

**City of St. Clair Shores Quota Class C Liquor License Application
(meets 100 seating requirement)**

**Please return City Council Application to:
Mary A. Kotowski, City Clerk
27600 Jefferson Avenue
St. Clair Shores, MI 48081
586-447-3306 marya@scsmi.net**

Items that must be submitted to the City Clerk:

1. A complete City Council application (1 per applicant).
2. A \$2,500.00 non-refundable application fee payable to the City of St. Clair Shores.
3. Two reference letters (per applicant) with a written statement pertaining to the applicant's character, experience and financial ability to meet the obligations and business undertakings for which the license is to be issued.
4. A copy of the lease or contractual document pertaining to the location of the proposed license if applicant is not the owner of the premises.
5. A signed authorization form as attached to this application.
6. A preliminary site plan showing the relationship of the proposed structure, where the license applied for is to be located, to the surrounding property and uses, including photographs or drawings of each of the sides of the structure.

Items to be returned to the Police Department, Attention Special Investigations:

- A complete Police Department application (1 per applicant)
- Copies of the last 4 years tax returns
- A non-refundable fee of \$250.00 submitted with the application payable to the City of St. Clair Shores.
- You must be finger printed by the St. Clair Shores Police Department. Call 586-445-5315, Support Services Bureau for hours of operation. There is an additional processing fee for finger print services.

Enclosed you will find:

1. City of St. Clair Shores City Council Liquor License Application
2. City of St. Clair Shores Police Department Liquor License Application
3. Agreement Regarding Issuance or Transfer of Class C Liquor License (for a Non-Quota License)
4. Liquor License Ordinance

City of St. Clair Shores

27600 Jefferson Avenue St. Clair Shores, MI 48081
Phone: (586) 447-3303 Fax: (586) 445-0469 www.scsmi.net



TO ALL APPLICANTS OF LIQUOR LICENSES AND RELATED PERMITS:

Prior to the City of Saint Clair Shores receiving an application for a license or related permit to sell or serve alcoholic beverages, the applicant must pay a non-refundable \$2,500.00 application processing fee and Police Department fees. The City thoroughly reviews and investigates all persons or corporations applying for licenses to sell or serve alcoholic beverages. The Michigan Liquor Control Act and related rules grant local governments and police chiefs the authority to conduct investigations of applicants and make appropriate recommendations to the M.L.C.C. Various City departments are involved in the processing, review, investigation and recommendation of each application. The application process includes the Police, Fire, Planning and Community Development (Planning/Building/Zoning) and the City Clerk's Office. The application process expends considerable amounts of employee resources and taxpayer dollars.

An application for a liquor license or related permit is not a guarantee of City approval. The City follows an orderly non-discriminatory procedure for review and recommendation of each application to the Michigan Liquor Control Commission. Prior to paying the non-refundable application fee, each applicant should be familiar with the Michigan Liquor Control Act, Rules and related laws governing the sale of alcoholic beverages. The applicant should also be familiar with Saint Clair Shores City Ordinances. Applicants should pay close attention to the licensing process and restrictions listed in the Saint Clair Shores Liquor License Ordinance.

Applicants, who have past criminal convictions, offenses involving alcohol and poor business reputations are likely to receive unfavorable recommendations of approval from the City. Applicants who receive City recommendations of approval must be persons of excellent personal and business reputation who can be relied upon to consistently promote the general safety, health and welfare of the community. Applicants should also consider and review existing or proposed building sites to ensure their conformity to all local Fire Department and Building and Zoning regulations. Applicants should also consider restrictions regarding their proximity to churches and schools. Applicants who have concerns or questions about the licensing process or license application and permit fees are encouraged to contact the appropriate City department.

Prior to the approval of issuance of any new Quota License, City Council requires the execution of an Agreement by the applicant which stipulates that the license being issued will be returned to the City's quota allocation if it is no longer in the operation or being used for a period in excess of 90 days (Agreement Form is attached). Further, that the license will not be transferred out of the City.

If you have any questions, please contact me at (586) 447-3303.

Sincerely,

Mary A. Kotowski, MMC, CMMC
City Clerk
marya@scsmi.net



City of St. Clair Shores Liquor License Application

City Clerk's Office
27600 Jefferson
St. Clair Shores MI 48081

Phone: (586) 447-3303
Fax: (586) 445-0469
marya@scsmi.net

Please print or type - separate application required for each applicant

1. Applicant's Name: _____

Address _____

Business Name: _____

Business Address: _____

Telephone: _____

Email: _____

Address and legal description of property where license proposed to be located:

2. Type of license applied for: _____

Date application for transfer or for new license was filed with the Michigan Liquor Control Commission: _____
(Date)

3. Give the following information for the business proprietor, partners and persons with an interest in the business to be licensed. If incorporated, give same information for officers, directors and managerial employees:

Name	Address	Nature of Interest in Business Official Position	U.S. Citizen? Yes or No
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Name and Address of Resident Agent: _____

4. Have any of the persons named above had a license issued under any alcoholic control law or ordinance suspended or revoked at any time?

