



City of Buchanan

Social District Application &
Management and Maintenance Plan

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Commons Areas Management and Maintenance Plan

Introduction

On July 1, 2020, Michigan Public Act 124 of 2020 was signed into law, allowing local governments to establish 'Social Districts' within their jurisdictions. These Social Districts allow for 'common areas' where two or more contiguous licensed establishments (i.e., bars, distilleries, breweries, restaurants, tasting rooms) may sell alcoholic beverages in designated containers to be taken into the area for consumption.

Intent

The City of Buchanan by and through its Community Development Department intends to utilize this new state law and establish a Social District in an effort to support local restaurants, microbreweries, bars, and similar food service businesses within the City of Buchanan.

Application

This packet, and the management and maintenance plan contained within, is specifically designed to apply to, and ensure compliance with, the Michigan Liquor Control Commission (MLCC) guidelines and Public Act 58 of 1998 as amended by Public Act 124 of 2020. Plan amendments may be considered at any time but must comply with all requirements for Commons Areas as prescribed in state statute.

Potential Qualified Licensees

As the Social District is established, the City will welcome businesses to participate once they apply for and receive their Social District Permit from the MLCC. Potential participating liquor license holders who are considered 'Qualified Licensees' within the proposed Social District are listed below:

- B & W Olde Village Inn
- McCoy Creek Tavern
- Lehman's Brewery

Social District Permits

A Qualified Licensee must first be approved by the City before applying for a Social District Permit through the MLCC. Permits can be applied for by the owner or an authorized representative thereof by filling out MLCC Form [LCC -208](#). In order to be approved by the City, a licensee will have to provide a Certificate of Liability Insurance naming the City of Buchanan as additionally insured.

Management

The *Buchanan Social District* will be created and operated by the City of Buchanan, by and through its Community Development Department. The district's management and maintenance will also be supported by the Buchanan Police and Fire Departments, the Buchanan Parks Department, and the Buchanan Department of Public Safety.

Operations

The *Buchanan Social District* will operate year-round, seven days a week, from 12 p.m. to 10 p.m., beginning immediately after approval from the Michigan Liquor Control Commission.

District Boundaries

The *Buchanan Social District* boundaries are, generally, the north and south of Front Street, between Main St., Red Bud Trail North, Dewey St., Days Ave., and S. Oak St. Designated common areas are all sidewalks within the social district, crosswalks at Red Bud Trail North and Dewey St., across Main St., S. Oak St and Front St., across Days Ave., and Front St. and Red Bud Trail North., the McCoy Duck Pond & adjacent parking lot, and the Buchanan Common Area. Please refer to page 8 for a detailed map (Exhibit A) in accordance with Michigan Public Act 124.

Barriers, Structures, and Furnishings

All barriers, structures, and furnishings, temporary or otherwise, utilized as part of the *Buchanan Social District's* Commons Area must be approved by the City of Buchanan and shall:

- Not impede drivers, pedestrians, or wheelchair users;
- Not block sight visibility of remaining parking lot aisles or intersections;
- Not impede emergency vehicle and personnel access; and
- Not prevent access to nearby businesses or homes.

Tables, chairs, and temporary barriers may be permitted to remain outdoors during closed hours but must be secured. Service items, decorations, cleaning materials and equipment and other easily stored items must be removed from the area at the end of each business day. Solid barriers, if incorporated, may remain for the duration of the permitted timeframe. Tents and other temporary shelter structures must be approved by a City of Buchanan Department of Building Safety Official prior to incorporation. Additionally, the type and location for any outdoor heaters must be approved by the Buchanan City Fire Department.

District Logo and Signage

The *Buchanan Social District* will utilize a modification of the City of Buchanan's logo to designate its approved rules, boundaries, and containers. As required by the MLCC, the general boundaries of the Social District will be clearly marked with signage. Additionally, the City will supply signage/markers to designate two dedicated crosswalks for patrons of the Social District to cross Lake Street safely.

Other signage may be needed to indicate rules for the district, such as:

- No alcohol beyond this point;
- Each cup is one-time use;
- Dispose of your cup properly;
- District Hours of Operation;
- Drinks only available at participating "social district" establishments; and
- Do not take your cup from one establishment into another.

