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ORDINANCE # \_\_\_\_\_

**AN ORDINANCE TO AMEND THE CODE OF ORDINANCES FOR THE CITY OF GROSSE POINTE WOODS, CHAPTER 4, ALCOHOLIC LIQUORS, ARTICLE II, LIQUOR AND TAVERN LICENSES; SECTIONS 4-19 AND 4-21 TO REMOVE THE LIMITATION OF ELEVEN (11) CLASS C/TAVERN LIQUOR LICENSES**

**THE CITY OF GROSSE POINTE WOODS ORDAINS:**

**Section 1. Ordinance Amendment.**

**Chapter 4, Alcoholic Liquors, Article II, Liquor and Tavern Licenses; Sections 4-19 and 4-21 are hereby amended to read as follows:**

Chapter 4 - ALCOHOLIC LIQUORS

ARTICLE II. - LIQUOR AND TAVERN LICENSES

**Sec. 4-19. - Restrictions on city council authority to signify approval of class C/tavern liquor licenses.**

The city council shall not signify approval to the state liquor control commission of the issuance of any class C/tavern liquor license for use within the city when the application fails to meet the application process requirements or review criteria set forth in Sec. 4-24. ~~number of class C/tavern liquor licenses issued or approved for use within the city are eleven in number. The term "issued or approved for use within the city" shall include applications for class C/tavern licenses which have been recommended for issuance by the city council, but have not been acted upon by the state liquor control commission, and shall include class C/tavern liquor licenses in escrow as provided by the rules of the state liquor control commission.~~

**Sec. 4-21. - ~~Effective date; approved by voters. Reserved.~~**

~~The provisions of this article became effective when they were approved by a majority of the electors of the city voting in an election held August 3, 2004.~~

~~(Code 1975, § 4-4-5; Code 1997, § 50-5; Ord. No. 797, 8-3-2004; Ord. No. 801, 1-17-2005)~~

**Section 2 of Ordinance. Repealer.**

All ordinances, parts of ordinances, or sections of the City Code in conflict with this Ordinance are repealed only to the extent necessary to give this Ordinance full force and effect.

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**Section 3 of Ordinance. Severability.**

Should any section, subdivision, clause, or phrase of this Ordinance be declared by the courts to be invalid, the validity of the Ordinance as a whole, or in part, shall not be affected other than the part invalidated.

**Section 4 of Ordinance. Savings.**

All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this Ordinance takes effect, are saved and may be consummated according to the law in force when they were commenced.

**Section 5 of Ordinance. Effective Date.**

This ordinance shall be effective upon publication as required by law.

**CERTIFICATION OF CLERK**

I hereby certify that the foregoing is a true and complete copy of an Ordinance adopted by the City Council of the City of Grosse Pointe Woods, County of Wayne, State of Michigan, at a regular meeting of the City Council duly called and held on \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Paul Antolin, City Clerk

First Reading:

Second Reading:

Published in GPN:

Adopted:

Effective:

Date Posted:

*8/3/04 Election  
file*

**OFFICIAL CANVASS OF THE RETURNS OF THE STATE PRIMARY ELECTION  
HELD ON TUESDAY, AUGUST 3, 2004, IN THE CITY OF GROSSE POINTE  
WOODS, WAYNE COUNTY, MICHIGAN.**

The Board of Canvassers of the City of Grosse Pointe Woods, Wayne County, Michigan, convened on Thursday, August 5, 2004, at 5:00 p.m. o'clock in the Conference Room of the Municipal Building, 20025 Mack Plaza, Grosse Pointe Woods, Michigan, to canvass the returns of the State Primary Election held on August 3, 2004.

Members present:            Nicholas P. Kondak  
                                     Leland P. Allcut, Jr.  
                                     Fred Motney  
                                     Gustave Rener

Also present:                City Attorney Don Berschback  
                                     City Clerk Warnke  
                                     Elections Clerk Brown  
                                     Election Commission rep. Council member Granger

Motion by Motney, seconded by Rener, that Kondak be nominated as Chair of the Board of Canvassers and that nominations be closed and that the Clerk cast unanimous ballots for such officer and that Kondak abstain from the vote.

Motion carried by the following vote:

Yes:                        Motney, Rener, Allcut  
No:                         None  
Absent:                  None  
Abstain:                 Kondak

Motion by Allcut , seconded by Motney, that Rener be nominated as Vice Chair of the Board of Canvassers and that the nominations be closed and that the Clerk cast unanimous ballots for such officer and that Rener abstain from the vote.