If so, attach a statement giving a full explanation of each such suspension or revocation, including the date thereof.

5. Has there been a suspension or denial to the applicant or applicants of a liquor license within the past two years?

6. Is the applicant the owner of the premises to be licensed?

If not, do you have a lease covering the full license period for the premises to be licensed? _____. Give date lease expires and attach a copy:

If the applicant is not the owner of the premises to be licensed, give name of owner and address:

Name: _____

Complete Address: _____

7. Do you or any member of your family hold a license for sale of alcoholic beverages at the present time, either as an individual, a member of a partnership or stockholder in a licensed corporation? _____

If so, give type of license: _____

Name in which license is issued and relationship: _____

Address: _____

8. Have you or any member of your family previously held a license or any interest in a license for sale of alcoholic beverages in the State of Michigan? _____

If so, give type of license or licenses, names in which licenses were issued, stating relationship and location: _____

9. Have you or any member of your family ever held a license for sale of alcoholic

beverages anywhere in the United States? _____

If so, give address, city, state and name in which license was issued:

10. State whether or not you will be active in the management of the subject business if the license is granted. _____

If so, in what capacity? _____

11. Does applicant propose to operate a restaurant, an SDM or SDD business, or conduct any form of entertainment in connection with his business or operate a juke box or offer music of any type? _____

If yes, furnish all details: _____

12. Applicant has/has not submitted with this form a preliminary site plan which includes a diagram showing the relationship of the proposed structure to the surrounding property and uses, and photographs or drawings of each of the sides of the structure in which the license shall be operated. (Cross out inapplicable phrase).

13. Applicant has/has not submitted with this application form a written statement pertaining to applicant's character, experience and financial ability to meet the obligation and business undertaking for which the license is to be issued. (Cross out inapplicable phrase). (reference letters)

14. Applicant has/has not submitted with this application a copy of its state license issued by or application for a state license submitted to the Michigan Liquor Control Commission. (Cross out inapplicable phrase).

15. Applicant has/has not submitted the \$2,500.00 applicant fee with this application form. (Cross out inapplicable phrase).

16. Personal information. (To be completed by the person who is the applicant/signer or the person who has submitted the license request to the Michigan Liquor Control Commission).

Applicant:

Full Name _____

Age _____ Date of Birth _____

Address _____

Sex _____ Height _____ Weight _____

Telephone _____ Color of Hair _____ Eyes _____

Social Security Number _____

U.S. Citizen? _____ Naturalized? _____
(Number and Place)

Driver's License Number _____

Marital status _____

Michigan Resident _____ How long _____

Spouse:

Full Name (including name before marriage to you) _____

Address _____

Telephone _____ Date of Birth _____

Dependents and/or Children:

Name	Address	Telephone	Birth Date
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Employment (past 10 years)

<u>Occupation</u>	<u>Name & Address of Employer</u>	<u>Supervisor</u>	<u>From</u>	<u>To</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

List Residence for Past 10 Years

<u>Address</u>	<u>City & State</u>	<u>From</u>	<u>To</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Have you ever had your name legally changed? _____

Have you ever used a name other than the one you now use? _____

If so, give former name(s) _____

Have you ever been arrested? (This means any arrest regardless of whether or not you were convicted) _____. Have you ever been convicted? _____

Give a complete record of all arrests and convictions, including dates and places:

17. As preparer of this application, the undersigned understands that in addition to supplying the information required above, no St. Clair Shores Liquor License Application will be considered fully completed for further processing unless applicant has submitted and the City has received all of the following:

- (1) a preliminary site plan showing the relationship of the proposed structure, where the license applied for is to be located, to the surrounding property and uses, including photographs or drawings of each of the sides of the structure;
- (2) a written statement pertaining to the applicant's character, experience and financial ability to meet the obligations and business undertakings for which the license is to be issued; (2 reference letters)
- (3) notification to the City of St. Clair Shores from the Michigan Liquor Control Commission that it has received from the applicant an application for a state license pertaining to the identical premises;
a two thousand five hundred (\$2,500.00) dollar non-refundable application fee;
- (5) a copy of the lease or contractual document pertaining to the location of the proposed license if applicant is not the owner of the premises;
a signed authorization form as attached to this application;
- (7) any other information pertinent to the application and operation as may be required by the City council by prior notice to the applicant at any time during the application review procedure.

