

CITY OF OAK PARK, MICHIGAN

LIQUOR LICENSE APPLICATION PROCESS



The information herein is a good faith effort to briefly summarize an extensive set of laws, regulations and procedures. Persons seeking additional information may want to consult with a private attorney. It is the responsibility of the liquor license holder, their agents, and their employees to comply with the Code of Ordinances, City of Oak Park, Michigan and the Michigan Liquor Control Code, Administrative Rules and Related Laws available from the Michigan Liquor Control Commission, Department of Licensing and Regulatory Affairs.

The City of Oak Park, Michigan
City Clerk's Office
14000 Oak Park Blvd
Oak Park, MI 48237

Dear Liquor License Applicant:

Opening a business that requires a liquor license is a challenging yet rewarding endeavor, and the City is committed to helping you succeed. Please carefully review the attached City of Oak Park, Michigan Liquor License Application Process packet for an overview of the City's liquor license application process as well as the municipality's forms necessary to apply for such a license. This step-by-step guide will lead you through the City's requirements for obtaining a liquor license.

Obtaining a liquor license is a comprehensive process that involves both community input and facilities inspections. Whether you are looking to open a restaurant or are ready to acquire a business, the guide will provide you with the information you need to ensure that you make the right decisions. Pursuing a liquor license is a time-consuming process that generally takes 45 to 90 days, sometimes longer, to complete. Therefore, it is imperative that applicants contact the City Clerk far in advance of the business opening. In addition, an applicant is well-advised to research proposed locations prior to taking ownership and/or possession of a property. While the guide contains information about the major issues related to obtaining a liquor license from the City of Oak Park, it is recommended that you review the ordinances and statutes pertaining to the retail sale of liquor, beer and wine by the glass directly by consulting the Code of Ordinances, City of Oak Park, Michigan and the Michigan Liquor Control Code, Administrative Rules and Related Laws available from the Michigan Liquor Control Commission, Department of Licensing and Regulatory Affairs.

It should be noted that the requirements laid out in this document are in addition to, not a substitute for, the requirements set forth by the State of Michigan. You will need to contact the Michigan Liquor Control Commission to determine what steps you will need to complete to obtain approval from them in conjunction with the approval being requested by the Oak Park City Council. The Michigan Liquor Control Commission Licensing Division can be reached at (866) 813-0011.

After you complete and submit a liquor license application to the City Clerk's Office along with the applicable license fee(s), (the City Clerk's Office cannot accept or process an incomplete application or those lacking the required fee(s)) the City's review process will commence. Our office will forward your application for review to the City Manager's Office as well as various departments including but not limited to Public Safety and Economic Development and Planning. Representatives from those departments will be in contact with you.

Upon approval from all necessary departments, liquor license applications will be placed on the appropriate City Council agenda for consideration of approval; applicants will be notified in advance of the scheduled meeting date.

Fees Related to the Liquor License Process:

- New on-premises consumption or full transfer of ownership: \$800
- Adding additional owners to a liquor license for on-premises consumption: \$200
- Site Plan Review: \$750
- Background Check: \$75
- Annual Renewal: \$250
- Dance Permit: \$50
- Dance & Entertainment Permit: \$50
- Outdoor Dining Permit (One Time Fee): \$150
- Business License (Annual Fee): \$150

We recognize the importance of providing you with prompt service and a response as quickly as possible. The appointed and elected officials of the City of Oak Park and its staff are committed to working with you diligently. Representatives of the municipality are available to assist you with the application process but cannot provide legal advice. Therefore, an applicant may want to consult an attorney regarding any legal questions they have pertaining to obtaining a liquor license. Should you have any concerns or questions please do not hesitate to contact a representative of the Clerk's Office at your earliest convenience.

Best wishes in your entrepreneurial endeavors, and thank you for choosing Oak Park.

Very truly yours,

T. Edwin Norris
City Clerk

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I. The Application Process

The details of the liquor license application process are outlined below.

Due to notification requirements embedded within the City of Oak Park liquor license ordinance, actual issuance of a new liquor license takes a minimum of 45 – 90 days from the date the City receives payment of the applicable fee(s). Furthermore, payment may not be accepted until the location and plans for your business have been reviewed and approved by the Economic Development and Planning Department due to the conditional land use requirements attributed to having a liquor license.

Step 1: Getting Started

Prior to initiating the application process, we recommend that you contact the Economic Development and Planning Department to confirm the zoning classification of your business location and for assistance in determining if your business is located in an area where liquor sales are restricted. A representative from the Economic Development and Planning Department can also assist you with building permits, occupancy restrictions, other types of permits that may be required, or other city services that may be necessary.

You are strongly encouraged to determine if a liquor license is permitted in a location prior to investing in any business. There are various restrictions that may prevent you from obtaining a liquor license in the City of Oak Park.

Office hours for the Economic Development and Planning Department are 8:00 A.M. to 5:00 P.M. Monday-Thursday, and 8:00 A.M. - 4 P.M. every other Friday.

To apply for a new license complete an Application and submit it along with the applicable fee(s) to the City Clerk's Office. This form is available online at the City of Oak Park website, as well as at the City Clerk's Office in City Hall. You may request an application in person, by mail, or over the phone. It is highly recommended that interested business owners discuss the application process in detail with a representative from the Economic Development and Planning Department located at the following address:

14300 Oak Park Blvd
Oak Park, MI 48237
(248) 691-7404

Step 2: Apply with the Michigan Department of Licensing and Regulatory Affairs (LARA)

LARA is responsible for the state's regulatory environment and makes the delivery of services more efficient for consumers and business customers.