Beverage Containers and Rules of Use

Per PA 124 of 2020, the following regulations apply to containers within the Social District:

1. The container prominently displays the social district permittee's trade name or logo or some other mark that is unique to the social district permittee under the social district permittee's on-premises license;
2. The container prominently displays a logo or some other mark that is unique to the commons area;
3. The container is not glass; and
4. The container has a liquid capacity that does not exceed 16 ounces.

The following additional rules apply to the use of Social District beverage containers:

- The container must be marked with the time and date of sale;
- Participating licensees must purchase their containers from the City of Buchanan;
- The containers may not be carried into the establishment of another qualified licensee.
- The containers may only be consumed within the Social District commons area, not on premises at the location of purchase; and

Financing

Participating licensees are required to pay for their permit from the MLCC (\$250 permit fee + \$70 inspection fee). The City will assist to minimize additional financial investments borne the business community for signage, stickers, structures, barriers, and furnishings.

Marketing and Promotion

Marketing will be done by the City of Buchanan, in coordination with the Buchanan Chamber and the Southwest Michigan Regional Chamber. Expenses related to marketing and promotion shall be offset with financing from the Buchanan Community Development Department.

Security and Enforcement

Security and enforcement in the Social District will be done by the Buchanan City Police Department. Periodic reports will be provided to the City to document any security issues that arise.

Waste Removal and Sanitation

The City of Buchanan will provide daily sanitation services within the social district, including trash removal, litter pick up, and the periodic sanitization of sites and surfaces. The City requires that waste receptacles be located strategically throughout the Commons Areas, including at least one in front of each participating licensee. Participating licensees shall also be responsible for the daily litter pick up surrounding their establishment and the periodic sanitization of any sites, surfaces, structures, or furnishings they may provide as part of this social district.

COVID-19 Protocols and Precautions

Due to the ongoing Coronavirus (COVID-19) pandemic, all individuals (patrons), organizations, and establishments participating in the *Buchanan Social District* must comply with all Emergency Orders issued by the Michigan Department of Health and Human Services related to the COVID-19 state-of-emergency. Additionally, patrons and licensees must comply with the most relevant public health guidance, including, but not limited to, reduced capacity, social distancing, and the wearing of face masks by staff and customers. As in all other circumstances, failure by a licensee to comply with one of MDHHS' emergency orders may result in the suspension or revocation of the licensee's liquor license.

Insurance

As part of the required local approval process, qualified licensees must secure their own liability insurance and name the City of Buchanan as an additional insured.

Festivals and Special Events

PA 124 of 2020 states the following: "If the commission issues a special license to a special licensee located in a social district, the holder of a social district permit shall not sell and serve alcoholic liquor under subsection (2) during the effective period of the special license." Thus, if a special license was issued for a festival or event taking place within the Social District boundary, all Social District operations would cease for the duration of that festival or special event. That said, nothing prohibits the City from holding a festival or event, such as live-music or an open-air market, within the common areas established by this social district and having the participating licensees sell and serve alcoholic liquor to patrons – so long as a special license was not issued for that occasion.

Existing Outdoor Dining and Consumption

The establishment of the Commons Areas in accordance with the new MLCC provisions in no way negates the ability of businesses to establish sidewalk cafes for outdoor dining and alcoholic beverage consumption in accordance with the pre-existing MLCC guidelines and City ordinances. The Commons Areas are intended to be supplemental and in addition to these previous provisions.

Revocation

The City of Buchanan may revoke the Social District designation if it determines that the commons area threatens the health, safety, or welfare of the public or has become a public nuisance. Per MLCC rules, the City must hold at least one (1) public hearing on the proposed revocation before revoking the designation. The City shall give notice as required under the open meetings act of the time and place of the public hearing before the public hearing and shall file the designation or revocation of the Social District with the MLCC.