By executing this application, I authorize the City of St. Clair Shores and its agents to conduct a full background investigation including, but not limited to, my criminal, financial, personal and business history.

I further acknowledge receipt of a copy of the St. Clair Shores Liquor License Ordinance.

Signature

Representative capacity, if any

Subscribed and sworn to before me this _____ day
of _____, 20 _____.

Notary Public, Macomb County, Michigan
My commission expires: _____

Date this form is submitted: _____

Please list the name/way your business is titled for LCC _____ and if a transfer the name the license is issued under by LCC _____. (failure to complete this section properly may delay your license being issued by the Michigan Liquor Control Commission and need a second City Council Resolution adoption.

AUTHORIZATION FORM

CITY OF ST. CLAIR SHORES

MACOMB COUNTY, MICHIGAN

TO ANY PERSON PRESENTED WITH THIS AUTHORIZATION BY AN AGENT OF THE CITY OF ST. CLAIR SHORES,

YOU, AND ANY PERSON ASSOCIATED WITH YOU, ARE HEREBY AUTHORIZED TO GIVE TO THE CITY OF ST. CLAIR SHORES, OR ANY REPRESENTATIVE THEREOF, ANY AND ALL INFORMATION WHICH MAY BE REQUESTED REGARDING MY EMPLOYMENT, BANK ACCOUNTS, STOCK AND BOND ACCOUNTS, OTHER FINANCIAL MATTERS, MY PHYSICAL CONDITION AND TREATMENT RENDERED BY YOU THEREFOR AND, IF NECESSARY TO ALLOW THEM TO EXAMINE ANY RECORDS WHICH YOU MAY HAVE CONCERNING MYSELF OR MY HEALTH.

(Signature)

(Type or print name)

Witness:

Dated: _____

AGREEMENT REGARDING ISSUANCE OR TRANSFER OF CLASS C LIQUOR LICENSE
CITY OF SAINT CLAIR SHORES, MI

THIS AGREEMENT is entered into this _____ day of _____, 20__, between _____, (hereinafter referred to as "Applicant"), and the CITY OF SAINT CLAIR SHORES, a Michigan municipal corporation (hereinafter referred to as "City").

WITNESSETH:

WHEREAS, the Applicant has requested that the City recommend to the Michigan Liquor Control Commission ("MLCC"), approval of the issuance or transfer to it of a Class C liquor license presently held by _____, a _____, at _____, Saint Clair Shores, Michigan 4808__ and for approval for the Applicant to utilize the license at that location; and

WHEREAS, as of the date of this Agreement, the City has __5__ Class C quota liquor licenses available for possible issuance; and

WHEREAS, there are currently approximately _____ Class C liquor licenses which were previously issued by the City from the City's quota of licenses which are being held in escrow with the MLCC because the businesses which utilized these licenses have closed; and

WHEREAS, the City's ability to encourage economic development may be diminished if a number of liquor licenses are held 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 of 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 of the City to process and approve its application for the issuance or transfer of the aforesaid Class C liquor license, Applicant is willing to abide by the terms of the policy of the City if the Applicant's request is approved.

NOW, THEREFORE, in consideration of their mutual promise, the parties agree as follows;

1. The City will, in reliance upon Applicant's agreement herein, recommend to the MLCC approval of the transfer of the above Class C liquor license to be utilized at _____, Saint Clair Shores, Michigan 4808__.
2. Applicant agrees that if, for any reason except for fire or acts of God, it should discontinue the use and operation of the license for a period in excess of ninety (90) consecutive days without the prior written consent of the City, then, and in that event, the Applicant will return the license to the MLCC 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 Section 19C of the Michigan Liquor Control Act (MCLA 436.19C, as amended).
3. Applicant agrees not to transfer the license outside the City of Saint Clair Shores.
4. Nothing in this Agreement shall prohibit the Applicant from selling, assigning or transferring its interest in the licenses and/or business, nor from transferring the location of the license within the boundaries of the City, subject to the approval of the City and the MLCC.
5. In the event the Applicant 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.

6. The City and the Applicant acknowledge that this Agreement and the covenants and obligations herein are unique, and in the event of default by the Applicant, the City would not be able to be adequately compensated in damages. It is therefore agreed that in the event of a default by the Applicant, the City shall have the right to enforce the terms and provisions hereof by an action for specific performance and/or other equitable relief, and if the City prevail in such action, it shall be entitled to recover its reasonable costs and attorney fees.

