



CITY OF BRIGHTON SOCIAL DISTRICT LICENSE APPLICATION

200 N. First Street - Brighton, MI 48116 - commdev@brightoncity.org - 810.225.9255

The following outlines the step-by-step process for obtaining a City of Brighton social district license.

1. Submit a complete application and **all** its requirements to the city for review. Requirements are listed below.
2. You will be notified when the application is accepted, and then you may contact Brighton Police Department to complete the Social District Education Course. 810-227-2700 – Deputy Chief Flood.
3. After Brighton Police give their approval, the application will be reviewed by the City Council, and then you will be notified of their approval and provided with a Resolution document to include with your application to Michigan Liquor Control Commission (MLCC).
4. Submit your application to MLCC along with Resolution document. (Application provided in this packet.)
5. The MLCC will notify you of their approval. It is a requirement to provide the City of Brighton with a copy of this approval. **You do not have City of Brighton approval at this point.**
6. The city will do a final review of your application after all the above steps have been taken and are satisfied.
7. Upon final City approval, you will receive a Social District License and will be issued a Social District sticker to be placed on a public facing entrance in your establishment. This can be picked up at City Hall.
8. Then you may begin selling Social District beverages.

Submittal Requirements

- Completed Application
- Certificate of Insurance naming the City of Brighton as Additional Insured
- \$50 fee, cash or check payable to the City of Brighton
- Copy of your liquor license
- A depiction of your business's logo/marker/signifier to be used on your social district cups

Please note:

- The allowed hours for serving social district drinks are 12 noon – 10 p.m.
- Social District cups must be clear plastic, maximum 16 oz., and have both the logo provided with your application and the city's logo on them. An electronic copy of the City's logo can be emailed to you.
- Your establishment must post a copy of the Social District map and rules.
- Approval of a social district permit issued by the City is within the City's discretion notwithstanding any approval by the Michigan Liquor Control Commission.
- The City may revoke the Applicant's social district license within its discretion at any time.
- Revocation by the Commission of the Applicant's social district license issued by the Commission constitutes automatic revocation of any social district license issued by the City to the Applicant without appeal as otherwise provided by the Brighton City Code.



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☐ New Application Submittal – Fee \$50 or ☐ Annual Renewal – Fee \$50

APPLICANT

Name: _____

Phone: _____

Business Name: _____

Address: _____

Email: _____

HAVE YOU HAD A LICENSE OR PERMIT REQUIRED BY THE CITY OF BRIGHTON OR ANY OTHER STATE OR MUNICIPAL AUTHORITY REVOKED, SUSPENDED, OR DENIED IN THE LAST THREE YEARS? IF YES, PLEASE PROVIDE DETAILS:

HOLD HARMLESS ACKNOWLEDGEMENT

To the fullest extent permitted by law, _____, agrees to defend, pay on behalf of, indemnify, and hold harmless the City of Brighton, its elected and appointed officials, employees, volunteers, and others working on behalf of the City of Brighton, against all claims, demands, suits or loss, including all costs connected therewith, and for any damages, which may be asserted, claimed, or recovered against or from the City of Brighton, its elected and appointed officials, employees, volunteers, and others working on behalf of the City of Brighton, by reason of personal injury or death and/or property damage, including loss of use thereof, which arises out of or is in any way connected or associated with this application.

Printed Name: _____ Date: _____

Signature: _____

**CITY OF BRIGHTON
SOCIAL DISTRICT
MANAGEMENT AND MAINTENANCE PLAN**

Aug. 1, 2021

PREAMBLE

This City of Brighton Social District Management and Maintenance Plan is developed pursuant to MCL 436.1551("Section 551"), and City of Brighton Resolution No. 2021-015. Section 551 provides that 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. Attached at Appendix A.1, is a copy of Resolution No. 2021-015, which establishes the Social District and Commons Area, in the City of Brighton. Pursuant to that authority, the local governmental unit that has designated a social district must establish a management and maintenance plan, including the hours of operation, for the commons area and submit the plans to the State of Michigan Liquor Control Commission. This management and maintenance plan is developed and implemented by the City Manager, at the directive of the Brighton City Council, and shall govern the activity within the Social District and Commons Area.

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CITY OF BRIGHTON SOCIAL DISTRICT AND COMMONS AREA MANAGEMENT AND MAINTENANCE PLAN

1. APPLICATION

This Management and Maintenance Plan applies to that area located within the City of Brighton Social District and Commons Area, as designated and defined in Resolution No. 2021-015, attached at Appendix A.1.