Step 3: Complete a Background Check (Appendix A)

Liquor license applicants are required to be investigated by a representative(s) of the Department of Public Safety for certification that they are of good moral character and are in compliance with all applicable fire safety regulations. This process has its own application and fee. All liquor

license applicants are required to undergo a thorough background investigation. Spouses of owners with a 5% or greater share of the business are required to submit a Spousal Affidavit.

The appropriate representative(s) of the City will review the financial and business information provided in the application file, and the results of the criminal background investigation to determine if the owner(s)/officers of the business are eligible to hold a liquor license. An applicant or licensee who has been convicted or found responsible for a violation of any federal or state law or Administrative Rules of the Michigan Liquor Control Commission concerning the manufacture, possession or sale of alcoholic liquor, cannabis, narcotics or other controlled substances, gambling or wagering or who has forfeited a bond to appear in court to answer charges for any such violations or similar violation(s) of another state or country is prohibited from obtaining a liquor license from the City of Oak Park. A prior conviction record for certain offenses is not an automatic impediment to obtaining a liquor license. The seriousness of the offense(s) committed, ones that involve the misuse of alcohol, violence, pandering or other offenses opposed to decency and morality as well as the total record of the applicant, and whether the person has been sufficiently rehabilitated to warrant the public trust are some of the specifics the City takes into consideration when making a determination as to the suitability for licensure.

Step 4: Complete the Site Plan Review

Along with the Liquor License Application and its required supporting documents, you are also required to submit copies of your site plans after you've completed the conditional land use site plan review process. Please consult with the Economic Development and Planning Department to complete your conditional land use site plan review process.

Step 5: Complete and File the Liquor License Application (Appendix B)

Once you have completed all the necessary prior steps and have paid the applicable license application fee(s) a representative of the Clerk's Office will commence the processing of your application(s) including preparation of the required public notifications, including but not limited to a notice of public hearing for a liquor license that is to be provided to all property owners within 300 feet of the proposed establishment, according to the tax records of the City.

The City Clerk's Office is open for walk-in assistance, Monday – Thursday 8:00 A.M. to 5:00 P.M. and 8:00 A.M. - 4 P.M. every other Friday. The staff of the Clerk's Office is available during those hours to answer your questions and assist you with the application process. You may also schedule an appointment by calling (248) 691-7544.

Step 6: Inspections

It may be necessary for representatives of the Departments of Public Safety and/or Municipal Services to perform inspections of the premises. A representative of the business must be available at the scheduled time for any necessary inspections.

Step 7: Public Notifications

When a completed application(s) has been filed with the City Clerk and all applicable fees have been paid, the City Council will schedule a public hearing to consider the request for a new

license and related permit(s), the transfer of ownership of an existing license, or the transfer of a license into the City. Notice of the public hearing will be provided to all property owners within 300 feet of the proposed establishment, according to the tax records of the City. The public and the property owners and entities described above have the opportunity to appear at the hearing to provide comments or may submit written comments including objections prior to the hearing. The applicant will be notified in writing of the date of the hearing and the applicant or the applicant's representative must attend the hearing.

Step 8: Submit Required Documents

Once you have filed your written application with the City Clerk's Office, you will have 60 days in which to submit all applicable documentation that is required as part of the application process. We recommend that you retain copies of all of the documentation you file with the City related to your efforts to obtain a liquor license. Failure to submit all of the required documentation within 60 days of the filing of your application(s), will suspend further processing of your application(s). Applicants will have the option to reactivate the application by submitting a \$150 reactivation fee. You will have up to 6 months from the filing of the application(s) to reactivate your application. If you fail to reactivate your application within 6 months; you will forfeit your license application fee(s). In order to apply for a liquor license after the 6-month period has lapsed, you must submit a new application(s) and start the process over again. You will not be eligible for a refund/credit of any previously paid application fee(s).

II. Making Changes to a Business with a Liquor License

Change of Officer/Shareholders

Businesses holding a liquor license must report changes in ownership or corporate officers to the City of Oak Park within 30 days of the change by completing a Change of Officer(s)/Shareholders Application.

Any of the following changes to a business holding a liquor license requires that a Change of Officer(s)/Shareholders Application be filed with the City Clerk's Office.

A change of officers of a legal entity (if the officers have no ownership interest in the licensed business). If your business is simply removing an officer and you are not seeking to replace that officer, please submit a notarized letter to the City Clerk detailing the change.

If your business is removing an officer and you are seeking to replace that officer, you must file a Change of Officer(s)/Shareholders Application. The Application requirements include copies of the corporate minutes reflecting election/resignation of officers, Individual History Form and Photo Identification for each new officer. Fee: \$ 75.00.

A change in the owners or shareholders with 5% or more interest in the business. If the ownership of your business has changed, you are required to file a Change of Ownership/Shareholder Application. The process to apply for a change of ownership/shareholders is largely the same as the new liquor license application process except

for the requirements provided for in Article 5, Division 3, Conditional Land Uses of the City of Oak Park Zoning Ordinance (copies of which are attached hereto). Fee: \$200.

III. Required Documents

The following is a comprehensive list of documentation that is required to be submitted when filing a liquor license application. The documentation must be submitted to the Clerk's Office so it can be reviewed for accuracy by the appropriate representatives of the City. Documents that are in bold are documents that you provide to the City; documents that are underlined are forms that the City provides to you for your completion. The underlined forms are available in the City Clerk's Office or online at www.oakparkmi.gov.

1. Background Check Application (Appendix A): All liquor license applicants are required to undergo a thorough background investigation. See Section I Application Process –Step 3, above.

2. Liquor License Application (Appendix B): For any individuals who have a 5% interest or more in the business and officers of the applicant entity, or any corporate officers or members that the City determines need to be represented on the liquor license issued by the City.

3. Photo Identification: Driver's License, State ID or Passport for each person required to complete an Individual History Form, for the spouse of any individual with 5% interest or more in a liquor establishment, or for any individual who will manage the operations.