WITNESSES:

By: _____

Its: _____

WITNESSES:

By: _____

Its: City Manager

And By: _____

Its: City Clerk

St. Clair Shores Police Department Liquor License Application

Complete and return to Special Investigations
City of St. Clair Shores Police Department
27655 Jefferson Avenue
St. Clair Shores, MI 48081
586. 445.5342

Items to be returned to the Police Department, Attention Special Investigations:

- A complete Police Department application (1 per applicant)
- Copies of the last 4 years tax returns
- A non-refundable fee of \$250.00 submitted with the application payable to the City of St. Clair Shores.
- You must be finger printed by the St. Clair Shores Police Department. Call 586.445.5315, Support Services Bureau for hours of operations. There is an additional processing fee for finger print services.

ST. CLAIR SHORES POLICE DEPARTMENT
LIQUOR LICENSE APPLICATION

INSTRUCTIONS PAGE

Type of Liquor License being applied for: _____

Read every question carefully and answer it accurately to the best of your ability. The information you provide in this personal history statement will be used in the investigation into your background in determining whether your request for a Liquor License in St. Clair Shores will be approved. Deliberate inaccuracies, incomplete or missing answers, will result in the application being returned to you for completion, or may be rejected entirely.

Please type or print your responses in ink. If the space provided is not sufficient, attach separate sheets. If a question does not apply to you, write N/A (Not Applicable). All statements are subject to verification. A separate completed application is required for each applicant.

In addition, if you are an applicant for a new or transfer of a Class C Liquor License you must also submit a completed application form which is available from the City Clerk's office and return it to their office for action by the St. Clair Shores City Council.

A non-refundable fee of \$250.00 must be submitted with this application payable to the City of St. Clair Shores.

You must be fingerprinted at the St. Clair Shores Police Department Support Services Bureau. For hours of operations call (586) 445-5315. There is an additional processing fee for finger print services.

AUTHORIZATION TO RELEASE INFORMATION

As an applicant for a Liquor License within the City of St. Clair Shores, I am required to furnish information for use in determining my background. In this connection, I authorize release of any and all information that you may have concerning me, including information of a confidential or privileged nature.

I hereby release you, your organization, or others from liability or damage which may result from furnishing the information requested.

Signature: _____

Dated: _____

Witnessed: _____

Dated: _____

I. PERSONAL DATA

1. Name: _____
(last) (first) (middle)
2. Has your name ever been legally changed? Yes _____ No _____
If yes, explain: _____
3. List any other names you may have used (alias, nickname, etc.): _____

4. State maiden name, if applicable: _____
5. Date of Birth: _____
6. Place of Birth: _____
(City, County, State and Country)
7. Are you a United States citizen? Yes _____ No _____
8. If a Naturalized citizen, when, where, and Citizenship Number: _____

9. If you are not a citizen, give Alien Card number or Resident number (attach copy of card): _____
10. How long have you lived in Michigan? _____
11. How long have you lived in United States? _____
12. Present address: _____
(Street number & name, Apt #, City, State, Zip)
13. Telephone number: Home _____ Business _____
14. How long have you lived at this address? _____
15. List your home addresses during the past 10 years:
 1. _____

- 2. _____
- 3. _____
- 4. _____

16. Height _____ Weight _____
Eye Color _____ Hair Color _____

17. MI Operator's License number (attach copy): _____

18. Social Security number (attach copy): _____

19. Current place of employment: _____

Address: _____

Type of Work: _____ Name and telephone # of
immediate supervisor: _____

20. Employment references for last ten years, most recent first:

21. Have you ever been arrested? Yes _____ No _____

If answer is yes: Felony _____ Misdemeanor _____

Give complete record of all arrests and convictions, including charges, dates, places,
and disposition: _____

22. Military record – attach a copy of DD 214 (Discharge papers):

Branch _____ Rank at time of Discharge _____

Type of discharge _____

Were you ever court-martialed, tried on charges, or were you the subject of Summary Court, Deck Court, Captain's Mast, Office Hours, Company Punishment, or any other disciplinary action?

If yes, explain: _____

23. Married or Single: _____

If married, spouse's full name, along with her maiden name (if applicable) and date of birth: _____

Is spouse a United States citizen? Yes _____ No _____

If spouse is a Naturalized citizen, when, where and give Citizenship number and attach a copy: _____

If not a citizen, give spouse's Alien/Resident Card number and attach a copy:

24. List all children's full names and dates of birth:

25. List spouse's employment record for last 10 years, most recent first:

26. Has your spouse ever been arrested? Yes _____ No _____

If answer is yes: Felony _____ Misdemeanor _____

Give complete record of all arrests and convictions, including charges, dates, places, and disposition: _____

