

ORDINANCE NO.80-729

AN ORDINANCE TO ADD SECTION 4-9A, ENTITLED SIGNS ADVERTISING ALCOHOLIC LIQUORS, TO CHAPTER 4, ARTICLE II TO THE CODE OF ORDINANCES; AND TO AMEND CHAPTER 4, ALCOHOLIC LIQUORS, ARTICLE III, LICENSES, PERMITS, LOCAL APPROVAL, SECTION 4-12 ENTITLED GRANT OR DENIAL OF LOCAL APPROVAL.

THE CITY OF WARREN ORDAINS:

**SECTION 1.** That the Code of Ordinances of the City of Warren, Michigan, is hereby amended by adding a section, to be numbered 4-9A, to Chapter 4, Article II,

**WHICH SHALL READ AS FOLLOWS:**

**Sec. 4-9A. Signs Advertising Alcoholic Liquors.**

- (a) Effective July 1, 2017, any sign advertising alcoholic liquor is prohibited, unless the sign:
- (1) is not subject to local regulation under the Michigan Highway Advertising Act of 1972, MCL 252.301, *et seq.* as amended;
  - (2) references alcoholic liquors in the business name and was installed before April 30, 2015; or
  - (3) has an area of 10 square feet or less.
- (b) Signs advertising alcoholic liquor that are 10 square feet or less are limited to:
- (1) one sign per registered business;
  - (2) a width of five feet; and
  - (3) a height of five feet

**SECTION 2.** That Chapter 4, Article III, Section 4-12 of the Code of Ordinances of the City of Warren, Michigan

**WHICH PRESENTLY READS:**

**Sec. 4-12. Grant or denial of local approval.**

- (a) *Local police.* Within forty-five (45) days of receipt of an application pursuant to subsection (b) of this section, the liquor licensing division shall:

- (1) Issue a decision either approving or disapproving the application, specifying the reasons therefore, pursuant to the standards set forth in section 4-12(c) below; and
- (2) Transmit its decision to the city council for council's consideration at its next meeting.

(b) *City council.* Within forty-five (45) days of the liquor licensing division's issuance of its decision, the city council shall:

- (1) Issue a decision either approving or disapproving the application, specifying the reasons therefore, pursuant to the standards set forth in section 4-12(c) below; and
- (2) Transmit its decision to the Michigan Liquor Control Commission.

(c) *Standards for approval.* The liquor licensing division and the city council shall approve an application unless:

- (1) An applicant is less than twenty-one (21) years of age;
- (2) An applicant has had less than three (3) years management experience in a business that serves the public;
- (3) An applicant has not paid the liquor license application fee;
- (4) The subject premises is not in compliance with the zoning ordinance;
- (5) The subject premises lacks a required certificate of compliance of zoning grant conditions, where applicable;
- (6) The buildings and safety engineering department, the county health department or applicable department, or the fire department has indicated that there are unpaid fees or uncured violations under its purview related to the subject premises;
- (7) The city treasurer's office has denied a real estate tax clearance pertaining to the subject premises;
- (8) The business does not own the premises for which a license is sought or does not have a lease therefore for the full period for which the license is sought;
- (9) An applicant has had a liquor license revoked or not renewed for cause in the last ten (10) years under this article or a comparable city or township ordinance or state law, whether in Michigan or otherwise;
- (10) An applicant has been found in violation of regulations promulgated by the Michigan Liquor Control Commission, or a similar agency regulating alcohol or liquor, on more than five (5) occasions in the last ten (10) years;
- (11) An applicant has had an influential interest in a business that has been declared by a court of law to be a nuisance within ten (10) years prior to the filing of the application for local approval, if the conditions creating the nuisance occurred during the time that the applicant had the influential interest in the business;
- (12) An applicant has been convicted of, or pled guilty or nolo contendere to, a disqualifying criminal act, as defined in this chapter;

- (13) The business is not licensed to do business in Michigan or has not obtained a sales tax license;
- (14) An applicant has failed to provide information required by this chapter or has falsely answered a question or has failed to answer a request for information related to the applicant's ability to operate an alcoholic liquor-licensed establishment consistent with the public health, safety, and welfare;
- (15) The liquor licensing division or the city council finds, based on specified information available to the division or council, that issuance of an alcoholic liquor license would have a substantial negative effect upon vehicular traffic, pedestrian traffic, noise, or economic development in the surrounding area;
- (16) The liquor licensing division or the city council finds, based on specified information available to the division or council, that the applicant lacks the demonstrated ability to operate an alcoholic liquor-licensed establishment consistent with the public health, safety, and welfare.

(d) *Tolling of deadline for decision.* The deadlines for a decision by the liquor licensing division or the city council under this chapter may be tolled at the request of the applicant for a reasonable period of time as is necessary for the applicant to obtain and present all information requested by the division or the council that is related to the applicant's project or the applicant's ability to operate an alcoholic liquor-licensed facility consistent with the public health, safety, and welfare. The deadlines may also be tolled by the city council, for a period of up to thirty (30) days, to permit the gathering of additional information related to the project or the applicant's ability to operate an alcoholic liquor-licensed facility consistent with the public health, safety, and welfare.