4. Spousal Affidavit (Appendix C): For spouses of individuals who have a 5% or more interest in a liquor establishment.

5. 2 Passport Size Photos: Each applicant must provide 2 passport size photos.

6. Deed or Lease for the Property: Any lease must be for the duration of one year or more with the liquor license applicant identified as the lessee. If the liquor license applicant is the owner of the property a copy of the deed is required.

7. Certificate of Liquor Liability Insurance: Or Dram Shop Insurance issued by carriers accepted by the Michigan Liquor Control Commission issued to the business for the premises in the aggregate amount per occurrence as required by state law. The policy should cover the business for a minimum of one year from the date of the issuance of the liquor license. There must be a 30-day cancellation notice included on the certificate. The insurance should also identify the City of Oak Park, 14000 Oak Park Blvd., Oak Park, MI 48237 as an additional insured and provide that it will receive a copy of any cancellation notice.

8. Verification of Compliance with Michigan Liquor Control Commission Mandatory Server Training Requirements: The Michigan Liquor Control Commission has implemented a mandatory server training requirement for licensees obtaining a new or transferring more than 50% interest in an existing on-premises license to have server trained supervisory personnel employed during all hours alcoholic beverages are served as provided in MCL 436.1501(1).

9. Business Structure Documents:

Corporations

- Corporate Minutes (showing election of new officers and resignation of any previous officers)
- All issued Stock Certificates (cancelled and current, privately held corporation only)
- Articles of Incorporation
- Business Organization Chart

Limited Liability Companies/Corporations

- Operating Agreement
- Articles of Organization
- Business Organization Chart

Limited Partnership

- Partnership Agreement
- Business Organization Chart
- Certificate of Limited Partnership
- Partnership/Agreement

General Partnership

- Partnership Agreement (if applicable)
- Business Organization Chart
- Articles of Incorporation

Sole Proprietorship

- D/B/A Certificate

10. City of Oak Park Site Plan Review Application

11. Detailed Floor Plan of the Establishment

12. Contract with the City of Oak Park: The liquor license contract is uniquely tailored to each proposed establishment and situation. Towards the end of the liquor license process, a contract will be drafted for the establishment and provided to the applicant to be signed.

13. Illustration of Expected Food Service Menu: You must provide the food service menu, or a sample document illustrating what the food service menu will consist of.

14. An accurate record and history of any liquor license complaints or violations by the applicant, owners or stockholders of applicant, by a corporation or entity the applicant has worked for or had a substantial interest in, or by a parent or subsidiary corporation of the applicant for the immediate preceding five (5) years.

15. Purchase/Sale Agreement: If the applicant is purchasing an existing business.

16. Any Current Valid Licenses: From appropriate county, state or federal governments authorizing service of food at the establishment

17. Prohibition of Profiteering Agreement: In order to prevent profiteering, to the full extent authorized by law, the city council has determined not to approve the transfer of a Class C liquor license issued as a new license within three (3) years of the date of the original issuance of the license, with exceptions as specified in Sec 6-59 of Chapter 6 of the Code of Ordinances. An agreement between the applicant and the city, following recommendation by the city attorney, will be prepared and agreed upon prior to final action being taken by the city council on an application.

IV. Inspections

Initial License Inspections: Any business filing an application for a liquor license is required to pass inspections from several city departments prior to obtaining a license. Once an application is filed for a liquor license, the Municipal Services Department may schedule your business establishment for inspection to determine if the location meets the requirements of the applicable building, electrical, mechanical, and plumbing codes as well as the applicable zoning regulations. In addition, a representative of the Department of Public Safety will schedule an inspection to confirm that the structure is in compliance with the applicable fire code. If the establishment does not pass the first inspections, you will have an opportunity to resolve any outstanding issues and schedule a re-inspection.

Periodic Annual Inspections: Once you have obtained a liquor license, the City will periodically inspect your establishment.

V. Liquor License Eligibility

The City of Oak Park's liquor license application process is designed to ensure that liquor licenses are issued only to persons who meet the eligibility requirements of the Code of Ordinances, City of Oak Park Michigan and the Michigan Liquor Control Act. The following list is a summary of all classes of individuals who are prohibited from holding a liquor license:

1. An applicant or licensee whose license has been revoked for cause.
2. An applicant who at the time of application or at renewal of any license would not qualify or be eligible therefore.
3. A co-partnership, unless all of the members of such co-partnership shall qualify to obtain a license.
4. A limited liability company (LLC), if any member would not be eligible to receive a license for any reason.
5. A corporation if any officer, manager or director thereof, or a stock owner or stockholders owning in the aggregate more than five (5) percent of the stock of such corporation, would not be eligible to receive a license for any reason.