27. Have you ever been married before? If yes, name(s) and addresses of former spouse(s): _____

28. Has your spouse ever been married before? If yes, name(s) and addresses of their former spouse(s): _____

29. Do you or your spouse, now, or have you ever associated with known person(s) who have been involved, charged, and/or convicted of illegal gambling, narcotic, or vice activities? Yes _____ No _____

If yes, give full details: _____

II. FINANCIAL STATUS

1. Present Net Worth _____
2. Income Tax Returns, Federal & State, attach copies for last 4 years (copies of Form 1040 only, Schedules are not required):

Year	_____	_____	_____	_____
Total Gross Income	_____	_____	_____	_____
Total Taxable Income	_____	_____	_____	_____
Total Federal Tax paid	_____	_____	_____	_____
Total Michigan Tax paid	_____	_____	_____	_____

3. Have you ever been delinquent on your income tax or other tax payments?

Yes _____ No _____ If yes, explain. _____

4. Have you ever declared bankruptcy? Yes _____ No _____

If yes, explain. _____

5. List all bank accounts, including bank branch and account number. Note and include accounts which are held jointly and give the current balance of each. If joint account, list name and address of the other person. _____
-
-
-

6. List all loans held by the applicant, to whom and for what, present balance and monthly payments. If it is a joint loan, list names and address of person(s) also paying off the loan. If there is a co-signer, give their name and address.

7. If business is a partnership or a company give the following information for persons with interest in the business:

Name & Address	Nature of interest in business or official position	U.S. Citizen (yes or no)
----------------	--	-----------------------------

8. Have any of the persons above had a liquor license or beer and wine license suspended or revoked at any time? Yes _____ No _____

If so, attach full explanation.

9. Does applicant now have or ever had a liquor license or beer and wine license?

Yes _____ No _____ If yes, list name and location of all businesses and list any violations and dates of violations. _____

10. Has applicant ever applied for a liquor license, or beer and wine in the past? _____
Was it approved or refused? _____

11. Does any member of your family now have or ever had a liquor license, or beer and wine license? _____ If yes, describe: _____

12. Do you plan to have any type of amusement devices? Yes _____ No _____

If yes, give details: _____

Note: There is a City Ordinance (Chapters 19.400 – 19.405) regulating Amusement Devices in the City of St. Clair Shores. Specific information and licensing applications are available at the Community Development Department, 27600 Jefferson Avenue, St. Clair Shores MI 48081 586-447-3340. A license must be obtained to have any type of amusement device on the premises.

13. Other Liquor Licenses within two blocks (to be completed by the Police Department):

Name	Address	Type of License
------	---------	-----------------

_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

14. Have you paid, promised to pay, or given any money, material, service or consideration to any person, directly or indirectly, for any recommendation toward procuring your Liquor License? Yes _____ No _____

If yes, explain fully. _____

15. Are you now engaged in any business as a silent owner or partner? Yes ___ No ___

If yes, explain fully. _____

16. Have you paid, promised to pay, or given any money, material, service or consideration to any political candidate for any elected office?

Individually: Yes _____ No _____

Corporately: Yes _____ No _____

If yes, explain fully. _____

STATEMENT OF MONEY LENDER

State of Michigan

County of _____

I, _____, being first duly sworn, deposes and says:

That I am loaning \$ _____ to _____ for
the purchase of _____, licensed business and real
estate located at _____.

That the debt is secured by the following instruments: _____

That the following persons are co-signers/co-makers: _____

That the debt is repayable as follows: _____

That I will / will not (circle one that applies) have any interest in the licensed business other
than as creditor for the debt listed above.

That my occupation is: _____

That my bank accounts are located at: _____

That I have earned or accumulated the money I am lending as follows: _____

Subscribed and sworn to before me this _____ day of _____, _____.

Notary Public _____
_____, County, Michigan.

My Commission Expires _____.

Signature _____

III. PLACE OF BUSINESS

1. Name of Business: _____
Address: _____ Telephone: _____
2. Name of owner of building: _____
Address: _____ Telephone: _____
Short description of building with approximate size: _____

3. Type of business to be conducted: _____
Type of business if already established: _____
Is establishment connected with living or sleeping quarters? _____
Can living quarters be reached from inside the establishment? _____
Has the location been approved by the Zoning Board? _____
Does applicant intend to have danced or entertainment? _____
Approximate capacity: _____ Is there a basement? _____
Overall condition of building: _____

Do you plan to have a juke box and/or pool tables? _____

4. Terms of Lease or Mortgage (attach copy): _____

Rent or mortgage payment per month: _____

How long is Lease or Mortgage for? _____

What is the total current Property Tax? _____

5. Total investment in business: _____

Total down payment: _____
(attach copy of any purchase agreement)

How much is financed and at what interest rate? _____

From whom, their address and phone number: _____

6. Is business owned by applicant or is it a partnership, company, or corporation?

If business is a partnership, company or corporation, attach copy of corporation or company papers or any agreements between parties involved in the partnership.

