



City of Plymouth Liquor Licenses, Transfers, Permits

Liquor Management Ordinance

Liquor License Review Committee Application

Class C Liquor License or Tavern Licensed Business - Sample Plan of Operation

Qwf qqt 'F kpkpi 'Ctgc -

Application for Qwf qqt 'F kpkpi Permit

Outdoor Dining Policy Guidelines

Outdoor Dining Policy

City of Plymouth Code of Ordinances - Alcoholic Liquors

ARTICLE II. - LICENSES AND PERMITS^[2]

Footnotes:

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Editor s note Ord. No. 2010-01, adopted April 5, 2010, amended and restated former Art. II, §§ 6-31—6-42, in its entirety. Former Art. II pertained to similar subject matter and derived from Ord. No. 2003-4, §§ 1—12, adopted May 19, 2003.

Sec. 6-31. - Short title.

This article shall be known and may be cited as the "Liquor Management Ordinance."

(Ord. No. 2010-01, 4-5-10)

Sec. 6-32. - Statement of purpose.

- (a) The purpose of this article is to allow the city to establish and administer a policy for the issuance and transfer of liquor licenses and permits which allow the service by the glass of any alcohol (beer, wine, spirits) to be consumed on the premises, to provide for the enforcement of liquor laws, regulations and ordinances, and to manage the number of on-premises retail liquor licenses in the city.
- (b) This article shall also create the liquor license review committee (LLRC), which shall be composed of at least three members of the city commission. The purpose of the LLRC is to review applications and make recommendations to the city commission as required by this article.
- (c) It shall be the policy of the city to notify all known existing service by the glass also known as on-premises retail type liquor license holders of proposed changes in this article via first class mail at least ten business days in advance of the city commission acting on a change.

(Ord. No. 2010-01, 4-5-10)

Sec. 6-33. - Licensing policy.

- (a) New licenses or liquor license permits, transfer of ownership of existing licenses, transfers into the city of new licenses, will be approved at the sole discretion of the city commission. This shall include liquor license permits proposed within the B-1, B-2, B-3, and ARC zoning districts within the city.
- (b) Within the B-2, central business district, as indicated on the City of Plymouth Zoning Map, the city shall have a cap or a total of not more than 14 State of Michigan Liquor Licenses of any type of on-premises retail licenses that would allow for the service of any alcohol (beer, wine, spirits) by the glass or for consumption on premises of any establishment. This would include but not limited to State of Michigan Class C, Club, B Hotel, A Hotel, Tavern, Bistro, Brewpub, Micro-Brewer, Resort, DDA, and Economic Development, winery and/or other type of state license allowing the regular serving of alcohol at a licensed establishment.
- (c) Within the B-1, B-3, and ARC zoning districts within the city, as indicated on the City of Plymouth Zoning Map, the city shall have a cap or a total of not more than ten State of Michigan Liquor Licenses of any type of on-premises retail licenses that would allow for the service of any alcohol (beer, wine, spirits) by the glass or for consumption on premises of any establishment. This would include but not limited to State of Michigan Class C, Club, B Hotel, A Hotel, Tavern, Brewpub, Micro-Brewer, Resort, DDA, and Economic Development, winery and/or other type of state license allowing the regular serving of alcohol at a licensed establishment.

- (c) The city commission shall not recommend to the State of Michigan Liquor Control Commission the approval of any on-premises retail liquor license in excess of 14 within the B-2 district as outlined here.
- (d) The city commission shall not recommend to the State of Michigan Liquor Control Commission the approval of any on-premises retail liquor license in excess of ten within the B-1, B-3, and ARC districts as outlined here.
- (e) The city commission shall give first consideration for a new or transfer in of a liquor license in the B-1, B-3 and ARC Districts to restaurant businesses currently operating in the city that want to expand their restaurants to include the sale of alcohol by the glass for a period that shall end on November 1, 2011 after this date no such preference shall be given. If no currently operating city located restaurant applies to the city and the State of Michigan Liquor Control Commission in the preference period the city shall consider all applications equally based on the criteria outlined in the Liquor Management Ordinance on a first completed application, first reviewed process.
- (f) The city shall conduct an annual review of all 24 on premises retail liquor licenses within B-1, B-2, B-3, and ARC Zoning Districts in accordance with the liquor management ordinance. This review shall be conducted by the local liquor license review committee and a recommendation shall be forward to the city commission.

(Ord. No. 2003-4, 5-19-03; Ord. No. 2011-05, §§ 1, 2, 6-26-11)

Sec. 6-34. - Plan of operation required.

- (a) Business operation. All new requests for permits, requests for transfers of ownership of existing licenses or requests for transfers of licenses into the city of on-premises licensees shall operate in accordance with a plan of operation approved by the city commission.
- (b) Plan of operation. A plan of operation shall contain an operational statement outlining the proposed manner in which the establishment will be operated, including, but not limited to, the format, schedule of the hours of operation, crowd control, security, alcohol management, use of the facilities, parking provisions, plan for interior use and layout, and any other pertinent information as requested by the city or city's liquor license review committee (LLRC).
- (c) Compliance. Licensees shall comply with all applicable state and city regulations, this general policy, and a plan of operation as approved by the city commission. Any change to a plan of operation shall be approved by the city commission prior to implementation of the change by the licensee. Failure of such compliance or variance from an approved plan is a violation of this ordinance and may result in the city commission recommending to the Michigan Liquor Control Commission that the license be revoked or not renewed.

(Ord. No. 2010-01, 4-5-10)

Sec. 6-35. - Review procedures.