Motion carried by the following vote:

Yes:                        Motney, Allcut, Kondak  
No:                         None  
Absent:                  None  
Abstain:                 Rener

**BOARD OF CANVASSERS  
08-05-04 – 2**

The following envelopes from all regular six precincts and the AV-7 precinct (representing the absentee voting counting board), were presented by the City Clerk to the Board of Canvassers and the City Attorney:

Envelope #1 - City Clerk  
Envelope #4 - City Attorney  
Envelope #5 - Board of Canvassers

The Chair stated for the record that all envelopes received from the election inspectors containing the Statement of Votes (Optical Scan) cast on Tuesday, August 3, 2004, were properly signed and sealed. This was confirmed by the City Attorney.

The Board of Canvassers, the City Attorney and City Clerk then commenced a verbal canvass of the tally tape attached to the Statement of Votes Cast (Optical Scan), as found in the respective Envelopes # 1, 4 and 5.

Motion by Motney, seconded by Kondak, to ADOPT the following resolution:

WHEREAS, at the General City Election held in the City of Grosse Pointe Woods, Wayne County, Michigan, on August 3, 2004, between the hours of 7:00 a.m. and 8:00 p.m., a local proposal hereinafter set forth was submitted, and

WHEREAS, returns from voting precincts at said election have been filed with the City Clerk and have been presented to and examined by the Board of Canvassers;

NOW, THEREFORE, BE IT RESOLVED THAT:

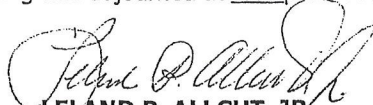
1. Upon the canvass of the returns of votes cast in the respective election precincts, as certified to this Board of Canvassers by the Inspectors of Elections, the vote was as follows for the Local Proposal:


**Proposed Amendment to the Grosse Pointe Woods City of Grosse Pointe Woods City Code, Chapter 50, entitled Liquor and Tavern Licenses: to increase the number of Class C/Tavern Licenses available for distribution in Grosse Pointe Woods from Seven to Eleven: The Grosse Pointe Woods City Council has proposed an amendment to Chapter 50 which controls the issuance of Class C/Tavern Licenses. Section 50-**

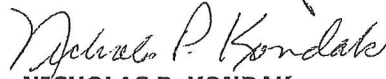


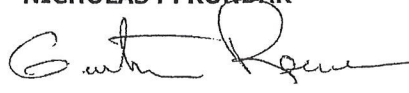
**BOARD OF CANVASSERS  
08-05-04 - 4**

Upon proper motion, the meeting was adjourned at 5:15 p.m. PASSED UNANIMOUSLY.

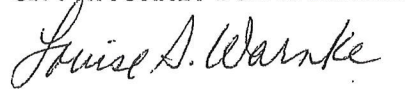
  
**LELAND P. ALLCUT, JR.**

  
**FRED MOTNEY**

  
**NICHOLAS P. KONDAK**

  
**GUSTAVE RENER**

  
**CITY ATTORNEY DON R. BERSCHBACK**

  
**CITY CLERK LOUISE S. WARNKE**

ORDINANCE 797

Chapter 50

LIQUOR AND TAVERN LICENSES\*

\* **Cross References:** Administration, ch. 2; businesses, ch. 14.  
**State Law References:** Liquor control act, MCL 436.1 et seq., MSA 18.971 et seq.

- Sec. 50-1. Title of chapter.
- Sec. 50-2. Restrictions on city council authority to signify approval of class C/TAVERN liquor licenses.
- ~~Sec. 50-3. Restrictions on city council authority to signify approval of tavern licenses.~~
- Sec. 50-4. Transfer of existing licenses not restricted.
- Sec. 50-5. Effective date; approved by voters.

**Sec. 50-1. Title of chapter.**

This chapter shall be entitled Liquor and Tavern Licenses.

**Sec. 50-2. Restrictions on city council authority to signify approval of class C/TAVERN liquor licenses.**

~~The city council shall not signify approval to the state liquor control commission of the issuance of any class C liquor license for use within the city when the number of class C liquor licenses issued or approved for use within the city are six or more in number. The term "issued or approved for use within the city" shall include applications for class C liquor licenses which have been recommended for issuance by the city council, but have not been acted upon by the state liquor control commission, and shall include class C liquor licenses in escrow as provided by the rules of the state liquor control commission.~~

The city council shall not signify approval to the state liquor control commission of the issuance of any class C /**TAVERN** liquor license for use within the city when the number of class C/**TAVERN** liquor licenses issued or approved for use within the city are ~~six or more in number.~~ **ELEVEN 11) IN NUMBER.** The term "issued or approved for use within the city" shall include applications for class C/**TAVERN** liquor licenses which have been recommended for issuance by the city council, but have not been acted upon by the state liquor control commission, and shall include class C/**TAVERN** liquor licenses in escrow as provided by the rules of the state liquor control commission.