6. An applicant or licensee whose place of business is or will be conducted by a manager or agent, unless such manager or agent possesses qualifications similar to those required of the applicant or licensee.
7. An applicant or licensee who has been convicted or found responsible for a violation of any federal or state law or Administrative Rules of the Michigan Liquor Control Commission concerning the manufacture, possession or sale of alcoholic liquor, cannabis, narcotics or other controlled substances, gambling or wagering or who has forfeited a bond to appear in court to answer charges for any such violations or similar violation(s) of another state or country.
8. An applicant or licensee who does not own the premises for which a license is sought or have a lease therefor for the duration of one year or more for which the liquor license is issued.
9. Any law enforcement official or any member of the City Council, or to any such official having interest in any way, either directly or indirectly, in the manufacture, sale or distribution of alcoholic beverages.
10. An applicant or licensee who does not have substantial management experience with entities having liquor licenses, or who, for other similar reasons, in the discretion of the City Council, is not qualified to receive a license.
11. An applicant or licensee that has not submitted a site plan free from violations of the applicable building, electrical, mechanical, plumbing, or fire prevention codes, applicable zoning regulations, or applicable public health regulations.
12. An applicant or licensee that where the City Council has determined that the premises do not, or will not reasonably soon after commencement of operations, have adequate off-street parking, lighting, refuse disposal facilities, noise or nuisance control, or such new construction or remodeling as proposed would not be completed.
13. An applicant or licensee that where the City Council has determined that the location proposed for a liquor license will have an adverse effect on the community, with consideration given to traffic safety conditions, accessibility to major streets or highways, distance from public or private schools, impact on adjacent residential districts, zoning classifications and the availability of parking.
14. An applicant determined to have been untruthful in their application to the City or to have submitted an application or other documentation with material omissions of fact, false or incomplete information.
15. A prior conviction record is not an automatic impediment to obtaining a liquor license. The seriousness of the offense(s) committed, ones that involve the misuse of alcohol, violence, pandering or other offenses opposed to decency and morality as well as the total record of the applicant, and whether the person has been sufficiently rehabilitated to warrant the public trust are some of the specifics the City takes into consideration when making a determination as to the suitability for licensure.

16. A person who is not of good character and reputation in the community in which he resides or in the Oak Park community.

17. A person who is the spouse of or domestic partner of, an individual who is ineligible to hold a liquor license.

18. A person who is in default on any obligation including but not limited to real and personal property taxes, special assessments or water bills to the City of Oak Park.

VI. Restrictions and Special Regulations

Zoning

The City of Oak Park is divided into a variety of zoning districts that reflect the diversity of community and neighborhood uses. Each zoning district has different regulations regarding the type of business activities that are permitted. It is imperative that you confirm the zoning requirements of your proposed business location. Commercial and Industrial Zoning Districts permit Establishments Serving Alcoholic Liquor for Consumption on the Premises as Conditional Land Use subject to the regulations of the following Zoning Ordinance:
Article 2 Division 3 Commercial | Mixed-Use | Office Districts (Section 221)
Article 2 Division 4 Industrial Districts (Section 231)
Article 5 Division 3 Conditional Land Use (Section 544)

Proximity to Schools and Places of Worship

Liquor licenses will not be issued to any establishment within 500 feet of a school or place of worship, regardless of community boundaries without written permission from the entity. Measurement of distances between the proposed location for the liquor license and a school or place of worship shall be in conformance of General Rule MCL 436.1503 and in addition excludes any parcels adjacent to the proposed location.

Deleterious Impact on the Surrounding Neighborhood

Applications for a liquor license undergo review by the Economic Development and Planning Department to ensure not only the safety of the public patronizing the liquor license establishment, but also to ensure that the new establishment will not have a deleterious impact on the surrounding community. A liquor license can be denied for deleterious impact when it is determined that issuance of the license would have an adverse impact on the value of any property or increase the risk of violations of law, or create a risk of substantial increases in noise, litter, or vehicular congestion. The applicant does have an opportunity to devise and submit a plan for consideration by the City Council to address the specific negative impact concerns. The plan must provide reasonable assurance that the issuance of the liquor license will not negatively affect the community or surrounding neighborhood. The plan may include conditions upon the applicant's operation of the premises that are useful or necessary to mitigate a deleterious impact. Such conditions include, but are not limited to: providing security personnel, restricting hours of operation, installing outdoor lighting, displaying signs or any other reasonable restrictions on a business practice.

The primary method for determining whether a business with a liquor license will cause a deleterious impact is through community and law enforcement input and feedback. Part of the liquor license approval process requires that each property owner registered within 300 feet of a proposed liquor license establishment is notified when a new application is filed.

Revocation and Non-Renewal

Each establishment within the City for which a liquor license or related permit is granted shall be operated and maintained in accordance with all applicable ordinances, laws and regulations of the City of Oak Park and the State of Michigan. Upon any violation of the Code of Ordinances, City of Oak Park, Michigan or the laws or regulations of the State of Michigan, the City Council may, after notice and hearing, request that the Michigan Liquor Control Commission revoke the liquor license or permit. The hearing process is outlined in Section 6-62 (c) of the Code of Ordinances, City of Oak Park, Michigan and the criteria for non-renewal or revocation are found in Section 6-63.

Upon any violation(s) of the Code of Ordinances, City of Oak Park, Michigan or the laws or regulations of the State of Michigan, the City will notify the Licensee of the specific violation(s) and afford the licensee an opportunity to comply with the applicable ordinance, law or regulation. Licensee must comply in the time established by the City Manager, but in no event more than 10 days after notification to Licensee by the City of such violation(s). Absent compliance within the time established by the City Manager, the City may hold a hearing and request that the Michigan Liquor Control Commission not renew and/or revoke the liquor license and/or permit.

VII. Your Responsibilities as a Liquor License Holder

Liquor licenses in the City of Oak Park are responsible for adhering to all federal, state and local laws regarding the sale and service of liquor, beer and wine for the consumption on the premises. As a licensee you should be familiar with those requirements.