7. Corporation Information (complete if applicable):

Date of incorporation: _____

Date authorized to do business in Michigan: _____

Amount of authorized stock: _____

Amount of stock issued: _____

Par value of stock: _____

List stockholders and number of Certificates held:

Name and addresses of all officers and office held:

AFFIDAVIT
STATE OF MICHIGAN

On this _____ day of _____, _____ before me personally appeared _____ who, being dully sworn, deposes and says that he/she has read the foregoing statements of this application, by him/her subscribed; that he/she understands the contents thereof; that the information written by him/her is true to the best of his/her knowledge and belief; that he/she has been informed and understands that any material misrepresentation of facts given by him/her may be cause for denial of License; if it's License is approved, it may later be cause for rejection of License renewal.

(Applicant's signature)

Subscribed and sworn to before me this

_____ day of _____

Notary Public _____

_____, County, Michigan.

My Commission Expires _____

City of St. Clair Shores

19.650 Liquor License Ordinance

19.650 LIQUOR LICENSE ORDINANCE Ord. Effective: March 13, 2001

This article shall be known and may be cited as the "St. Clair Shores Liquor License Ordinance."

19.651 Purpose.

Sec. 1. This article is established to cause the greatest benefit to the City of St. Clair Shores in its use of the powers with regard to the issuance, transfer, renewal or revocation of liquor licenses within its jurisdiction. This article is established in order to provide an orderly and nondiscriminatory procedure for the review and approval by the City of St. Clair Shores of any and all requests for liquor licenses or any matter relating thereto, or relating to the sale or dispensation of alcoholic beverages within the City of St. Clair Shores. Each person, firm or corporation who desires such license approval, renewal or transfer of the same shall comply with the provisions of this article.

(ord. eff. March 13, 2001)

19.652 Applicability.

Sec. 2. This article shall apply only to applications for licenses to sell beer, wine or spirits for on-premises consumption, including, but not limited to, Class B licenses, Class C licenses, resort licenses, tavern licenses, club licenses and hotel licenses. This ordinance shall not, in any event, apply to applications for SDM and SDD licenses, special licenses granted by the Michigan Liquor Control Commission, or one-day permits as allowed by statute.

(ord. eff. March 13, 2001)

19.653 Definitions.

Sec. 3. The following definitions shall apply to this chapter:

(1) *Person, firm or corporation.* These terms, as used in this article, include any person or legal entity of whatsoever kind or nature either charitable or profitable, that desires to have or is already possessed of any license issued by the State of Michigan for the sale and dispensation of alcoholic beverages pursuant to a liquor license of any variety within the City of St. Clair Shores.

(2) *Alcoholic beverages.* This term shall mean any spirituous, vinous, malt or fermented liquor, liquids and compounds, whether or not medicated, proprietary, patented, and by whatever name called, containing one-half of one (1/2 of 1%) per cent or more of alcohol by volume which are fit for use for beverage purposes.

(ord. eff. March 13, 2001)

19.654 Applications for new license.

Sec. 4.

(1) *City application required.* The applicant must first submit an application for a liquor license to the City of St. Clair Shores. The applicant shall submit a current and fully completed "City of St. Clair Shores Liquor License Application," as prepared and furnished by the city clerk, to:

City Clerk
City of St. Clair Shores
27600 Jefferson Circle Drive
St. Clair Shores, Michigan 48081

(2) *Authorization for investigation.* The applicant shall, as part of the application process, authorize the City of St. Clair Shores to conduct a background investigation which will include, but not be limited to, the criminal, financial, personal and business history of the applicant.

(3) *Required information and applicable fee.* The city application shall include at least the following information:
(1) Name and address of applicant. If a partnership or corporation, all persons with an ownership interest shall be listed.