Each applicant for a new license, the establishment of a new permit, the transfer into the city of a new license, or the transfer of an existing license shall make a request to the city in accordance with the following procedures:

- (1) Application. Each applicant must submit to the city clerk an application (on a form provided by the city), a plan of operation, plot plan of the site, a plan for interior use and exterior design, and the layout of any ancillary facilities. As part of the application, each applicant shall submit a written statement explaining in detail how their proposal meets the factors as listed in subsection 6-35(4).
- (2) City departmental review. Upon receipt of an application and plans, the city manager will refer same to the chief of police, fire chief, planning department, building department and other city

officers or employees, who shall cause a thorough review and investigation, including, but not limited to a complete history of past business experience and liquor law violations, if any, to be made of the persons and/or premises which must meet or exceed codes. The applicant shall provide all requested information to, and fully cooperate with, all city departments requesting any and all additional relevant information. The findings resulting from such review and investigation shall be reported to the city manager, who then will report same to the LLRC and the city commission.

- (3) Public hearing/review.
 - a. Hearing. The city commission shall hold a public hearing upon a request for a new license, the establishment of a new permit, transfer of an existing license to new owners, or for the transfer of a new license into the city.
 - b. Notice. Notice of all hearings shall be provided to all property owners, residents and voters, within 300 feet of the proposed establishment, all LCC Service by the Glass-On Premises retail license holders, the Chamber of Commerce, all neighborhood associations and the Plymouth-Canton Community Schools. The applicant shall pay the cost of such notice.
 - c. Appearance. The applicant will be required to appear at the hearing before the LLRC committee or the city commission, and make a written and/or oral presentation concerning the request.
 - d. Recommendation. The LLRC shall review and may recommend approval or disapproval of all requests to the city commission.
- (4) Review factors. In reviewing a request for a new license or permits or transfers of ownership of existing licenses or transfers into the city of new on-premises licensees, the city commission or LLRC may consider and/or weigh the following factors:
 - a. Conserve the expenditure of funds for public improvements and services to conform with the most advantageous uses of land, resources and property.
 - b. Total number of similar licenses in the city.
 - c. Input from residents and surrounding business owners.
 - d. Impact of the establishment on surrounding businesses and neighborhoods.
 - e. Whether a proposed licensed premise is part of a multi-use project with substantial new retail, office, or residential components. The size of the licensed premise relative to the overall project or development.
 - f. Crowd control.
 - g. Parking availability.
 - h. Preservation or restoration of historic buildings.
 - i. Locating in an underdeveloped area.
 - j. Concentration of drinking establishments and impact on policing requirements.
 - k. Policing requirements.
 - l. Business history.
 - m. Business experience.
 - n. LCC violation history.
 - o. Will facility be a sit down full service restaurant serving alcohol or other "bar only" type establishment.
 - p. Will restaurant have a 70-percent—30-percent sales of food over alcohol
 - q. Percent of floor area devoted to dining versus bar area.

- r. Size of bar area.
 - s. Size of dance floor, if any.
 - t. Type or character of the establishment, e.g. dining, nightclub, hotel, dance club.
 - u. Overall benefit of the plan to the city.
 - v. Non-payment of taxes or other payment due to the city.
 - w. Any other factor(s) that may effect the health, safety and welfare or the best interests of the community.
- (5) Approval. If after a review by the LLRC, and/or a public hearing, the city commission is satisfied that the establishment or operation will provide a benefit to the city and constitute an asset to the community, it will adopt a resolution granting approval, subject to the satisfaction of any conditions stated in the resolution.
- a. Building—Remodeling. If the request involves a change to the physical size or layout of the establishment, when the applicant's building or remodeling is completed, it must meet all state and local regulations, and must comply with the representations made to the city commission and LLRC committee by the applicant. If such physical alteration is approved by the city commission and it is subsequently determined that the project was not substantially completed as required by the plans and specifications presented to the city, or in substantial compliance with representations made to the city, the city may recommend that the license be revoked or not be renewed for the following year.

(Ord. No. 2010-01, 4-5-10)

Sec. 6-36. - Permits and transfer of ownership.

- (a) Permits. New requests for permits for dance, entertainment, or dance and entertainment shall be reviewed by the fire and approved in the sole discretion of the city commission after an evaluation of the factors listed in subsection 6-35(4). The city will not consider requests for topless entertainment permits.
- (b) Transfer of ownership. Requests for transfer of ownership of existing licensed establishments shall be reviewed by the LLRC and approved or disapproved by the city commission. The city commission may hold a public hearing. If the continuation of an existing operation is contemplated, the applicant must present a plan that indicates that it will continue the existing operation as established. If there are proposed changes in the operations then the request for transfer of ownership shall be subject to the reviews outlined in subsection 6-35(4).
- (c) Any change in existing operations from a full service sit down restaurant that serves alcohol to an establishment that features primarily alcohol would be subject to a new review as outlined in subsection 6-35(4).

(Ord. No. 2003-4, §6, 5-19-03)

Sec. 6-37. - Annual license and permit review.