Resolution of Approval - Proposed

CITY OF BUCHANAN

ESTABLISHMENT OF A BUCHANAN SOCIAL DISTRICT

Resolution -

WHEREAS, Michigan Public Act 124 of 2020 was signed into law on July 1, 2020; and

WHEREAS, the law allows Michigan municipalities to establish Social Districts that provide for Commons Areas where two or more contiguous licensed establishments may sell alcoholic beverages in special cups to be taken into the Commons Areas for consumption; and

WHEREAS, the Buchanan Social District would be created and managed by the City by and through its Community Development Department; and

WHEREAS, the Buchanan Social District boundaries are laid out in the Buchanan Social District map attached as Exhibit A in accordance with Michigan Public Act 124;

WHEREAS, the City of Buchanan will follow all stipulations of Michigan Public Act 124 of 2020 and follow established best practices in the creation and maintenance of the Buchanan Social District; and

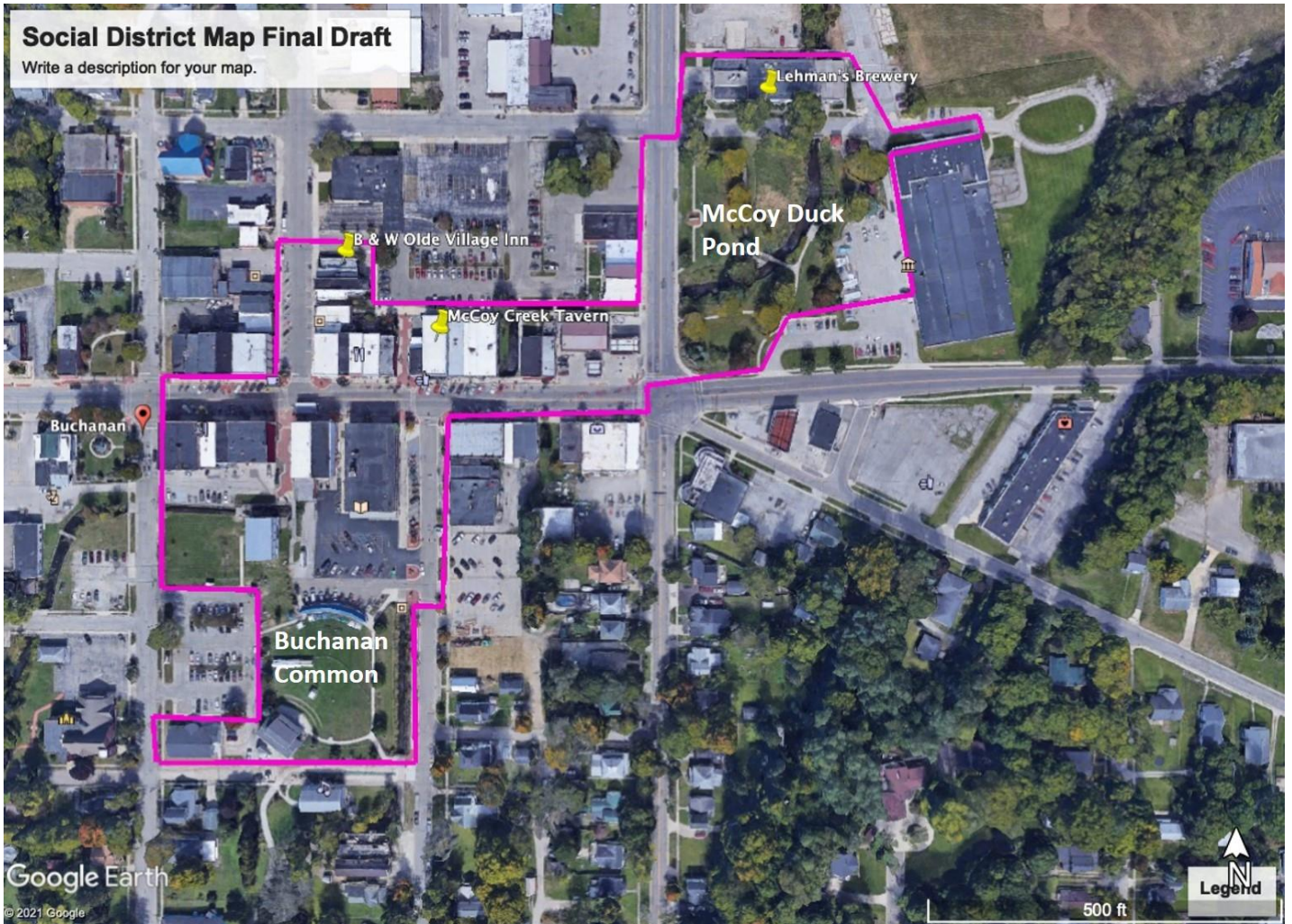
WHEREAS, the creation of the Buchanan Social District will assist our downtown businesses in adapting to the social distancing requirements of the COVID-19 crisis as well as attract customers for enhanced outdoor dining and entertainment experiences in downtown Buchanan; and