~~**Sec. 50-3. Restrictions on city council authority to signify approval of tavern licenses.**~~

~~The city council shall not signify approval to the state liquor control commission of the issuance of any tavern license for use within the city when the number of tavern licenses issued or~~

approved for use within the city are one or more in number. The term "issued or approved for use within the city" shall include applications for tavern licenses which have been recommended for issuance by the city council, but have not been acted upon by the state liquor control commission, and shall include tavern licenses in escrow as provided by the rules of the state liquor control commission.

**Sec. 50-4. Transfer of existing licenses not restricted.**

The provisions of this chapter shall not restrict the authority of the city council to signify its approval to the state liquor control commission of the transfer of any existing class C or tavern license issued or approved for use within the city to any prospective transferee of such license.

**Sec. 50-5. Effective date; approved by voters.**

The provisions of this chapter became effective when they were approved by a majority of the electors of the city voting at an election held November 4, 1986 **AUGUST 3, 2004, AS FOLLOWS:**

**THE GROSSE POINTE WOODS CITY COUNCIL HAS PROPOSED AN AMENDMENT TO CHAPTER 50 WHICH CONTROLS THE ISSUANCE OF CLASS C/TAVERN LICENSES. SECTION 50-2 CURRENTLY STATES THAT NO MORE THAN SIX (6) CLASS C LICENSES CAN BE ISSUED OR APPROVED FOR USE. SECTION 50-3 STATES THAT NO MORE THAN (1) TAVERN LICENSE CAN BE ISSUED OR APPROVED FOR USE. ACCORDINGLY, THE ORDINANCE CURRENTLY ALLOWS A TOTAL OF SEVEN (7) CLASS C/TAVERN LICENSES TO BE ISSUED OR APPROVED FOR USE. ALL SEVEN ARE CURRENTLY IN USE.**

**SHOULD SECTIONS 50-2 AND 50-3 BE COMBINED INTO ONE NEW SECTION 50-2 TO ALLOW FOR A TOTAL OF ELEVEN (11) CLASS C/TAVERN LICENSES TO BE ISSUED OR APPROVED FOR USE?**

YES ( )

NO ( )

**IT IS HEREBY CERTIFIED BY THE BOARD OF CANVASSERS AT THEIR MEETING OF 8-5-04 THAT THE FOREGOING ORDINANCE WAS ADOPTED ON AUGUST 3, 2004, AT AN ELECTION HELD THEREON AND THAT THE VOTE UPON THE PROPOSITION TO ADOPT THE FOREGOING ORDINANCE WAS AS FOLLOWS:**

YES: 1831

NO: 1336

Louise S. Warnke, City Clerk



**VOTE ONLY ONE PARTY SECTION**



**REPUBLICAN PARTY SECTION CONT.**



**DEMOCRATIC PARTY SECTION CONT.**

**DELEGATE**

**Delegate to County Convention**  
2 Year Term

Vote For Not More Than Thirty-Seven (37)

MICHAEL GALLAWAY

JAMES MILLER

MARTI K. MILLER

RAQUEL REARDON

JUDITH E. SHEEHY

ROBERT J. SHEEHY

DOUGLAS N. WILLIAMS

**COUNTY**

**Register of Deeds**  
4 Year Term

Vote For Not More Than One (1)

RON CLEVELAND

GEORGE HART

BERNARD J. YOUNGBLOOD

**County Commissioner**

**1st District**

2 Year Term

Vote For Not More Than One (1)

CHRISTOPHER F. CAVANAGH

TIM KILLEEN

**DELEGATE**

**Delegate to County Convention**

2 Year Term

Vote For Not More Than Three (3)

**LOCAL PROPOSALS**

**PROPOSED AMENDMENT TO THE GROSSE POINTE WOODS CITY CODE, CHAPTER 50, ENTITLED LIQUOR AND TAVERN LICENSES.**

**TO INCREASE THE NUMBER OF CLASS C/ TAVERN LICENSES AVAILABLE FOR DISTRIBUTION IN GROSSE POINTE WOODS FROM SEVEN TO ELEVEN.**

The Grosse Pointe Woods City Council has proposed an amendment to Chapter 50 which controls the issuance of Class C/ Tavern Licenses. Section 50-2 currently states that no more than six (6) Class C Licenses can be issued or approved for use. Section 50-3 states that no more than one (1) tavern license can be issued or approved for use. Accordingly, the ordinance currently allows a total of seven (7) Class C/ Tavern Licenses to be issued or approved for use. All seven are currently in use.

Should Sections 50-2 and 50-3 be combined into one new Section 50-2 to allow for a total of eleven (11) Class C/ Tavern Licenses to be issued or approved for use?

YES

NO