(e) *Reservation of authority.* Notwithstanding anything to the contrary in this chapter, no applicant for local approval has a right to the issuance of an alcoholic liquor license to the applicant, and the city hereby reserves the right to exercise reasonable discretion to determine who, if anyone, shall be entitled to the issuance of such a license, based on objective criteria related to concerns of the public health, safety, and welfare as they relate to the project.

#### **IS HEREBY AMENDED TO READ AS FOLLOWS:**

#### **Sec. 4-12. Grant or denial of local approval.**

(a) *Local police.* Within forty-five (45) days of receipt of an application pursuant to subsection (b) of this section, the liquor licensing division shall:

- (1) Issue a decision either approving or disapproving the application, specifying the reasons therefore, pursuant to the standards set forth in section 4-12(c) below; and
- (2) Transmit its decision to the city council for council's consideration at its next meeting.

(b) *City council.* Within forty-five (45) days of the liquor licensing division's issuance of its decision, the city council shall:

- (1) Issue a decision either approving or disapproving the application, specifying the reasons therefore, pursuant to the standards set forth in section 4-12(c) below; and
- (2) Transmit its decision to the Michigan Liquor Control Commission.

(c) *Standards for approval.* The liquor licensing division and the city council shall approve an application unless:

- (1) An applicant is less than twenty-one (21) years of age;
- (2) An applicant has had less than three (3) years management experience in a business that serves the public;
- (3) An applicant has not paid the liquor license application fee;
- (4) The subject premises is not in compliance with the zoning ordinance, except those restrictions referenced in Appendix A, Article IV-A, Division III, Section 4A.14(l);
- (5) The subject premises lacks a required certificate of compliance.
- (6) The buildings and safety engineering department, the county health department or applicable department, or the fire department has indicated that there are unpaid fees or uncured violations under its purview related to the subject premises;
- (7) The city treasurer's office has denied a real estate tax clearance pertaining to the subject premises;
- (8) The business does not own the premises for which a license is sought or does not have a lease for the full period for which the license is sought;
- (9) An applicant has had a liquor license revoked or not renewed for cause in the last ten (10) years under this article or a comparable city or township ordinance or state law, whether in Michigan or otherwise;
- (10) An applicant has been found in violation of regulations promulgated by the Michigan Liquor Control Commission, or a similar agency regulating alcohol or liquor, on more than five (5) occasions in the last ten (10) years;
- (11) An applicant has had an influential interest in a business that has been declared by a court of law to be a nuisance within ten (10) years prior to the filing of the application for local approval, if the conditions creating the nuisance occurred during the time that the applicant had the influential interest in the business;
- (12) An applicant has been convicted of, pled guilty, or pled nolo contendere to, a disqualifying criminal act, as defined in this chapter;
- (13) The business is not licensed to do business in Michigan or has not obtained a sales tax license;
- (14) An applicant has failed to provide information required by this chapter or has falsely answered a question or has failed to answer a request for information related to the applicant's ability to operate an alcoholic liquor-licensed establishment consistent with the public health, safety, and welfare;

(15) The liquor licensing division or the city council finds, based on specified information available to the division or council, that issuance of an alcoholic liquor license would have a substantial negative effect upon vehicular traffic, pedestrian traffic, noise, or economic development in the surrounding area;

(16) The liquor licensing division or the city council finds, based on specified information available to the division or council, that the applicant lacks the demonstrated ability to operate an alcoholic liquor-licensed establishment consistent with the public health, safety, and welfare.

(d) *Tolling of deadline for decision.* The deadlines for a decision by the liquor licensing division or the city council under this chapter may be tolled at the request of the applicant for a reasonable period of time as is necessary for the applicant to obtain and present all information requested by the division or the council that is related to the applicant's project or the applicant's ability to operate an alcoholic liquor-licensed facility consistent with the public health, safety, and welfare. The deadlines may also be tolled by the city council, for a period of up to thirty (30) days, to permit the gathering of additional information related to the project or the applicant's ability to operate an alcoholic liquor-licensed facility consistent with the public health, safety, and welfare.

(e) *Reservation of authority.* Notwithstanding anything to the contrary in this chapter, no applicant for local approval has a right to the issuance of an alcoholic liquor license to the applicant, and the city hereby reserves the right to exercise reasonable discretion to determine who, if anyone, shall be entitled to the issuance of such a license, based on objective criteria related to concerns of the public health, safety, and welfare as they relate to the project.

**SECTION 3.** This Ordinance shall take effect on June 15, 2015.

I HEREBY CERTIFY that the foregoing Ordinance No. 80-729 was adopted by the Council of the City of Warren at its meeting held on May 26, 2015.

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PAUL WOJNO  
City Clerk

Published: June 10, 2015