2. DEFINITIONS

Words and phrases shall be given their ordinary meaning, except those specifically stated below, for which the definition shall be that which is specified herein:

a. *Approved container* shall mean a container that:

- i. prominently displays the trade name and logo or some other mark that is unique to the qualified licensee that sold the alcohol or other beverage within the container;
- ii. prominently displays the logo depicted in Appendix A.2;
- iii. is not glass;
- iv. has a liquid capacity that does not exceed 16 ounces;
- v. contains alcohol or other beverage that was sold at or near the time of possession or consumption by the qualified licensee whose logo is depicted on the container and;
- vi. has been approved at the discretion at the City Manager or designee.

- b. *City of Brighton Social District*, shall mean that area as defined by Resolution No. 2021-015, and as depicted on the attached Appendix A.3.
- c. *Commons Area* shall mean that area as defined by Resolution No. 2021-015, and as depicted on the attached Appendix A.3.
- d. *Licensed premises* means those premises for which a qualified licensee holds a license issued pursuant to the Michigan Liquor Control Code, MCL 436.1101 et seq, to sell alcoholic liquor for consumption.
- e. *Qualified licensee* shall have the same meaning as is defined in section 551 of the Liquor Control Code, MCL 436.1551, as amended.

3. PERMITTED AND PROHIBITED CONDUCT

- a. No business may sell any goods or services, nor operate, conduct, maintain or manage any such business within the Commons Area without, in addition to the license or permit required under the Brighton City Code, a social district permit issued by the City Manager or his or her designee.
- b. No business, person, or entity shall engage in the sale of alcohol within the City of Brighton Social District and Commons Area, unless otherwise permitted by the City, and the Michigan Liquor Control Commission.
- c. Qualified Licensees may only sell alcoholic beverages to be consumed in approved containers in the Commons Area during open hours of operation of the City of Brighton Social District. Such alcoholic beverages may only be sold within the confines of the premises of the qualified licensee.
- d. Qualified Licensees may not sell alcoholic beverages to be consumed in the Commons Area except within approved containers.

- e. A qualified licensee shall prohibit entry into its licensed premises to any person who has within their possession a container that contains any amount of alcohol that has not been purchased from the qualified licensee.
- f. Purchasers of alcoholic beverages from a qualified licensee in an approved container may carry and consume open alcohol from that container anywhere within the Commons Area, except as follows:
 - i. Carrying and/or consumption is prohibited within any public right of way where vehicles are permitted to travel, except within areas marked and/or signaled for pedestrian traffic, and if signaled, only when such signal indicates pedestrian crossing is permitted.
 - ii. Carrying and/or consumption is prohibited within a parking lot, whether or not owned or operated by the City, unless otherwise separately authorized by the City Manager or his or her designee under terms and conditions specified in writing by the City Manager or his or her designee.
 - iii. Carrying and/or consumption is prohibited within the confines of any commercial establishment located within the City of Brighton Social District, except within the licensed premises from which the approved container was purchased.
- g. Open alcohol purchased from other than a qualified licensee that has obtained the required social district permits is prohibited within the confines of the City of Brighton Social District and Commons Area.

- h. No person shall operate any sound amplification devices, equipment or systems within the City of Brighton Social District other than those systems specifically authorized by the City Manager or his or her designee;
- i. No person shall install any lighting devices, equipment, or systems within the City of Brighton Social District other than those systems specifically authorized by the City Manager or his or her designee.
- j. No person shall install any heating devices, equipment, or systems within the City of Brighton Social District other than those systems specifically authorized by the City Manager or his or her designee.
- k. No person shall cook food within the City of Brighton Social District, except for authorized mobile food vendors or as may be permitted by the City Manager or his or her designee and the Livingston County Health Department.
- l. All other ordinances, rules and laws remain in full force and effect within the City of Brighton Social District and Commons Area.

4. SIGNAGE

- a. Prior to opening the Commons Area, the boundaries of the Commons Area shall be clearly marked by signs as depicted at Appendix A.4, and bearing the duly adopted logo of the Commons Area, which is depicted at Appendix A.2.
- b. The signs shall appear at transition points along the boundary, as depicted by each red x shown on the attached Appendix A.4.