- (a) The city commission will undertake a review of any license or permit for the purpose of making a recommendation to the Michigan Liquor Control Commission regarding renewal of said license or permit. The commission shall consider whether a licensed establishment has been operated in a manner consistent with the provisions of this article and all other applicable laws, and regulations of the city and the State of Michigan.
- (b) Each year, the city manager shall cause an investigation to be made relative to each existing on-premises licensed establishment. The investigation shall include, but not be limited to, the following:

- (1) Licensee shall submit copies of current valid licenses from appropriate county, state or federal governments to insure authorization to serve food at the establishment.
 - (2) An inspection of the premises to determine whether the licensee is in compliance with the license itself, its approved site plan and if applicable its plan of operation, as well as any conditions imposed by the city or the Michigan Liquor Control Commission or representations made by the licensee at the time of issuance or transfer of the license.
 - (3) An inspection of city records to determine whether all taxes and other monies due the city are timely paid.
 - (4) An inspection of police files or other sources of information to determine whether any activity in connection with the licensed premise is in violation of the law, disturbs the public peace and tranquility, constitutes a nuisance, or contributes to the disruption of the normal activities of those in the neighborhood of the licensed premise.
 - (5) A review to determine the existence of any of the criteria as described in section 6-39.
 - (6) A review of the operation of the licensed establishment to determine whether the business is being operated in compliance with any and all representations that may have been made by the licensee to the city or the city commission.
- (c) Recommendations from city departments. Following receipt of a 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, treasurer's office, and such other departments as required by the city manager, which departments shall make their reviews and recommendations prior to consideration by the city commission. In conducting its review, the city may request other pertinent information from the licensee. The completed report shall be reviewed by the city prior to being considered by the city commission.
- (d) The local liquor license review committee shall annually review and report to the city commission its recommendations to maintain, expand or delete the total number of allowable on-premises retail licenses for establishments that serve alcohol by the glass under a variety of State of Michigan Licenses, including but not limited to; Class C, Club, B Hotel, A Hotel, Tavern, Brewpub, Micro-brewer, Resort, DDA, Economic Development, winery or other type license.

(Ord. No. 2010-01, 4-5-10)

Sec. 6-38. - Revocation and non-renewal.

- (a) Each establishment within the city for which a liquor license or permit is granted shall be operated and maintained in accordance with all applicable laws and regulations of the City of Plymouth and the State of Michigan. Upon any violation of this article, the commission may, after notice and hearing, request the Michigan Liquor Control Commission to revoke such license and/or permit. Upon any violation(s) of this article, the city will notify the licensee of the specific violation(s) and afford the licensee an opportunity to come into compliance with this article. Licensee must reach compliance in that time established by the city manager, but in no event more than ten days after notification to licensee by city of such violation. Absent compliance within that time established by the city manager, the city may hold the above mentioned hearing and request that the Michigan Liquor Control Commission not renew and/or revoke such license and/or permit.
- (b) Before filing any objection to renewal or request for revocation of a license or permit with the Michigan Liquor Control Commission, the city shall serve the licensee with notice and proceed in accordance with this article, as amended. The city shall serve the licensee by first class mail mailed at least ten days prior to the hearing with notice of hearing, which notice shall contain, the following:
 - (1) Date, time and place of hearing.
 - (2) Notice of the proposed action.

- (3) Reasons for the proposed action.
 - (4) Names of witnesses known at the time who will testify.
 - (5) A statement that the licensee may present evidence or any testimony that may refute or respond to the claims of adverse witnesses.
 - (6) A statement requiring the licensee to notify the city attorney's office at least three days prior to the hearing date if they intend to contest the proposed action, and to provide the names of witnesses known at the time who will testify on their behalf.
- (c) Upon completion of the hearing, the city commission shall submit to the licensee and the Michigan Liquor Control Commission a written statement of its findings and determination.

(Ord. No. 2010-01, 4-5-10)

Sec. 6-39. - Criteria for non-renewal or revocation.

- (a) The city commission may recommend non-renewal or revocation of a license or permit originally authorized on or after July 1, 2003 to the liquor control commission upon a determination based upon a preponderance of the evidence presented at the hearing that any of the following exists:
 - (1) Failure to comply with all standards, plans or agreements entered into in consideration for the issuance, transfer or continuance of the license or permit, or failure to comply with all agreements or consent judgments entered into subsequent to the issuance of the license or permit.
 - (2) Failure to comply with an approved plan of operation and other plans, specifications, or representations made or submitted to the city by the licensee.
 - (3) Violations of the state liquor laws or regulations of the liquor control commission.
 - (4) Violations of state laws or local ordinances including, but not limited to those laws or ordinances concerning the public health, safety or public welfare.
 - (5) Maintenance of a nuisance upon or in connection with the licensed premises including, but not limited to, any of the following:
 - a. Failure to correct violations of building, electrical, mechanical, plumbing, zoning, health, fire or other applicable regulatory codes, to include the history thereof;
 - b. A pattern of patron conduct in the neighborhood of the licensed premises, which is a violation of the law and/or disturbs the peace, order and tranquility of the neighborhood; Including types of police, fire or medical services related to this operation.
 - c. Failure to maintain the grounds and exterior of the licensed premises, including litter, debris or refuse blowing or being deposited upon adjoining properties;
 - d. Entertainment on the premises or activity in connection with the licensed premises which by its nature causes, creates or contributes to disorder, disobedience to rules, ordinance or laws, or contributes to the disruption of normal activity of those in the neighborhood of the licensed premises.
 - (6) Failure by the licensee to permit the inspection of the licensed premises by the city's agents or employees in connection with the enforcement of this article.
 - (7) Failure to pay taxes or make other payments due to the city in a timely manner.
- (b) The city commission may recommend non-renewal or revocation of a license or permit originally authorized to operate in the city on or before June 30, 2003 to the liquor control commission upon a determination based upon a preponderance of the evidence presented at the hearing that any of the following exists:

- (1) Violations of the state liquor laws or regulations of the liquor control commission.
- (2) Violations of state laws or local ordinances including, but not limited to those laws or ordinances concerning the public health, safety or public welfare.
- (3) Maintenance of a nuisance upon or in connection with the licensed premises including, but not limited to, any of the following:
 - a. Failure to correct violations of building, electrical, mechanical, plumbing, zoning, health, fire, property maintenance or other applicable regulatory codes, to include the history thereof;
 - b. A pattern of patron conduct in the neighborhood of the licensed premises, which is a violation of the law and/or disturbs the peace, order and tranquility of the neighborhood;
 - c. Failure to maintain the grounds and exterior of the licensed premises, including litter, debris or refuse blowing or being deposited upon adjoining properties;
 - d. Entertainment on the premises or activity in connection with the licensed premises which by its nature causes, creates or contributes to disorder, disobedience to rules, ordinance or laws, or contributes to the disruption of normal activity of those in the neighborhood of the licensed premises.
- (4) Failure by the licensee to permit the inspection of the licensed premises by the city's agents or employees in connection with the enforcement of this article.
- (5) Failure to pay taxes or make other payments due to the city in a timely manner.

(Ord. No. 2010-01, 4-5-10)

Sec. 6-40. - Capacity limits.

The total capacity of each room of a licensed establishment shall be established and determined by the appropriate fire and building safety codes.

(Ord. No. 2010-01, 4-5-10)

Sec. 6-41. - Termination of escrowed licenses.

The city commission may, through resolution, request that the Michigan Liquor Control Commission terminate an on-premises license that has been placed in escrow for more than one (1) year after its expiration.

(Ord. No. 2010-01, 4-5-10)

Sec. 6-42. - Fees.

Each applicant for a new license or permit, for transfer of an existing license or permit, for expansion of an existing establishment, and for renewal of an existing license or permit shall pay a non-refundable application investigation fee. Each applicant for renewal of a license that was originally established on or before June 30, 2003 shall be exempt from annual renewal fees; all others shall pay an annual review fee. Such fees will be in addition to any fee required by the liquor control commission and shall be set by a city commission resolution.

(Ord. No. 2010-01, 4-5-10)

**CITY OF PLYMOUTH
LIQUOR LICENSE REVIEW COMMITTEE
APPLICATION**

Name of Applicant: _____

Address of Applicant: _____

Phone Number of Applicant: _____

Fax Number of Applicant: _____

Email Address of Applicant: _____

Please List Name, Address and type of license as it appears on current Liquor License:

List All Persons Listed on Liquor License (Partners):

Please list type of license that you are requesting (new, permit, transfer of ownership, transfer into the City, etc.):

Please list Name, Address and type of license as it is proposed (If change approved):

Please list all persons listed on proposed Liquor License (Partners):

Fee Schedule:

Liquor License Investigations	
Class C or Private Club License:	
New license or transfer of ownership	\$600.00
Amend stockholders	\$300.00
Relocation of existing license (per person named on request)	\$300.00
Dance or entertainment permit	\$200.00
SDD/SDM:	
New license or transfer of ownership	\$400.00
Relocation of existing license (per person named on request)	\$300.00
Add or drop space on license	\$100.00
Special license and one-day permits	\$100.00

Please submit plan of operation *(if required, see Section #4 of Ordinance)*:

Signature of Applicant: _____ Date: _____

CITY OF PLYMOUTH
CLASS C LIQUOR LICENSE OR TAVERN LICENSED BUSINESS
PLAN OF OPERATION
(Sample Format)

Business Name

Doing Business As

Street Address

Preamble: I/we have received copies of Plymouth City Ordinance 2003-04, An Ordinance to Establish a General Policy for the management of Liquor Licenses and Permits, understand its provisions and will be governed by them. The following Plan of Operation is developed in keeping with the spirit and intent of this Ordinance.

- I. HOURS OF OPERATION:** At present, our planned hours of operation will be (**example** - Tuesday - Thursday, from 11:00 a.m. -10:30 p.m., Friday from 11:00 a.m. - midnight, Saturday from 5:00 p.m. - 2:00 a.m.). Last call will be 30 minutes before closing and last service 20 minutes before closing.
- II. FORMAT:** The premises will be primarily operated as (**example** - a full-service restaurant, offering a full-service bar for clientele; full-service kitchen facility; providing for ___ patrons). (Additional information required: pool tables, video games, etc. are provided; if occasional live entertainment will be offered or occasional banquet functions. If live entertainment is to be offered, the type/days & times offered.)

We agree to adhere to the provisions of the **Entertainment Agreement**, which has been signed. It is agreed that we will not change the format or type of business without written approval of the City Commission. This includes changing from a full-service restaurant to a bar where food service is reduced, etc. The ratio of food sales to alcohol sales is anticipated to be: _____%

- III. CODE COMPLIANCE:** The premises when remodeled/completed will fully comply with all applicable health, safety, building, sanitation, electrical, plumbing and fire codes as well as zoning requirements.
- IV. PLAN OF OPERATION:** It is acknowledged that under Ordinance 2003-04, the business shall be operated in accordance with an approved plan of operation. Changing the operation of the business in any manner inconsistent with the approved plan of operation is a violation of the ordinance and the rules of the Liquor Control Commission. Any change to the plan of operation must be approved by the City Commission prior to it being placed into effect on the business premises.
- V. SECURITY:** Security for the customer, building, and community is the first priority for the corporation, and as such, we will undertake whatever measures are necessary to maintain and supervise the expected level.