The following is a partial list of prohibited activities:

It is illegal for a licensee or his/her agent to:

- Sell, give, or deliver alcohol to a minor; under 21 years of age
- Allow a person under 21 years of age to consume or possess for consumption, alcoholic beverages on the licensed premises
- Sell, give or deliver alcohol to an intoxicated person
- Allow an intoxicated person to consume alcoholic beverages on the licensed premises
- Allow a person who is less than 18 years of age to sell or serve alcoholic beverages
- Fail to cooperate or obstruct a police officer or Michigan Liquor Control Commission investigator who is investigating the licensed premises for Liquor Code and Rule requirements
- Allow the sale, possession, or consumption of any controlled substances on the premises
- Allow narcotics paraphernalia to be sold, exchanged, used or stored on the licensed premises
- Allow fighting, brawling, or the improper use of any weapons on the licensed premises
- Allow illegal gambling or gaming devices on the licensed premises

- Allow the annoying or molesting of customers or employees or allow the premises to be used for solicitation of prostitution by either customers or employees
- Allow topless activity or nudity on the licensed premises
- Sell alcoholic beverages on days and times prohibited by law or ordinance
- Sell or transfer an interest in a licensed business without the written approval of the Michigan Liquor Control Commission (MLCC) and the City
- Obtain a license for the use or benefit of a person whose name does not appear on the license
- Alter the size, rent, transfer or lease a portion of the licensed premises without MLCC and City approval
- Close the business for more than thirty days without returning the license for escrow
- Allow contests or tournaments in which alcoholic beverages are used or given as prizes
- Allow or advertise promotions that may encourage excessive alcohol consumption such as two-for-one drinks and all you can drink for one price

Be a Good Neighbor to Your Community:

As a liquor licensee, it is your responsibility to operate and maintain a safe environment for your patrons. It is also your responsibility to be a good neighbor to the residents and businesses in your community. Maintain your business operations in a way that encourages your patrons to exit the establishment in a quiet and courteous fashion so as not to cause disturbances to nearby residents, litter or damage property. You are required to post your current license and occupancy placard in a visible location. You should also contact the Oak Park Department of Public Safety if violence and/or illegal activity occurs on or around the premises.

VIII. Fees Related to the Liquor License Process

Fees Related to the Liquor License Process:

- New on-premises consumption or full transfer of ownership: \$800
- Adding additional owners to a liquor license for on-premises consumption: \$200
- Site Plan Review: \$750
- Background Check: \$75
- Annual Renewal: \$250
- Dance Permit: \$50
- Dance and Entertainment Permit: \$50
- Outdoor Dining Permit (One Time Fee): \$150
- Business License (Annual Fee): \$150

IX. Oak Park Ordinances Pertaining to Liquor Licenses

CHAPTER 6 – ALCOHOLIC LIQUORS

[ARTICLE III. – REGULATION OF ESTABLISHMENTS SERVING ALCOHOLIC LIQUOR FOR CONSUMPTION ON THE PREMISES](#)

Sec. 6-53. – Definitions

Alcoholic Liquor means any spirituous, vinous, malt, or fermented liquor, powder, liquids, and compounds, whether or not medicated, proprietary, patented, and by whatever name called, containing 1/2 of 1% or more of alcohol by volume that are fit for use for food purposes or beverage purposes as defined and classified by the Michigan Liquor Control Commission.

Brewery means a brewery that produces barrels of ale or beer for on-site consumption and wholesale distribution, as allowed by the Michigan Liquor Control Commission.

Brewpub means an establishment that not less than 25% of the gross sales of the restaurant during the one-year licensure period are derived from the sale of food and nonalcoholic beverages prepared for consumption on the premises and the Brewpub license is issued in conjunction with a Class C, Tavern, B-Hotel, or A-Hotel license that authorizes the licensee to brew up to 18,000 barrels of beer per calendar year for sale on the premises.

Distillery means an establishment that manufactures spirits, not to exceed 60,000 gallons annually of all brands combined for on-site consumption, for off-premises consumption, and may sell spirits to the Michigan Liquor Control Commission who resells spirit products through the spirit distribution system.

Microbrewery means a brewery that produces less than thirty thousand (30,000) barrels of ale or beer per year, and less than ten thousand (10,000) barrels of alcoholic liquors, other than ale or beer, per year, for on-site consumption and wholesale distribution, as allowed by the Michigan Liquor Control Commission.

Wine Maker/Small Wine Maker means an establishment that may sell wine they manufacture directly to consumers for on-premises consumption (by the glass) or off-premises consumption (take out sales) from the winery premises. They may also sell wine they manufacture to consumers for on-premises consumption (by the glass) at the winery in conjunction with a restaurant at the winery premises.

APPENDIX A – [ZONING](#)

Article 5 Division 3 Conditional land Use

Section 544 Conditional Land Use Specific Requirements

q. On-Premises Alcoholic Beverages

Any primary or accessory use that requires a license for the sale or consumption of alcoholic beverages on-premises as regulated by the Michigan Liquor Control Commission (LLC) shall require a Conditional Land Use, even if the use is permitted by right in any given district, subject to the following:

1. GENERAL. Establishments serving alcoholic liquor for consumption on the premises may be permitted in certain districts, subject to the following:

- a. The proposed establishment serving alcoholic liquor for consumption on the premises is not located within 500 feet of a place of worship or school building. The distance between the place of worship or school building and the contemplated location shall be measured along the center line of the street or streets of address between two fixed points on the center line determined by projecting straight lines, at right angles to the center line, from the part of the place of worship or school building nearest to the contemplated location and from the part of the contemplated location nearest to the place of worship or school building. Notwithstanding the stated distance requirements, no proposed establishment serving alcoholic liquor for consumption on the premises will be permitted to serve alcoholic liquor if the proposed establishment serving alcoholic liquor for consumption on the premises is located on a parcel of land adjacent to a parcel of land with a place of worship or school building. This provision may be waived by the planning commission if the affected school(s) or place(s) of worship, through its duly appointed or elected governing body, affirmatively waives, in writing, its right to object to the establishment and the planning commission determines that the proposed establishment serving alcoholic liquor for consumption on the premises will not adversely affect the operation of the school or place of worship.
- b. The layout of the site of the proposed establishment serving alcoholic liquor for consumption on the premises and its relationship to streets serving access to the site shall be in a manner that vehicular and pedestrian traffic to and from the proposed establishment serving alcoholic liquor for consumption on the premises, and the potential assembly of persons connected therewith, will not be hazardous, endangering, or inconvenient to the surrounding neighborhood and commercial district.
- c. The proposed establishment serving alcoholic liquor for consumption on the premises will be compatible with adjacent uses of land, considering the proximity of residential dwellings, places of worship, schools, public structures, and other places of public gatherings.
- d. The proposed establishment serving alcoholic liquor for consumption on the premises will not be contrary to the public interest or injurious to nearby properties.
- e. The proposed establishment serving alcoholic liquor for consumption on the premises will not have the possible effect of downgrading and blighting the surrounding neighborhood.
- f. The proposed establishment serving alcoholic liquor for consumption on the premises will not reasonably be expected to diminish the value of properties in the immediate area.
- g. Where the establishment is immediately adjacent to residentially used or zoned properties, serving of on-premises alcoholic beverages shall cease by 12 A.M. unless waived by the Planning Commission; upon finding that the use is compatible

