

## ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE TO AMEND SECTION 6-35 OF CHAPTER 6, ALCOHOLIC LIQUOR, ARTICLE II, LICENSES AND PERMITS, OF THE CODE OF ORDINANCES OF THE CITY OF ROCHESTER HILLS, OAKLAND COUNTY, MICHIGAN, TO REQUIRE BACKGROUND CHECKS FOR LIQUOR LICENSE APPLICANTS, PRESCRIBE A PENALTY FOR VIOLATIONS, AND REPEAL INCONSISTENT ORDINANCES.

THE CITY OF ROCHESTER HILLS ORDAINS:

Section 1. Section 6-35 of Chapter 6, Article II, of the Code of Ordinances of the City of Rochester Hills shall be amended as follows:

**Sec. 6-35. Application for new license or transfer of license.**

Application for approval of a new liquor license or a transfer of a license to sell beer and wine or spirits shall be made to the city clerk in writing, signed by the applicant if an individual or by a duly authorized agent thereof if a partnership or corporation, and shall contain the following statements and information:

- (1) The name, age and address of the applicant if an individual; if a partnership, the persons entitled to share in the profits thereof; or, if a corporation, the objects for which organized, the names and addresses of its officers and directors, names and addresses of its stockholders, and the name of the manager or agent who will be conducting the business on behalf of the applicant, if such is the case.
- (2) The citizenship and place of residency of those persons identified in subsection (1) of this section.
- (3) A statement of any other business in which the applicant is engaged.
- (4) A financial statement of the applicant.
- (5) The location and description of the premises or place of business which is to be operated under such license.
- (6) A statement of whether the applicant or any person identified in subsection (1) of this section ever has made application for a license to sell beer and wine or spirits other than described in this application, and if so, the year in which the application was made, the location of the business and the disposition of the application.
- (7) A statement of whether the applicant or any of those persons listed in subsection (1) of this section has ever been convicted of a violation of any federal or state law concerning the manufacture, possession or sale of alcoholic beverages or has ever had a license revoked by the state liquor control commission. The applicant and those persons listed in subsection (1) are required to submit to a background check conducted by the Oakland County Sheriff.

- (8) A statement that the applicant will not violate any of the laws of the state or of the United States or any city ordinances in the conduct of its business.
- (9) The name and address of the fee owner of the premises and, if the applicant is not the fee owner, the nature and term of the applicant's right to occupy the premises.
- (10) A statement of the nature of other activities to be carried on at the premises, including but not limited to food sales, hotel/motel operations, recreational activities, contests involving patrons, and entertainment of any nature. If a dance, entertainment or dance-entertainment permit is required for any of the activities to be carried on at the premises, a separate application for the issuance of a dance, entertainment or dance-entertainment permit shall be made in accordance with this article.
- (11) A statement of whether any remodeling or new construction on the premises is intended for the use of the license and if so, its description, when work is to be started and when work is to be completed.
- (12) The application shall be accompanied by building and site plans showing the entire structure and premises and, in particular, the specific areas where the license is to be utilized. The plans shall be sufficient to inform the council of facilities for off-street parking, lighting, refuse disposal facilities and, where appropriate, adequate plans for screening and noise control.
- (13) A copy of the applicant's conditional land use application required under the zoning ordinance and supporting documents.
- (14) An applicant for a new license shall attach to the application, in a form to be provided by the city, a completed and signed contract concerning transfer or escrow of a license within three years from date of issuance. The contract may be executed by the city if the requested license is approved.

Section 2. Severability. This ordinance and each article, section, subsection, paragraph, subparagraph, part, provision, sentence, word and portion thereof are hereby declared to be severable, and if they or any of them are declared to be invalid or unenforceable for any reason by a court of competent jurisdiction, it is hereby provided that the remainder of this ordinance shall not be affected thereby.

Section 3. Penalty. All violations of this ordinance shall be misdemeanors and upon conviction thereof shall be punishable by a sentence of not more than ninety-three (93) days of confinement to jail or by a fine of not more than \$500, or both, in the court's discretion.

Section 4. Repeal, Effective Date, Adoption.

(1) Repeal. All regulatory provisions contained in other City ordinances, which are inconsistent with the provisions of this ordinance, are hereby repealed.

(2) Effective Date. This ordinance shall become effective on \_\_\_\_\_, the day following its publication in the *Oakland Press* on \_\_\_\_\_.

(3) Adoption. This ordinance was adopted by the City Council of the City of Rochester Hills at a meeting thereof held on \_\_\_\_\_, 2022.

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Bryan K. Barnett, Mayor  
City of Rochester Hills

CERTIFICATE

I, LEANNE SCOTT, ROCHESTER HILLS CITY CLERK, DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND COMPLETE COPY OF AN ORDINANCE, THE ORIGINAL OF WHICH IS ON FILE IN MY OFFICE, ADOPTED BY THE CITY COUNCIL OF THE CITY OF ROCHESTER HILLS AT A MEETING THEREOF HELD ON \_\_\_\_\_, 2022.

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Leanne Scott, Clerk  
City of Rochester Hills