VI. PARKING: Parking shall be provided as follows: (Number of Spaces)

- ___ spaces on site
- ___ public parking spaces
- ___ spaces leased from the following businesses:

- ___ valet parking (if applicable)

Employees will park at: (areas designated by management, such as the Farmers Market and Fleet Street parking structure).

VII. ALCOHOL MANAGEMENT: The establishment will strictly obey all rules and regulations promulgated by the City of Plymouth and the State of Michigan Liquor Control Commission. There will be neither service to nor consumption of alcoholic beverages by minors at any time. No alcohol will be sold, or permitted to be sold, on a commission basis by any person.

The following policies will be enforced at the establishment:

1. No alcoholic beverages will be allowed on the premises, other than what is dispensed by the establishment.
2. All Staff will pay attention and be alert to observable clues displayed by an intoxicated individual such as: impaired reflexes, impaired coordination, reduced judgment and inhibitions, impaired vision, etc.
3. All staff will be alert to potential problems at their respective areas at the facility.
4. Be polite and courteous to the intoxicated individual(s). Be knowledgeable as to when to request assistance from additional facility staff.
5. Patrons who appear to be 30 years of age or younger will be asked to show proper Michigan identification. Signage will be posted at serving locations. Patrons must produce proper identification.
 - 5.1 All patrons under 21 years of age, service will be refused.
 - 5.2 Check "State Seal" and other markings. Check for damage or alterations to identification card.
 - 5.3 Do not return falsified identification cards. Call management immediately.
6. If a patron shows signs of intoxication, then refuse service, politely explain policy, suggest non-alcohol purchase, and/or call for management if necessary.
7. If a patron is purchasing on behalf of someone else who appears **less than 30 years old or younger**, then request to see identification of recipient or contact supervisory personnel

whom will seek patron(s) out. Refuse service to minors. Inform all parties involved that policy allows for ejection off of premises if illegal activity has occurred.

8. Alcohol dispensing may be restricted to one of the following practices or any combination thereof:
 - No sales to intoxicated persons
 - No sales without proper identification
 - Limited alcoholic choices if necessary
 - When in doubt, do not serve, call supervisor
9. Observe all patrons leaving the property. No alcoholic beverages are allowed to leave the facility or property.
10. Approach any patron appearing to be impaired and leaving the event. Determine if they are driving. If so, attempt to persuade them not to drive and request a non-impaired companion to drive. If unable, refer patron(s) to bus or taxi service.
11. Supervisory and management personnel will complete documentation of any alcoholic related incidents at end of event. Information will be disseminated accordingly.
12. We shall provide free and/or at reduced prices non-alcoholic beverages to all designated drivers.
13. The establishment fully participates in the Techniques in Alcohol Management Program and will continue such participation in that program or a similarly recognized program approved by the Plymouth Police Chief. TIPS/TAM certification for all employees shall be provided to the Chief of Police within 35 days of date of hire.

VIII. REFUSE DISPOSAL: The establishment will dispose of refuse in enclosed dumpster/s, with locked lids. Pickup will be a minimum of ___ times per week. A water line with spigot will be provided to clean dumpster enclosure as necessary.

IX. GENERAL: Every effort will be made to maintain positive relationships with adjacent and nearby businesses as well as cooperation with all city departments. Every effort will be made to solve any problems which may arise.

X. EMERGENCY CONTACTS: (Name and Telephone Number)

XI. REFERENCE TO VALET SERVICE: (If utilized)

Date: _____
_____ Corporate Name/Doing Business As

By: _____
Name/Title

Name/Title

USE ADDITIONAL PAPER AS NEEDED

Permit No. _____

APPLICATION FOR OUTDOOR DINING PERMIT

CITY OF PLYMOUTH, MICHIGAN
201 S. Main Street, Plymouth, MI 48170-1688
(734) 453-1234 EXT. 232
Web Site: www.ci.plymouth.mi.us

TO THE CITY OF PLYMOUTH BUILDING OFFICIAL:

The undersigned hereby applies for an Outdoor Dining permit according to the following statement:

PLEASE PRINT OR TYPE

1. Name of Business _____

2. Owner _____ Phone _____

Address _____ City _____ State _____ Zip _____

3. Applicant _____ Phone _____

Address _____ City _____ State _____ Zip _____

4. Area of dining space in square feet: _____

5. Attach one (1) set of site plans.

Signature of applicant: _____

Conditional Approval (see attached conditions) _____

Application Fee: \$250.00 Non-liquor establishments with three or fewer tables: \$100.00

Square footage Fee: _____

By: _____
Building Official

By: _____
Police Chief

Date: _____

TOTAL FEE: \$ _____

**OUTDOOR DINING POLICY GUIDELINES
CITY OF PLYMOUTH
201 S. MAIN
PLYMOUTH, MI 48170
(734) 453-1234 Ext. 232
Contact Person: Building Dept.**

CHECK LIST FOR INSPECTION OF THE OUTDOOR DINING AREA

This list includes items that the city inspector will check before the Outdoor Dining Permit will be issued. The Owner/Management may use this list to check their site plan before submitting to the Building Department.

The Owner/Management must submit an outdoor dining permit application (It must state on the application the hours of opening and the time cleared and closed by), an insurance waiver with the City of Plymouth named as an additional insured, a copy of the video camera specifications, along with a site plan. These Four items are required for your Outdoor Dining Permit submittal.

An additional fee of \$1.50 per square foot will be charged for public area used as determined by the Building Official.

