submitted by a licensee, pursuant to the application process contained in this Ordinance, changes, it shall be the duty of the licensee to notify the Township 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.

Section 6 – Application Procedure for New Permits *(amended 02.16.93, 11.02.15)*

Any permit ancillary to a liquor license, including Dance, Entertainment, or Dance / Entertainment, may be issued simultaneous to the issuance of a new liquor license or after the issuance of the liquor license, in the discretion of the MLCC. The Township Board, may issue a recommendation for approval or denial to the MLCC. Promptly upon receiving the MLCC notice of a permit application the Township Supervisor will refer the permit request to the Township Board, which will set the matter for hearing before the Township Board, due notice to be given the licensee. In passing on the licensee's request, the Township Board may consider the following: *(amended 02.17.98, 01.21.03, 03.06.23)*

- 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.

Upon conclusion of the public hearing, the Township may pass a resolution recommending either approval or denial of the permit and same shall be forwarded immediately to the MLCC.

Section 7 – Special Permits *(amended 02.16.93, 11.02.15)*

Request for special permits shall be made in writing to the Township Supervisor's office, accompanied by a Three Hundred Dollar (\$300) non-refundable application fee. The Township Supervisor shall coordinate approval of special permit requests with the Oakland County Sheriff's Department, then refer the request to the Township Board, which will set the matter for hearing before the Township Board, due notice to be given the licensee. In passing on the licensee's request, the Township Board may consider the following *(amended 01.21.03, 03.06.23)*:

- 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.

If the special permit request includes a request to use the permit on Township property, then the application must also comply with the relevant sections of Ordinance No. 132, Parks and Recreation.

Upon proof of a non-profit organization designation, the Township may, at its discretion, waive the Three Hundred Dollar (\$300) non-refundable application fee.

Section 8 – Inactive Licenses *(amended 02.16.93)*

Any license which has not been activated by the licensee upon the Township Board's yearly review for renewal (Section 9) may cause the Township to object to annual renewal of the license.

Section 9 – Renewal *(amended 02.16.93)*

The Township 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 Township Board by March 30 of the licensing year, then the license and/or permit will be renewed in accordance with the Liquor Control Commission rules. The Township Board may 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 Township approvals.
 2. The Township may also object to renewal based on the criteria set forth in Section 11, regarding revocations.
- 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 Township Board 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 their 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 Township approval.

Section 10 – Procedure for Objecting to Renewal or Requesting Revocation of Liquor License or Permit *(amended 02.16.93)*

A. Procedure.

Prior to filing an objection with the MLCC to a renewal, or filing a request for revoking an on-premises liquor license or a permit, the Township Board shall do the following:

1. Serve the licensee, by first class mail, mailed not less than ten (10) 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.
 - 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 Township Board shall submit to the licensee and the MLCC a written statement of its findings and determination.
4. If the Township Board determines that a recommendation of non-renewal and/or a request for revocation is to be filed with the MLCC, it shall pass a resolution to that effect, stating the specific reasons for the determination. The resolution will be forwarded to the MLCC in a timely fashion.

Section 11 – Revocation *(amended 02.16.93)*

The Township Board may request that the MLCC 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, including, but not limited to, failure of a new and/or expanding development to obtain site plan approval from the Township within 6-months of obtaining local approval and/or failure to commence construction within one (1) year of obtaining local approval if the Board has placed same as a condition on the issuance of a license *(amended 03.06.23)*.
- B. Violations of the State liquor laws.
- C. Violation of State law or local ordinances.
- D. Refusal to respond to written warnings that revocation proceedings may be commenced unless the licensee or his representative appear before the Township Board and show cause why revocation should not be initiated.
- E. Maintenance of a nuisance upon, or in connection with, the licensed premises including, but not limited to, any of the following:
 1. Existing violations of Building, Electrical, Mechanical, Plumbing, Zoning, Health, Fire or other applicable Regulatory Codes;
 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, and determined to be the fault of the licensee.
- G. Repeated reports that the licensee is serving minors or intoxicated persons.
- H. Failure by the licensee to permit the inspection of the licensed premises by the Township's agents or employees in connection with the enforcement of this Ordinance.

Section 12 – Procedure for Objecting to a Transfer of a Liquor License *(added 11.02.15)*

Promptly upon receiving the MLCC notice of a transfer application, the Township Board shall undertake the following procedure:

A. Procedure.

Prior to filing an objection with the MLCC for a transfer of a liquor license or a permit, the Township Board shall do the following:

1. Serve the licensee, by first class mail, mailed not less than ten (10) 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.
 - 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 Township Board shall submit to the licensee and the MLCC a written statement of its findings and determination. In making its determination, the Board may consider any of the following reasons, as stated on the record:
 - 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 ordinances.
 - d. Maintenance of a nuisance upon, or in connection with, the licensed premises including, but not limited to, any of the following:
 - (1) Existing violations of Building, Electrical, Mechanical, Plumbing, Zoning, Health, Fire or other applicable Regulatory Codes;
 - (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 surrounding area;

- (3) Failure to maintain the grounds and exterior of the licensed premises;
 - (4) Entertainment on the licensed premises without a permit and/or entertainment which disturbs the peace, order and tranquility in the surrounding area 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 surrounding area of the licensed premises.
- e. Excessive police contacts with licensed premises, or its patrons off the premises, and determined to be the fault of the licensee.
 - f. Repeated reports that the licensee is serving minors.
 - g. Failure by the licensee to permit an inspection of the licensed premises by the Township's agents or employees in connection with the enforcement of this Ordinance.
4. If the Township Board determines that a recommendation of denial or approval of a transfer application is to be filed with the MLCC, it shall pass a resolution to that effect, stating the specific reasons for the determination. The resolution will be forwarded to the MLCC in a timely fashion.

Section 13 – Request for Revocation of Off-Premises License *(amended 02.16.93)*

The Township Board may, by resolution, request the MLCC to revoke the license of a licensee which is licensed to sell alcoholic liquor for consumption off the premises (SDD or SDM), after it has been determined, pursuant to MLCC violation hearings, that the licensee sold or furnished alcoholic liquor, on at least three (3) separate occasions in a single calendar year, to a person who is less than twenty-one (21) 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 (21) years of age.

Section 14 – Inspections *(added 11.02.15)*

The Township reserves the right to annually inspect any and all liquor licensees operating within the Township. All inspections will be completed by the Township Building Department or other applicable Township departments.

Section 15 – Severability

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section 16 – Date of Effect

The Clerk of the Charter Township of Orion shall certify to the adoption of this Ordinance and cause the same to be published in The Lake Orion Review, a newspaper of general circulation in the Township, as required by law. This Ordinance shall take effect immediately upon publication, as so certified.