WHEREAS, the City Council designates the Buchanan Social District and commons areas as depicted in the attached map (Exhibit A), establishes a social district management and maintenance plan, approves the list of potential qualified license holders for a social district permit as outlined in the application; and

NOW, THEREFORE, BE IT RESOLVED, That the Buchanan City Council does hereby approve the creation of the Buchanan Social District for consideration by the Michigan Liquor Control Commission.

Approved:

Social District Map



MLCC Forms and Documentation

MLCC Information for Local Governmental Units



Michigan Liquor Control Commission (MLCC)
Constitution Hall, 2nd Floor, 525 W. Allegan St, Lansing, MI 48933
P.O. Box 30005, Lansing, MI 48909
866-813-0011 – www.michigan.gov/lcc

Social District Permit Information For Local Governmental Units

Pursuant to MCL 436.1551, the governing body of a local governmental unit may designate a Social District within its jurisdiction. Qualified licensees whose licensed premises are contiguous to the commons area within the Social District, and that have been approved for and issued a Social District Permit, may sell alcoholic liquor (beer, wine, mixed spirit drink, spirits, or mixed drinks) on their licensed premises to customers who may then consume the alcoholic liquor within the commons area of the Social District. The commons area is not considered part of the licensed premises for any of the licensees that hold a Social District Permit.

The term commons area is defined by MCL 436.1551(8)(a):

"Commons area" means an area within a social district clearly designated and clearly marked by the governing body of the local governmental unit that is shared by and contiguous to the premises of at least 2 other qualified licensees. Commons area does not include the licensed premises of any qualified licensee.

The term qualified licensee is defined by MCL 436.1551(8)(c):

"Qualified licensee" means any of the following:

- *A retailer that holds a license, other than a special license, to sell alcoholic liquor for consumption on the licensed premises. (This includes the following license types: Class C, Tavern, A-Hotel, B-Hotel, Club, G-1, G-2, Brewpub.)*
- *A manufacturer with an on-premises tasting room permit issued under section 536.*
- *A manufacturer that holds an off-premises tasting room license issued under section 536.*
- *A manufacturer that holds a joint off-premises tasting room license issued under section 536.*

A list of all licensees, sorted by county and local governmental unit, may be found on the MLCC website:

https://www.michigan.gov/documents/lara/liclist_639292_7.xlsx

The governing body of a local governmental unit may designate a Social District pursuant to MCL 436.1551 under the following conditions:

- Designate a Social District that contains a commons area, as defined in MCL 436.1551(8)(a).
- Establish local management and maintenance plans, including hours of operation, for a commons area.
- Define and clearly mark with signs the designated commons area.
- A governing body of a local governmental unit shall not designate a Social District that would close a road unless the governing body receives prior approval from the road authority with jurisdiction over the road.
- The governing body shall maintain the commons area in a manner that protects the health and safety of the community.
- The governing body may revoke the designation if it determines that the commons area threatens the health, safety, or welfare of the public or has become a public nuisance. Before revoking the designation, the governing body must hold at least 1 public hearing on the proposed revocation. The governing body shall give notice as required under the open meetings act of the time and place of the public hearing before the public hearing.
- The governing body shall file the designation or revocation of the Social District with the MLCC.

Before applying to the MLCC for a Social District Permit, a qualified licensee must first obtain approval from the governing body of the local governmental unit. A fillable resolution for this approval is part of the [Social District Permit Application \(LCC-208\)](#).

Filing the Designation of a Social District with the MLCC

A local governmental unit must file the following items with the MLCC when designating a Social District:

- A copy of the resolution passed by the governing body designating the Social District and commons area.
- A copy of the management and maintenance plans, including the hours of operation, established by the local governmental unit for the Social District and commons area.
- A diagram or map that clearly shows the boundaries of the Social District and commons area. Please indicate the name, address, and location of the qualified licensees that are contiguous to the commons area on the diagram or map.