SITE PLAN MUST INCLUDE:

1. Dimensions to all trees, lights, hydrants, curbs, ramps, doors that open into café area, buildings and other obstructions.
2. Show a minimum of 6 feet of sidewalk width from the above listed items to enclosed area of tables & chairs, for pedestrian traffic in sidewalk café areas.
3. Delineate the location and layout of the café in relation to the building and the building entrance.
4. Provide dimensions of café area for calculation of Café Square Footage.
5. Any fencing/railings shall have vertical balusters with a space between vertical members not greater than 4 inches. The minimum rail height shall be 36 inches with a maximum height of 42 inches. Fencing materials used should be black or “streetscape” green and should resemble “Wrought Iron”.
6. A note shall be included on the plan detailing that the tables and chairs shall be stacked and locked, left in place or moved inside when the facility is closed.

**OUTDOOR DINING PERMITS ARE GOOD FOR ONE SEASON AND
MUST BE OBTAINED ANNUALLY.**

City of Plymouth Outdoor Dining Policy

Revised & Adopted by the City Commission on January 21, 2013

Outdoor dining service may be permitted when operated by an existing food and/or beverage establishment, provided the operation complies with the following conditions:

Fees & Permits

1. All businesses proposing outdoor dining shall submit an application depicting the location and layout of the dining area to the building department for approval. Approval of the application shall be subject to compliance with this policy and all applicable building codes.
2. Fees for outdoor dining shall consist of an application fee and a fee based on the square footage of area used for the dining area, fees shall be determined by resolution of the City Commission.
3. Before receiving an outdoor dining permit, the applicant shall pay all required fees.
4. Prior to issuance of an outdoor dining permit, the City's finance department shall verify that there are no outstanding fees owed to the City by the person or entity requesting an outdoor dining permit. An outdoor dining permit will not be issued until all outstanding debts to the City of Plymouth are paid in full.
5. Each establishment shall comply with any and all regulations issued by the State of Michigan, County of Wayne, and the City of Plymouth.
6. All outdoor dining operations shall indemnify and hold the City free, clear, and harmless from any and all claims arising out of the operation of the outdoor dining area. The City shall be added as a named insured on the application/operator's general liability insurance policy and provide the City with a copy of the certificate of insurance. The operator shall carry insurance in the amount of \$500,000 per person, per incident, for general and product liability and have umbrella coverage in the amount of \$1,000,000.
7. No additional off-street parking shall be required for outdoor dining.
8. The maximum number of outdoor dining seats in a patio café will be determined by a formula: The square footage divided by 8.5. For example: If the patio is 200-square-feet, divided by 8.5, the maximum number of seats is 24.
9. The City shall have the right to prohibit the operation of outdoor dining because of anticipated or actual problems or conflicts in the use of the business. Some problems may arise from, but are not limited to, festivals and similar events, parades, or repairs to the street, sidewalk or utilities within the public right of way. To the maximum extent possible, the outdoor dining owner will be given prior written notice of any time period during which the operating of the outdoor dining may be impacted.

Construction

For Sidewalk Cafés

1. A minimum of six (6) unobstructed feet of sidewalk width must be maintained to permit the free flow of pedestrian traffic. Clearance of six feet will be measured from any door that opens onto the sidewalk, any tree, light pole, curb or other obstruction.
2. Café facilities shall not extend beyond the curb or in front of adjacent businesses. Café facilities may extend in front of adjacent businesses if written consent is obtained from the affected adjacent property owners.
3. Sidewalk cafés shall not disrupt street or sidewalk drainage or impound water.
4. An inspection of all café facilities by the Building Department and Police Department is required before opening the premises for use.

Operation & Maintenance

1. The exterior of the premises shall be kept in a clean, orderly and maintained condition. Sidewalks shall be cleaned daily with water by the Café operator to prevent buildup of dirt and grease. Each establishment with an outdoor café must sweep the frontage sidewalk clear of cigarette butts and garbage during hours of operation and following the closure of the outdoor café for the evening. No remnants of cigarette butts or trash will be visible outside the establishment after closing.
2. The DDA will contract with a power washing company for cleaning of sidewalk cafes of all establishments with an outdoor café, once per month during the café season. The cost for power washing will be divided among the establishments that have an outdoor café on city property, with the bill assessed on a “per square foot” basis. The DDA will contract with the power washing company that has the successful bid to power wash sidewalks throughout the entire downtown, generally four times a year. There will not be a charge if the scheduled power washing for all businesses coincides with the scheduled monthly power washing for establishments with an outdoor café..
3. Cafes shall be permitted to operate for the period of April 1 to November 1 only and may be used only during normal operation hours of the applying establishment. Evening operations of the cafes shall be limited and shall cease operations by 10:00pm, except in the Downtown Development Authority District.
4. For liquor serving establishments, security cameras must be mounted on private property to give adequate coverage of the outdoor café. The specifications are attached, and can be changed as technology changes. All cameras must have the approval of the Police Chief before being installed. That includes both the number of cameras needed and the specifications of the cameras to be installed. Each day’s video recording must be saved for at least seven days. Upon request, establishments must make video available to the Police Department for investigations within 48 hours of the request. Failure to do so WILL result in immediate suspension of the sidewalk café, AND revocation of the sidewalk café permit for the remainder of the season.