Revised: 8/4/17

- (2) Type of license desired.
 - (3) Address and legal description of the property where the license is to be located.
 - (4) A preliminary site plan showing the relationship of the proposed structure to the surrounding property and uses, and photographs or drawings of each of the sides of the structure in which the license shall be operated.
 - (5) A written statement as to the applicant's character, experience and financial ability to meet the obligations and business undertakings for which the license is to be issued.
 - (6) Any other information pertinent to the applicant and operation of the proposed facility as may be required by the city council by prior notice to the applicant.
 - (7) The application shall be accompanied by a deposit of a nonrefundable fee, in an amount determined by the city council, to cover the cost of investigation, review and inspection by the City of St. Clair Shores of said application. The application fee at the time of the adoption of this ordinance shall be TWENTY-FIVE HUNDRED (\$2,500.00) DOLLARS.
- (4) *Recommendations from city departments.* Following the receipt of the fully completed application, fees, and such other information as may be requested by the city, the city clerk shall forward the application to the police department, fire department, building department, and such other departments as required by the city manager, which departments shall make their recommendations prior to consideration by the city council. In making its review, the city may request from the applicant other pertinent information.
- (5) *Placement upon city council agenda.* Upon receipt by the city clerk's office of the recommendations of the police department, building department, fire department, and other departments as required, the clerk shall cause the application to be placed upon the agenda of the city council within sixty (60) days after the receipt of the same in the office of the clerk. All applications are subject to the final approval of the city council.
- (6) *Initial action by city council.* At the initial meeting before the city council to consider the application for a liquor license, the city council shall generally take one of the following steps:
- (1) Ask the applicant to proceed with the submitted plans so that a more detailed and complete proposal may be heard by the council at a later date; provided, however, that this action by the council shall not be interpreted to mean approval of the application or the general details of the proposal.
 - (2) Postpone action on the application for a period not to exceed sixty (60) days. The sixty-day limitation for postponement of action may be waived by the applicant if the postponement is for the purpose of supplying the city council with additional information requested of the applicant by the city council, when the applicant is unable to supply the requested information within that stated time period.
 - (3) Recommend to the liquor control commission of the State of Michigan approval of the applicant above all others for the issuance of a liquor license.
 - (4) Reject the application stating the reasons for this denial.
- (7) *Criteria for decision on application.* The city council, in making its decision, shall consider the following criteria on the application:
- (1) The applicant's management experience in the alcohol/liquor business.
 - (2) The applicant's general business management experience.
 - (3) The applicant's general business reputation.
 - (4) The applicant's moral character.
 - (5) 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.
 - (6) Past criminal convictions of the applicant for crimes involving moral turpitude, violence or alcoholic liquors.

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- (7) The applicant's excessive use of alcoholic beverages.
- (8) The effect that the issuance of a license would have upon the economic development of the surrounding area.
- (9) The effects that the issuance of a license would have on the health, welfare and safety of the general public.
- (10) The recommendations of the local law enforcement agency, building department and/or fire department with regards to the proposed facility.
- (11) 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.
- (12) The uniqueness of the proposed facility when contrasted against other existing or proposed facilities.
- (13) The number of liquor licenses issued by the City of St. Clair Shores within the past twenty-four (24) months.
- (14) 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.
- (15) 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.
- (16) The proximity of the proposed business facility to other similarly situated licensed liquor facilities.
- (17) 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.
- (18) The permanence of the establishment in the community as evidenced by the proposed or actual commitments made by the applicant.
- (19) Such other considerations as the council may deem proper, provided such considerations are reasonable under all of the circumstances.

(8) *Restrictions on licenses.* No license shall be issued to:

- (1) A person, co-partnership or corporation unless the premises of the proposed business shall seat a minimum of **one hundred (100)** persons. This provision shall apply to newly issued quota licenses only. **(amended May 4, 2016)**
- (2) The City Council may issue a license to an applicant who owns an existing business that has fewer than the minimum seating requirement if all of the following conditions are met:
 - a. The City holds more than six (6) un-issued quota licenses,
 - b. The petitioner has invested at least **\$40,000** in the real property within the 36 months preceding the application, or agrees to invest at least **\$40,000** in the real property within the 24 month(s) after the granting of the license with approved improvement plans submitted with the application, unless the building/tenant space was constructed within the previous ten (10) years. **(amended 10/03/2011)**
 - c. The establishment meets the current parking requirements. City Council shall be the body to grant a parking variance which shall be submitted with the application.
 - d. The establishment has operated continuously for at least five (5) years within the City of St. Clair Shores.
 - e. The petitioner has at least five (5) years experience as an owner/operator of a restaurant.
 - f. At least 90% of usable restaurant/bar floor space is devoted to dining (as opposed to bar).
 - g. Any other factors that City Council considers important to protect the health, safety and welfare of the City and its residents.
- (3) A person whose liquor license has been revoked or not renewed for cause under this article, or a comparable city, or township ordinance, or state law whether in Michigan or otherwise.
- (4) A co-partnership or partnership, unless all the members of such co-partnership or partnership shall qualify to obtain a license.
- (5) A corporation, if any officer, manager, or director thereof, or stockholder owning in the aggregate more than ten (10) per cent of the stock of such corporation would not be eligible to receive a license hereunder for any reason.
- (6) A person who has been convicted of a crime punishable by death or imprisonment in excess of one

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year; a crime involving theft, dishonesty or false statement (including tax evasion) regardless of punishment; or a crime or administrative violation of a federal or state law concerning the manufacture, possession or sale of alcoholic beverages or controlled substances.