Submit the items above to:

By Mail: Michigan Liquor Control Commission - P.O. Box 30005 - Lansing, MI 48933
By Fax: (517) 763-0059 By Email: mlccrecords@michigan.gov

Additional sections of the Liquor Control Code for a local governmental unit to consider when establishing a Social District or commons area within a Social District:

MCL 436.1915 - Possessing or consuming alcoholic liquor on public highway or in park, place of amusement, or publicly owned area; authority of local governmental unit or state department or agency to prohibit possession or consumption of alcoholic liquor; definitions.

- (1) Alcoholic liquor shall not be consumed on the public highways.
- (2) Except as provided in subsections (3) and (4), alcoholic liquor may be possessed or consumed in public parks, public places of amusement, or a publicly owned area not licensed to sell for consumption on the premises.
- (3) The governing body of a local governmental unit may prohibit by ordinance, order, or resolution the possession or consumption of alcoholic liquor in any public park, public place of amusement, or publicly owned area that is owned or administered, or both, by that local governmental unit. When land is leased from a department or agency of this state, an ordinance, order, or resolution adopted pursuant to this subsection shall be subject to the approval of the department or agency.
- (4) A department or agency of this state that administers public lands may prohibit by rule, order, or resolution the possession or consumption of alcoholic liquor on the public land under its jurisdiction.
- (5) As used in this section:
 - (a) "Local governmental unit" means a county, city, township, village, or charter authority.
 - (b) "Publicly owned area" means an area under the jurisdiction of a local governmental unit.

MCL 436.1913(1), (2), & (5) - Prohibited conduct; unlicensed premises or place; unlawful consumption of alcoholic liquor; exceptions; construction of section; "consideration" defined.

- (1) A person shall not do either of the following:
 - (a) Maintain, operate, or lease, or otherwise furnish to any person, any premises or place that is not licensed under this act within which the other person may engage in the drinking of alcoholic liquor for consideration.
 - (b) Obtain by way of lease or rental agreement, and furnish or provide to any other person, any premises or place that is not licensed under this act within which any other person may engage in the drinking of alcoholic liquor for consideration.
- (2) A person shall not consume alcoholic liquor in a commercial establishment selling food if the commercial establishment is not licensed under this act. A person owning, operating, or leasing a commercial establishment selling food which is not licensed under this act shall not allow the consumption of alcoholic liquor on its premises.
- (5) As used in this section, "consideration" includes any fee, cover charge, ticket purchase, the storage of alcoholic liquor, the sale of food, ice, mixers, or other liquids used with alcoholic liquor drinks, or the purchasing of any service or item, or combination of service and item; or includes the furnishing of glassware or other containers for use in the consumption of alcoholic liquor in conjunction with the sale of food.

MLCC Social District Permit Application



Michigan Department of Licensing and Regulatory Affairs
Liquor Control Commission (MLCC)
Toll-Free: 866-813-0011 - www.michigan.gov/lcc

Social District Permit Information



Local Governmental Approval Required Before You Apply

The city, township, or village where your business is located must have first designated a Social District before you may apply. Your licensed business must be contiguous to the commons area inside the Social District to qualify. Check with your local governmental unit to see if you qualify.

Your licensed business must also be approved individually by the city, township, or village before you apply for a Social District Permit. A local governmental unit approval form is attached to this application.

The governing body of a local governmental unit may designate a Social District within its jurisdiction that contains a commons area in which the patrons of qualified licensees may consume alcoholic liquor (beer, wine, mixed spirit drink, spirits, or mixed drinks/cocktails) in the commons area.

At least two (2) qualified licensees must have their licensed premises contiguous to a commons area for the area to qualify to be part of a social district.

The local governmental unit must define and clearly mark the commons area with signs. The local governmental unit must establish a management plan, including the hours of operation, for the commons area. These plans must be submitted to the Commission.

A qualified licensee may apply to the Commission for a Social District Permit using the attached application. The licensee must first obtain approval from the governing body of the local governmental unit before applying for the permit.

A licensee that has been issued a Social District Permit may sell alcoholic liquor for on-premises consumption on its licensed premises only, but then customers may remove the alcoholic liquor from the premises to be consumed in the commons area. A licensee must not sell alcoholic liquor in the commons area.