with the residential area in which it will be located, and will not have any appreciable negative secondary effects on the area, such as:

- i. Vehicular and pedestrian traffic, particularly during after midnight hours, might disturb area residents.
 - ii. Noise, odors, or lights that emanate beyond the site's boundaries onto property in the area on which there are residential dwellings, consistent with Sec.320 of this article and Chapter 38 of the City Code of Ordinances.
 - h. Except as otherwise provided in this article, all operations of the proposed establishment shall be conducted within a completely enclosed building, except for off-street parking or loading. Outdoor dining shall be subject to the provision of Sec. 319 of this article.
 - i. All truck well, loading dock and loading/truck service areas shall be located and designed to minimize negative impact on adjoining properties.
2. REVIEW CRITERIA. The Planning Commission shall consider whether the applicant's proposal is reasonable when measured against the review criteria as found in Section 6-58 (e) of Chapter 6: Alcoholic Liquor of the City Code of Ordinances, as amended thereafter.
3. For brewpubs serving alcoholic liquor for consumption on the premises the following additional requirements shall apply:
 - a. There shall at all times be maintained and provided culinary facilities to cook and prepare food, and tables and seating areas to accommodate dining on the premises by not fewer than 20 patrons at any time.
 - b. Not less than 25 percent of the gross sales of the restaurant annually are derived from the sale of food and nonalcoholic beverages prepared for consumption on the premises as required by the Michigan Liquor Control Commission.
4. For breweries, wineries and distilleries serving alcoholic liquor for consumption on the premises the following additional requirements shall apply:
 - a. Shall be located only along major corridors in the LI Light Industrial district.
5. For restaurants serving alcoholic liquor for consumption on the premises the following additional requirements shall apply:
 - 1) There shall at all times be maintained and provided culinary facilities to cook and prepare food, and tables and seating areas to accommodate dining on the premises by not fewer than 20 patrons at any time.
 - 2) Not more than 50 percent of the gross floor area open to the general public shall be used for purposes other than seating for diners, consisting of tables, chairs, booths, and necessary aisle ways. Public restroom facilities shall not be considered in this determination.
6. For any other alcohol-related uses such as, but not limited to, theaters, markets, or recreational centers seeking to serve beverages for consumption on-the premises, the accessory/secondary use of alcoholic liquor bar area shall not exceed 10% of the total combined square footage of all primary and other secondary uses.

Appendix A: Background Check Application

CITY OF OAK PARK, MICHIGAN LIQUOR LICENSE APPLICATION BACKGROUND CHECK

The information requested on the following pages is for use by the Oak Park Department of Public Safety as part of its investigation pertinent to the City of Oak Parks 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 answered. All paperwork is to be submitted to the City Clerk's Office with a \$75 fee per applicant and all applicable partners and must be submitted with a color photo copy of appropriate picture identification and two copies of passport size photos for each applicant and all applicable partners.

The following information is required for the applicant and all applicable partners.

(Please photocopy application as necessary)

1. Full Name of Applicant: _____

(Maiden Name) (Sex: Male/Female)

(Date of Birth) (SSN) (Height) (Weight)

(Eye Color) (Hair Color) (Driver's License Number)

(Visa: Date and Place of Issue) (Citizenship) (Naturalization ID Number)

2. Home Address: _____

3. Address of Proposed Establishment: _____, Oak Park, MI 48237

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

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

6. 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: _____

7. Residence Addresses and Telephone Numbers for the past ten (10) years:

(Number, Street) (City, State, Zip) (Phone)

(Number, Street) (City, State, Zip) (Phone)

(Number, Street) (City, State, Zip) (Phone)

(Number, Street) (City, State, Zip) (Phone)

(Number, Street) (City, State, Zip) (Phone)

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

9. List all civil cases which you have been a party to whether as a plaintiff or defendant including, court, case number, circumstances and final disposition(s) and describe the facts and circumstance pertaining to the case(s) in detail. (Add additional pages if necessary):

10. Do you associate, or have you ever associated, with an individual(s) who have been involved in, arrested, or convicted of gambling, narcotic, or vice activities? If yes, explain in detail. (Add additional pages if necessary):

BACKGROUND CHECK AFFIDAVIT

STATE OF MICHIGAN
COUNTY OF _____

I, _____, hereby authorize any bank, credit organization, lending institution, insurance company, educational institution, business firm or person to release any and/or all personal information regarding me relative to the liquor license for which I have applied for with the City of Oak Park, Michigan.

The above authorization is applicable only for release to the Director of the Department of Public Safety of the City of Oak Park, Michigan, and/or his representative(s) pertinent to the City of Oak Parks interests in this matter to seek and obtain documentation and conduct an investigation into the truth of the statements set forth in this liquor license application, and the qualifications of the applicant for the license, and I will execute waivers and/or authorization(s) for release of information upon request.