5. In the Downtown Development Authority District only, cafés shall be allowed to continue service until 11:00pm, Sunday through Wednesday and be closed and clear at 11:30 pm. Cafes shall be allowed to continue service until 12:00am. (Midnight) on Thursday, Friday and Saturday and be closed and clear at 12:30am.
6. All food preparation shall be performed inside the premises.
7. Cafés shall be permitted to serve alcohol only to patrons who are seated in the establishment's designated café seating area.
8. Containers for cigarette butts must be made available to patrons outside each establishment with an outdoor café. The containers, free standing or attached to private property, must meet the standards and be approved by the Downtown Development Authority staff. No unauthorized containers, coffee cans or other receptacles are allowed.
9. Establishments with an outdoor café are only allowed to store and secure the number of seats allowed per establishment, tables and propane heaters each night. At the end of business, tables and chairs can be stacked against the wall, left standing in place or stored inside the establishment. Additional property, not limited to but including cleaning materials, are not allowed to be stored outside during or after café hours.
10. Each establishment with an outdoor café on city property must have a 36-inch high by 24-inch wide sign attached to the fencing and/or the entrance of the patio café, noticeable to all patrons that reads:

Local City & State Ordinances for Outdoor Public Seating

1. No smoking in the patio
2. All patrons must be seated in the patio
3. No pets allowed on the inside of the patio
4. All alcohol must be brought across the sidewalk by an (establishment name) employee
5. City Ordinances Pertaining to Hours of Operation for Establishments inside the Downtown Development Authority District (DDA).
Sunday-Wednesday, Last call will be at 11 p.m. and all patrons must be inside by 11:30 p.m.
Thursday-Saturday, Last call will be at 12 a.m. and all patrons must be inside by 12:30 a.m.
6. Establishments outside the DDA area shall have last call at 9:30 PM and all patrons must be inside by 10:00 PM every day.

Outdoor dining areas shall abide by the City's Noise Ordinance.

General Regulations

1. Contracts to permit Outdoor Dining shall not exceed one (1) season, (April 1 to November 1). Temporary contracts for a special event occurring between November 2 and March 31 shall be permitted but may not exceed 14 days, or more than one per year and are subject to the same conditions and fees established for non-temporary permits.
2. Failure to comply with all state, county and municipal laws and this policy shall result in the immediate revocation of the authority to operate Outdoor Dining by the City Manager.
3. All denials of applications and revocations of said authority to operate may be appealed to the City Commission, whose decision is final. (Note: The use of public right of way is subject solely to the control of the City Commission.)
4. Appeals of revocations shall stay further proceedings and the applicant shall be permitted to continue the outdoor café operation pending a decision by the City Commission. Provided, if a violation poses an immediate danger to the public's health, safety, or general welfare, the City Manager or his designee may order the suspension of all outdoor dining operations pending a hearing and the applicant shall cease carrying on such activities pending such hearing.
5. All applicants, prior to being issued a permit to operate a café, shall enter into a written contract whereby the City shall "permit" the operation and the owner/applicant shall acknowledge the conditions and the City's authority to revoke the permit upon failure to comply with any of the conditions set forth herein.

Fee Schedule (Amended)

Amended January 21, 2008

Application Fee: \$250.00

Sidewalk Usage Fee: \$1.50 /Square Foot/per season

Fee Schedule (Amended)

Amended January 21, 2013

Application Fee: \$100 /Per Season/ for non-liquor establishments with three or less tables.

Sidewalk Patio Video Specs

SECURITY SYSTEM (head unit) SPECS:

- 1) 1 terabyte or greater hard drive
Note: This hard drive sizing will give you the ability to capture more data at a higher resolution and hold that data for a longer duration.
- 2) “APP” for portable devices
Note: These apps give the operator the flexibility to view the system remotely from Smartphones or other devices.
- 3) “USB” or “Flash Drive” ports.
Note: These ports give the operator the ability to transfer and capture data (ie: video) for future viewing.
- 4) Raid configuration ability:
Note: This feature gives the operator the option to add more hard drives for redundancy.
- 5) Remote “IP” address availability:
Note: This feature gives the operator the ability to view all cameras remotely through an offsite computer.
- 6) Balun / Cat 5 wiring”
Note: Using baluns gives the operator the ability to mount a camera anywhere regardless of location of a power source.

Camera Specifications:

Outside camera no less than 600 lines of resolution.

Note: The higher the line resolution the more detailed the field will be.

Note: 700 lines are sufficient for lower “HD” quality.

Working example:

- 1) 700-1080 resolution.
Note: When scanning or searching the hard drive for an issue the higher resolution camera will make it easier to identify your target while scanning in fast forward or rewind mode.
- 2) 3.1 millimeter lens
Note: This will give you the widest target area while maintaining clarity.
- 3) Infrared “LED” is at .1 lux.
Note: This gives you your brightness level at night. The lower the “lux” value the brighter the image.
- 4) 60-foot Throw
Note: Throw is target depth. The longer the throw the farther out your target area.

Chapter 6 – City of Plymouth Code of Ordinances
ALCOHOLIC LIQUORS*

***Cross references:** Offenses and miscellaneous provisions, ch. 54.

State law references: Liquor control act, MCL 436.1 et seq., MSA 18.971 et seq.

Article I. In General

[Sec. 6-1. Definitions.](#)

[Sec. 6-2. Consumption in public.](#)

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[Sec. 6-4. Rules of conduct, bars.](#)

[Sec. 6-5. Purchases by minor; furnishing.](#)

[Sec. 6-6. Misrepresenting age.](#)

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[Sec. 6-8. Possession by minor; transporting.](#)

[Sec. 6-9. Penalties, enforcement.](#)

Chapter 6 - ALCOHOLIC LIQUORS^[1]

Footnotes:

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Cross reference Offenses and miscellaneous provisions, ch. 54.