The commons area is not considered part of any licensee's licensed premises. Nevertheless, a licensee that has been issued a Social District Permit must make every effort to ensure that it does not sell alcoholic liquor to a minor or intoxicated person.

Any alcoholic liquor sold to customers for consumption in the commons area by a licensee with a Social District Permit must comply with all of the following:

- The serving container must prominently display the licensee's trade name or logo or some other mark that is unique to the licensee that sold the alcohol.
- The serving container must prominently display a logo or some other mark that is unique to the commons area.
- The serving container is not made of glass.
- The serving container does not have a liquid capacity over 16 ounces.

A customer that purchases alcoholic liquor to be consumed in a commons area must not transport that alcoholic liquor onto the licensed premises of another licensee contiguous to the commons area from which the customer did not purchase the alcoholic liquor. A licensee shall not allow alcoholic liquor purchased from another licensee to be brought onto its licensed premises.

A customer that purchases alcoholic liquor to be consumed in a commons area must not transport that alcoholic liquor outside of the commons area.

Qualified licensees for Social District Permits are:

- A retailer licensee that is licensed to sell alcoholic liquor for consumption on the premises, such as a Class C, Tavern, A-Hotel, B-Hotel, Club, G-1, or G-2. A Special License issued to a nonprofit organization is not a qualified licensee.
- A manufacturer with an On-Premises Tasting Room Permit.
- A manufacturer with an Off-Premises Tasting Room License or a Joint Off-Premises Tasting Room License. For Joint Off-Premises Tasting Room Licenses, all licensees that have licenses at that same location must be approved for and issued a Social District Permit.



Michigan Department of Licensing and Regulatory Affairs
Liquor Control Commission (MLCC)
Toll-Free: 866-813-0011 - www.michigan.gov/lcc

Business ID: _____
Request ID: _____
(For MLCC Use Only)

Social District Permit Application

Part 1 - Licensee Information

Individuals, please state your legal name. Corporations or Limited Liability Companies, please state your name as it appears on your Articles of Incorporation / Organization.

Licensee name:		
Address:		
City:	State:	Zip Code:
Contact Name:	Phone:	Email:

Part 2 - Required Documents & Fees

<input type="checkbox"/> Local Governmental Unit Approval <i>Approval from the local governmental unit (city council, township board, village council) is required to be submitted with this application (See page 2 for approval form)</i>		
<input type="checkbox"/> \$70.00 Inspection Fee (MLCC Fee Code 4036) <input type="checkbox"/> \$250.00 Social District Permit Fee (MLCC Fee Code 4081)	TOTAL DUE: <input style="width: 50px; height: 20px;" type="text"/> <small>Make checks payable to State of Michigan</small>	<i>Leave Blank - MLCC Use Only</i>

Part 3 - Signature of Licensee

Under administrative rule R 436.1003, the licensee shall comply with all state and local building, plumbing, zoning, sanitation, and health laws, rules, and ordinances as determined by the state and local law enforcements officials who have jurisdiction over the licensee. Approval of this application by the Michigan Liquor Control Commission does not waive any of these requirements. The licensee must obtain all other required state and local licenses, permits, and approvals for this business before using this permit for the sale of alcoholic liquor on the licensed premises.

I certify that the information contained in this form is true and accurate to the best of my knowledge and belief. I agree to comply with all requirements of the Michigan Liquor Control Code and Administrative Rules. I also understand that providing **false** or **fraudulent** information is a violation of the Liquor Control Code pursuant to MCL 436.2003.

The person signing this form has demonstrated that they have authorization to do so and have attached appropriate documentation as proof.

Print Name of Licensee & Title
Signature of Licensee
Date

Please return this completed form and fees to:
Michigan Liquor Control Commission
Mailing address: P.O. Box 30005, Lansing, MI 48909
Hand deliveries: Constitution Hall - 525 W. Allegan Street, Lansing, MI 48933
Overnight deliveries: 2407 N. Grand River Avenue, Lansing, MI 48906
Fax with Credit Card Authorization to: 517-284-8557



Michigan Department of Licensing and Regulatory Affairs
 Liquor Control Commission (MLCC)
 Toll Free: 866-813-0011 • www.michigan.gov/lcc

Business ID: _____
 Request ID: _____
 (For MLCC use only)

Local Governmental Unit Approval For Social District Permit

Instructions for Governing Body of Local Governmental Unit:

A qualified licensee that wishes to apply for a Social District Permit must first obtain approval from the governing body of the local governmental unit where the licensee is located and for which the local governmental unit has designated a social district with a commons area that is clearly marked and shared by and contiguous to the licensed premises of at least two (2) qualified licensees, pursuant to MCL 436.1551. Complete this resolution or provide a resolution, along with certification from the clerk or adopted minutes from the meeting at which this request was considered.