(Signature of Applicant)

On the _____ day of _____, 20____, _____ did appear personally before me, a Notary Public, in and for said County, and being duly sworn by me, did state (s)he is the applicant of the within liquor license application, and that the information contained within the application is true, correct and complete.

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

Appendix B: Liquor License Application

CITY OF OAK PARK, MICHIGAN LIQUOR LICENSE APPLICATION

I, _____, do hereby apply to the City of Oak Park,
County of Oakland, Michigan for a Liquor License to be located at the following address:
_____, Oak Park, MI 48237.

1. Mailing address of proposed/licensed establishment (if different from above):

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

2. Telephone number of proposed/licensed establishment: _____

3. Name and telephone number of contact person (if different from above):

(Name) (Telephone Number)

4. Email address of contact person: _____

5. Relationship of applicant to establishment: _____

6. Name of business which will own establishment (if different from applicant):

DBA: _____

7. Form of Business Enterprise:

Sole Proprietorship (If doing business under an assumed name attach a copy of D/B/A Certificate)

Partnership (General or Limited) **Please provide full names, dates of birth, and home addresses of all partners attach copy of Articles of Partnership/Operating Agreement.**

Corporation (Attach a copy of Articles of Incorporation)

Other (Provide details on a separate sheet of paper)

8. Federal Taxpayer Identification Number/Social Security Number: _____

9. The following questions 9-18 must be answered:

- If the Applicant is a Sole Proprietorship;
- If the Applicant is a Corporation, by each shareholder/stockholder owning 5% or more of the Corporation (attach additional pages if necessary);
- If the Applicant is a General Partnership, by each partner (attach additional pages if necessary);
- If the Applicant is Limited Partnership, by each general partner (attach additional pages if necessary);
- If the Applicant will not devote full-time to the business, by Manager or Operator.

(First Name) (Middle Name) (Last Name)

(Position held in organization) (Amount of stock owned)

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

(Date of Birth) (Home Telephone) (Business Telephone)

10. Are you a United States Citizen? _____ If you are not a United States Citizen, are you legally authorized to work in the United States? _____

11. Length of time you have resided in the State of Michigan? _____

12. List all other names used at any other time: _____

13. Have you or any company in which you were the sole proprietor, partner, general partner, or owner of 5% or more of the stock ever filed for protection under the bankruptcy laws?

14. If your answer to Question 12 was “yes” please provide details below including but not limited the name of the petitioner(s), court(s) and case number(s):

15. List all employer(s) and occupations during the last ten (10) years:

16. Provide names, addresses, and telephone numbers of five individuals who know your reputation in the community in which you have lived and done business during the previous ten (10) years:

(Name)	(Telephone Number)	(Address)
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

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

(Name and Nature of Relationship)

(Telephone) _____ (Address) _____

18. Have you, or any member of your family, previously held a license or any interest in a license for the sale of alcoholic beverages in the State of Michigan? _____ If yes, list the type of license: _____

(Name and Nature of Relationship)

(Telephone)

(Address)

19. Have you, or any member of your family, ever held a license for the sale of alcoholic beverages anywhere else in the United States? _____ If yes, provide the name, address, city and State in which the licensed was issued:

(Name and Nature of Relationship)

(Telephone)

(Address)

20. Have you ever been convicted of or found responsible for a violation of any federal or state law or Administrative Rule of the Michigan Liquor Control Commission concerning the manufacture, possession or sale of alcoholic liquor, or similar violation of another state or country or convicted of a felony or misdemeanor, and/or is otherwise disqualified to receive a license by reason of any matter or thing contained in the Code of Ordinances, City of Oak Park, Michigan or the laws of the State of Michigan? _____ If yes, please explain:

21. I, _____, hereby state that I will not violate any of the laws of the State of Michigan or of the United States or any ordinances of the City of Oak Park or the administrative rules of any regulatory agency in the conduct of its business.

22. I, _____, hereby state that I am not in default on any obligation including but not limited to real and personal property taxes, special assessments or water bills to the City of Oak Park.

23. Financial Qualifications Statement

A. Do you presently own the building? _____ If not, provide the name and address of the owner, and a copy of the lease agreement.

(Name) (Telephone Number) (Address)

If at the present time you own the building, but it is subject to a mortgage or being purchased under a land contract provide copies of the land contract or mortgage and any promissory note.

(Name of Lender/Land Contract Vendor)

(Complete Address of Above) (Telephone Number)

(Balance Owing)

(Repayment Terms (Including Interest Rate))

B. What is the total price of the building? \$ _____

C. What is the total down payment? \$ _____

D. What is your share of the down payment? \$ _____

E. Balance of loan to be paid off (per month)? \$ _____

F. Interest rate of loan (Annual)? _____

G. Duration of the Loan (Number of Years): _____

H. Are all of your local including city and county personal and real property taxes including special assessments and statements for water and sewer services paid to date?

I. Are you borrowing money to finance the purchase of this business? _____ If yes, from whom? (Attach copies of any financing or lending agreement)

(Name) (Telephone Number) (Address)

(Amount(s) Borrowed)

(Terms of Payment)

J. If you are not borrowing the entire amount of money, state the specific source from which the money was obtained:

(Source) (Means) \$ _____
(Amount)

(Source) (Means) \$ _____
(Amount)

(Source) (Means) \$ _____
(Amount)

(Source) (Means) \$ _____
(Amount)

(Source) (Means) \$ _____
(Amount)

K. Do you currently own the fixtures? _____ If not, provide the following:

(Name) (Telephone Number) (Address)

L. Do you plan on purchasing the fixtures? _____ If yes, provide the following:

(Purchase Price)

(Terms)

24. The business is presently operating, or will be operated as: _____

25. List the days and hours of operation: _____

26. Will there be any form of entertainment at the establishment? _____ If yes, please explain:

27. Are you going to devote full time to the operation of this business? _____ If not, provide the following information:

A. Who will serve as manager of the business?

(Name)

(Telephone Number)

(Address)

B. Who will be authorized to sign checks and pay bills in connection with the operation of the licensed business?

(Name)

(Telephone Number)

(Address)

28. Describe the proposed facilities in some detail (square footage, seating capacity, parking capacity, etc.) and attach copy of any site plan and a diagram which does not have to be scale of the premises.