- (7) 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 city ordinance.

(9) *Request for consideration of conditional approval.* Once an applicant who has been asked to proceed by presenting a more detailed and complete proposal has sufficiently completed its plans, and obtained site plan, engineering, zoning, planning, and other necessary approvals by the city, the applicant may then request consideration by the council of a conditional approval. Upon the receipt of a written notice by an applicant that he requests consideration of a conditional approval; the city clerk shall cause the application to be placed on the agenda of the city council for said council's action within sixty (60) days of the receipt of the same by the office of the clerk. At that meeting, the applicant shall be prepared to discuss the following:

- (1) Cost estimates for the building, furnishings and fixtures as part of the proposal.
- (2) Site plan information, including landscaping and other aesthetic features of the proposal.
- (3) Estimate of the number of employees who would be required for the operation.
- (4) Information on the individual or individuals expected to manage the operation, as well as information as to how the facility would actually be managed.
- (5) Information about any entertainment or dancing that might be involved.
- (6) Answers to any related questions about the proposed improvements and/or general operation of the facility.

(10) *Action by council; contingencies of conditional approval.* Following this presentation by the applicant, the city council may conditionally approve, above all others, the application, postpone consideration for a reasonable period, or reject said approval. Conditional approval will be contingent upon the obtaining of building permits and any other necessary permits, licenses or approval from the city within six (6) months from the date of such conditional approval. The construction of new buildings and alterations of existing buildings shall commence within six (6) months after the date of the conditional approval, with a completion date of no more than one year after the issuance of the relevant building permit. Extensions for completion of construction or alteration may be granted by the city council for good cause.

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

(12) *Recommendation for approval of liquor license.* Upon completion of the building and in accordance with the prior conditional approval for the council, the city council shall then thereupon recommend, above all others, the applicant for approval of the liquor license to the liquor control commission of the State of Michigan.

(13) *Reservation of authority.* No applicant for a liquor license has a right to the issuance of such license to him, her or it, and the city council reserves the right to exercise reasonable discretion to determine who, if anyone, shall be entitled to the issuance of such license.

(ord. eff. March 13, 2001; amend. eff. April 16, 2009, amend. eff. *September 11, 2009 amend. effective October 3, 2011*))

19.655 Transfer of existing licenses.

Sec. 5. The transfer of any existing liquor license covered hereunder shall be subject to each of the requirements, criteria and procedure, including fees, set forth in this article for the granting of a new quota liquor license. In addition, the transferee - applicant shall furnish a copy of any and all files which may be in the Michigan Liquor Control Commission's possession regarding that commission's investigation of the transferee as a present licensee, or as a previous licensee, or in which transferee has or has had a partial interest in. In addition, all local taxes must be paid in full prior to transfer approval.

(ord. eff. March 13, 2001; amend. eff. *April 16, 2009*)

19.656 Objections to renewal and requests for revocation.

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Sec. 6.

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

(2) *Procedure.* Before filing an objection to the renewal or request for revocation of a license with the Michigan Liquor Control Commission, the city council shall serve the license holder, by first class mail, mailed not less than ten (10) days prior to the hearing, a notice of such hearing, which notice shall contain the following information:

(1) Notice of the proposed action.

(ord. eff. March 13, 2001)

19.657 Standards.

Sec. 7.

(a) The City Council may object to a renewal of a liquor license or request the revocation of a liquor license upon a finding that a violation of local health or safety ordinances has occurred, or that the business operation constitutes a nuisance.

(ord. eff. March 13, 2001)

19.658 Annual license review.

Sec. 8.

(a) As a condition of the continuing validity of a license hereunder, a licensee shall pay an annual \$150.00 inspection fee to the City of St. Clair Shores for a review of the licensee's compliance with the purpose and criteria set forth in this Ordinance. Such review shall include, but not be limited to, the City's inspection of the licensed premises for zoning and other ordinance/code compliance, policy activity on the premises, and status with an action taken, if any, by the Michigan Liquor Control Commission as well as the verification of the current accuracy of the licensee's information on any application, data or document originally submitted or required for licensing approval pursuant to this Ordinance. The licensee shall be required to supply all information deemed reasonably necessary by the City in updating the licensee's information on file and in its application, and to permit the City reasonable access to its premises and personnel to complete its review.

(ord. eff. March 13, 2001)

Any ordinance or parts of any ordinance in conflict with any provisions of this ordinance are hereby repealed.