State Law reference Liquor control act, MCL 436.1 et seq., MSA 18.971 et seq.

ARTICLE I. - IN GENERAL

Sec. 6-1. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Alcoholic liquor and licenses shall be as defined in Act No. 8 of the Public Acts of Michigan of 1933, Extra Session (MCL 436.1 et seq., MSA 18.971 et seq.), as amended.

(Code 1982, § 9.241)

Cross reference— Definitions generally, § 1-2.

Sec. 6-2. - Consumption in public.

No alcoholic liquor shall be consumed on the public streets, parks, or in any other public places, including any store or establishment doing business with the public not licensed to sell alcoholic liquor for consumption on the premises; nor shall anyone who owns, operates or controls any such public establishment or store permit the consumption of alcoholic liquor therein.

(Code 1982, § 9.242)

Sec. 6-3. - Liquor sales.

No licensee, by himself, or another, shall sell, furnish, give or deliver any alcoholic liquor to any person:

- (1) Who is so intoxicated as not to be in control of all his faculties.
- (2) On any day during the hours not permitted by state law or the state liquor control commission.

(Code 1982, § 9.243; Ord. No. 85-14, § 1, 12-2-85)

Sec. 6-4. - Rules of conduct, bars.

No licensee shall permit on licensed premises:

- (1) Spirits to be consumed if licensed to sell only beer or wine or both.

- (2) Any disorderly conduct or action which disturbs the peace and good order of the neighborhood.
- (3) Any resorting of prostitutes or other disorderly persons.
- (4) Any gambling, or the placing or using of any gambling apparatus or paraphernalia therein.
- (5) Any lewd, obscene or illegal exhibition or entertainment, or other conduct likely to corrupt the public morals.
- (6) Any employee to visit, fraternize or drink alcoholic liquor with any of the patrons.
- (7) The obstruction of the public view by the use of drawn shades, blinds or screens, either permanent or movable.
- (8) The use of so-called "dim-lights," and such licensee shall make use of bright lights at all times during the hours when lights may be necessary.

(Code 1982, § 9.244)

Sec. 6-5. - Purchases by minor; furnishing.

No person under the age of 21 years, shall offer to buy, obtain or drink any alcoholic beverage in any beer garden, tavern, restaurant, store, or place where alcoholic beverages are sold or furnished for consumption either on or away from the premises, or in any public place. No person shall sell, give or offer any alcoholic beverage to any person under the age of 21 years in any beer garden, tavern, restaurant, store, or place where alcoholic beverages are sold or furnished for consumption either on or away from the premises, or in any public place.

(Code 1982, § 9.245)

Sec. 6-6. - Misrepresenting age.

Any person under the age of 21 years, who falsely represents himself to be 21 years or over, and procures or attempts to procure the sale or furnishing to himself of any alcoholic beverage, or any person who makes false representations as to the age of another and thereby procures or attempts to procure the sale or furnishing to any person under the age of 21 years, of any alcoholic beverage, shall be guilty of a violation of this Code.

(Code 1982, § 9.246)

Sec. 6-7. - Proof of age.

The person in charge of any beer garden, restaurant, tavern, store or place where alcoholic beverages are sold or furnished for consumption either on or away from the premises, shall have the right at any time to demand of any person offering to buy, buying, obtaining, or drinking any alcoholic beverage in such establishment who may appear to him to be under the age of 21 years, proof of age and identity and on failure of such person to produce same, shall refuse to serve, sell or furnish such person with any alcoholic beverage and may exclude such person from such place of business. If any such person shall refuse to leave such place of business, he shall be termed a disorderly person, and subject to the penalties provided in section 1-13 of this Code.

(Code 1982, § 9.247)

Sec. 6-8. - Possession by minor; transporting.

No person under the age of 21 years shall purchase or knowingly possess or transport any alcoholic beverages, or knowingly possess, transport, or have under his control in any motor vehicle any alcoholic beverages unless such person is employed by a licensee, licensed under the provisions of Act No. 8 of the Public Acts of Michigan of 1933, Extra Session (MCL 436.1 et seq., MSA 18.971 et seq.), as amended, and is possessing, transporting or having alcoholic beverages in a motor vehicle under his control during regular working hours and in the course of his employment.

(Code 1982, § 9.248)

Sec. 6-9. - Penalties, enforcement.

- (a) A person less than 21 years of age who violates section 6-2, 6-5 or 6-8 is liable for the following civil fines and shall not be subject to the penalties prescribed in section 1-13 of this Code:
 - (1) For the first violation a fine of not more than \$50.00.
 - (2) For a second violation a fine of not more than \$100.00, or participation in substance abuse prevention services as defined in section 6107 of Act No. 368 of the Public Acts of Michigan of 1978 (MCL 333.6107, MSA 14.15(6107)), and designated by the administrator of substance abuse services, or both.
 - (3) For a third or subsequent violation a fine of not more than \$150.00, or participation in substance abuse prevention services as defined in section 6107 of Act No. 368 of the Public Acts of Michigan of 1978 (MCL 333.6107, MSA 14.15(6107)), and designated by the administrator of substance abuse services, or both.
- (b) Any person under the age of 17 years who shall violate any of the provisions of this chapter shall, upon apprehension, be taken to the juvenile division of the probate court and dealt with in such manner as prescribed by the laws of this state.
- (c) Any other violation of any of the provisions of this chapter shall, upon conviction thereof, be punished as prescribed in section 1-13 of this Code.

(Code 1982, § 9.249)

Secs. 6-10—6-30. - Reserved.