29. Does the applicant intend to have dancing and/or entertainment? _____ If yes, briefly describe what type of entertainment is planned.

30. Specify license type:

- Brewery
- Brewpub
- Distillery
- Microbrewery
- Wine Maker/Small Wine Maker
- Tavern
- Class C
- Other (please specify) _____

31. Specify any special activity permit types:

- Additional Bar
- Banquet Facility
- Catering
- Living Quarters
- Off-Premises Testing Room
- Sunday Sales (A.M.)
- Sunday Sales (P.M.)
- Outdoor Service
- Dance
- Entertainment
- Specific Purpose Permits: After-hours Food Dance Entertainment Bowling/Golf
- Other (please specify) _____

All liquor license types, and special activity permits require approval from the City Council. Should you wish to incorporate any of the special activity permits following the issuance of your liquor license, it is essential to notify the City Clerk's Office to obtain the necessary approvals. Please note that certain permits may also require additional permits and approvals from The Economic Development and Planning Department.

Provide the following documents with your application:

- Liquor License Application (For each applicant)
- Photo Identification (Color copy for each applicant)
- Spousal Affidavit (For each applicant if applicable)
- 2 passport size photos (For each applicant)
- Deed or Lease for the Property
- Certificate of Liquor Liability Insurance
- Verification of Compliance with Michigan Liquor Control Commission Mandatory Server Training Requirements
- Business Structure Documentation
- City of Oak Park Site Plan Review Application
- Detailed Floor Plan of Establishment
- Contract with the City of Oak Park (Signed)
- Illustration of Expected Food Service Menu
- An accurate record and history of any liquor license complaints or violations by the applicant, owners or stockholders of applicant, by a corporation or entity the applicant has worked for or had a substantial interest in, or by a parent or subsidiary corporation of the applicant for the immediate preceding five (5) years (If necessary)
- Purchase/Sale Agreement (If necessary)
- Any current valid licenses from appropriate county, state or federal governments authorizing service of food at the establishment

APPLICANT AFFIDAVIT

I, _____, hereby authorize the agents and employees of the City of Oak Park, Michigan to seek and obtain documentation and conduct an investigation into the truth of the statements set forth in this liquor license application, and the qualifications of the applicant for the license, and I will execute waivers and/or authorization(s) for release of information upon request.

STATE OF MICHIGAN
COUNTY OF _____

I, _____, hereby declare under penalty of perjury that the foregoing information in the liquor license application is true and correct, and understand that any falsification or omission is grounds for denial or if issued grounds for revocation or recommendation for non-renewal.

I further declare that I will not violate any of the laws of the State of Michigan or the United States or any ordinances of the City of Oak Park or the administrative rules of any regulatory agency in the conduct of the business.

(Signature of Applicant)

On the _____ day of _____, 20____, _____
did appear personally before me, a Notary Public, in and for said County, and being duly sworn by me, did state (s)he is the applicant of the within liquor license application, and that the information contained within the application is true, correct and complete.

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

Appendix C: Spousal Affidavit

SPOUSAL AFFIDAVIT

FORM REQUIRED: For the current spouse of any individual owning 5% or more, either directly or indirectly, of a liquor license establishment or proposed liquor license establishment located within the City of Oak Park, Michigan.

INSTRUCTIONS: Provide the requested information below. If more space is needed to complete any of the following sections, include an attachment. This form must be signed and notarized by the spouse whose information is provided on this form.

Address of Liquor License Establishment or Proposed Liquor License Establishment

PERSONAL INFORMATION:

First Name (Spouse)

Middle Name (Spouse)

Last Name (Spouse)

Social Security Number (Spouse)

Date of Birth (Spouse)

Applicant's First Name

Applicant's Middle Name

Applicant's Last Name

PROHIBITED ACTIVITIES:

1. Any felony under federal or state law;
2. Maintaining a house of prostitution;
3. Any violation of any federal or state law concerning the manufacture, possession or sale of alcoholic liquor, or the forfeiture of bond to appear in court to answer charges for any such violation;
4. Any violation of any federal or state law concerning the manufacture, possession or sale of cannabis, narcotics or other controlled substances, or the forfeiture of bond to appear in court to answer charges for such violation;

- 5. Any gambling offense; or
- 6. Being the sole proprietor, partner, corporate officer, limited liability company member/participant, manager or shareholder owning 5% or more of a revoked liquor license.

LEGAL AFFIDAVIT: Check one of the two following statements that best describes your criminal background/history.

_____ No, I have never been convicted of any of the above described crimes nor have I ever been charged with any of those offenses.

_____ Yes, I have been convicted and/or charged of/with one or more of the above - described crimes, as follows:

Type of Offense	Charge Date	Conviction Date	Penalty	Jurisdiction
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

ACKNOWLEDGEMENT: Review the following statement and sign your acknowledgement. I swear (or affirm) that I have read the foregoing statements contained herein that I understand the contents thereof, that they are true, accurate and correct to the best of my knowledge and belief; that I have been informed and understand that any material misrepresentation or omission of facts given by me may be cause for denial of a liquor license; or if a license is approved, it may later be cause for rescission or revocation of the license or denial of license renewal.

 (Signature of Applicant's Spouse) (Date)

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