At a _____ meeting of the _____ council/board
(regular or special) (name of city, township, or village)

called to order by _____ on _____ at _____
(date) (time)

the following resolution was offered:

Moved by _____ and supported by _____

that the application from _____
(name of licensee - if a corporation or limited liability company, please state the company name)

for a **Social District Permit** is _____ by this body for consideration for approval by the
(recommended/not recommended)
 Michigan Liquor Control Commission.

If not recommended, state the reason: _____

Vote

Yeas: _____

Nays: _____

Absent: _____

I hereby certify that the foregoing is true and is a complete copy of the resolution offered and adopted by the _____
 council/board at a _____ meeting held on _____
(regular or special) (date) (name of city, township, or village)

I further certify that the licensed premises of the aforementioned licensee are contiguous to the commons area designated by the council/board as part of a social district pursuant to MCL 436.1551.

_____ Print Name of Clerk _____ Signature of Clerk _____ Date

Under Article IV, Section 40, of the Constitution of Michigan (1963), the Commission shall exercise complete control of the alcoholic beverage traffic within this state, including the retail sales thereof, subject to statutory limitations. Further, the Commission shall have the sole right, power, and duty to control the alcoholic beverage traffic and traffic in other alcoholic liquor within this state, including the licensure of businesses and individuals.



Michigan Department of Licensing and Regulatory Affairs
Finance and Administrative Services
Revenue Services

LARA Revenue Services **is not** a part of the Michigan Liquor Control Commission (see note below).

Credit Card Authorization Form

**** FAX COMPLETED FORM TO SECURE FAX LINE: 517-284-8557 ****

**** DO NOT EMAIL OR MAIL THIS FORM ****

Requests with credit card payments that are not faxed to the above secure fax line will be destroyed along with the credit card authorization in order to ensure the security of applicants' personal credit card numbers.

****IF YOU ARE NOT SUBMITTING AN APPLICATION FORM WITH THIS CREDIT CARD AUTHORIZATION, YOU MUST PROVIDE AN ITEMIZATION OF THE FEES FOR WHICH YOU ARE SUBMITTING PAYMENT OR YOUR PAYMENT WILL NOT BE PROCESSED****

Name on Card: _____ Payment Amount: _____

Billing Address: _____ Card Number: _____

City: _____ State: _____ Zip Code: _____ Check One:

Phone: _____ MasterCard Visa Discover

Email: _____ Security Code/CW Code: _____

Applicant/Licensee Name: _____ Request or Business ID #: _____ Expiration Date: _____

Payment is for: _____

Signature _____

IF YOU ARE NOT SUBMITTING AN APPLICATION FORM WITH THIS CREDIT CARD AUTHORIZATION, YOU MUST PROVIDE AN ITEMIZATION OF THE FEES FOR WHICH YOU ARE SUBMITTING PAYMENT OR YOUR PAYMENT WILL NOT BE PROCESSED.

Credit Card Payment Itemization:

Fee Type	Fee Amount	MLCC Fee Code
<input type="checkbox"/> Inspection Fee(s):	_____	4036
<input type="checkbox"/> Social District Permit Fee:	_____	4081

LARA Revenue Services **is not** a part of the Michigan Liquor Control Commission (MLCC). Receipt of payment and application forms by LARA Revenue Services does not constitute receipt of an application by the MLCC. **Applications submitted through LARA Revenue Services may take up to two (2) additional business days to be received by the MLCC after receipt by LARA Revenue Services.**

For requests that require a timely receipt of an application by the MLCC to be processed, such as Special Licenses and temporary requests, please ensure that your application will be received in adequate time to be processed by the MLCC after the payment is received and processed by LARA Revenue Services.