- c. The signs shall clearly identify which side of the boundary is inclusive of the Commons Area and shall state that alcoholic beverages are prohibited outside the confines of the Commons Area, and alcoholic beverages purchased by qualified licensees are permitted within the Commons Area only on the dates and times set by resolution of the City Council.
- d. Within a prominent and high traffic area within the Commons Area, and during all times when the Commons Area has been designated “open” by resolution of the City Council, a large sign shall display all information required by subparts a, c, and d. of this section, and in addition shall substantially state the following:
 - i. Alcoholic beverages may not be purchased or sold outside the licensed premises of a qualified licensee.
 - ii. Glass Containers are prohibited.
 - iii. Alcoholic beverages except those purchased from a qualified licensee and consumed from an approved container are prohibited within the City of Brighton Social District. Alcoholic beverages purchased from a qualified licensee and in approved containers may only be carried and consumed in the Commons Area.
 - iv. No person may enter the premises of any other business while in possession of an alcoholic beverage, except the premises of the qualified licensee from where it was purchased.
 - v. Possession of alcohol within streets and parking lots is prohibited. Street crossing is permitted only within crosswalks at intersections.

- vi. Possession of alcohol upon railroad tracks is prohibited.
- vii. A full copy of Resolution No. 2021-015, and the Management Plan for the City of Brighton Social District may be obtained from the office of the City Clerk during normal business hours.

5. HOURS OF OPERATION OF COMMONS AREA

The Commons Area shall be open on those dates and within those times as set intermittently and periodically by separate resolution of the City Council. As of August 1st, 2021 hours of operation are Monday to Sunday, 12pm to 10pm. When practical, twenty-four hours' notice of open hours of operation shall be provided to qualified licensees within the Social District. Notice of open dates and times of the Commons Area as designated by separate resolution as set forth above shall be posted by the City Manager, or his or her designee, at City Hall, and on the City's website, within 24 hours of adoption of the resolution so designating.

6. AREA AND SPACE REGULATIONS

- a. Businesses may utilize outdoor space within the Commons Area that is adjacent to their respective building and may place tables, chairs and benches upon written approval from the City Manager or his or her designee;
 - i. Tables, chairs and benches shall be separated from parking and vehicular traffic and placed so as not to unreasonably obstruct entrances, sidewalks and other pedestrian pathways;

- ii. Tables, chairs and benches shall be sturdy, placed in compliance with applicable ADA requirements, and in a manner that does not otherwise constitute a safety hazard;
 - iii. Tables, chairs and benches shall be placed in a manner that does not obstruct easy access to fire hydrants, and other fire suppression equipment; and shall be placed in a manner that otherwise complies with the applicable fire prevention code;
 - iv. Tables, chairs and benches shall be secured daily at the close of business, are the responsibility of the business, and shall be removed should they interfere with a special event or other conflicting activity and upon request from the City Manager or his or her designee;
 - v. A request to place tables, chairs and benches pursuant to subsection 6. a. shall be in writing and contain a drawn plan depicting the area within which the tables, chairs and benches will be placed. Such a request may accompany the application for a social district permit from the City.
- b. Businesses that obtain a social district permit from the City shall operate in compliance with any and all applicable state and local orders related to a public health emergency, including social distancing, party size limitations, masking, etc.;
 - c. Emergency vehicle access to all properties within the Common Area shall be maintained.

7. LITTER AND WASTE

The City Manager shall cause trash receptacles to be placed within and around the Commons Area, sufficient to provide for the optimal cleanliness of the Commons Area. The City Manager shall provide for the regular pick up and disposal of trash from those receptacles. Such regular pick up shall be scheduled with enough frequency to avoid receptacles to become overflowing.

8. INSURANCE REQUIREMENTS

The City Manager shall cause its municipal insurance coverage to be updated as necessary to provide for adequate coverage in all areas incidental to the City's designation of the City of Brighton Social District and Commons Area. Applicants for a social district permit shall list the City as an additional insured prior to the issuance of a social district permit from the City.

9. ENFORCEMENT

The City Manager in conjunction with the Chief of Police shall cause police patrol and presence within the City of Brighton Social District to ensure the health, safety, and welfare of the public within the Commons Area, during its hours of operation. All ordinances and laws shall be enforced within the Commons Area as they otherwise would be in all other areas of the City.

10. REVIEW

This Management Plan shall be reviewed upon the expiration of ninety (90) days from the initial opening of the City of Brighton Social District, and annually thereafter to determine if any amendment is necessary to ensure the health, safety, and welfare of the public.

Appendix A.1 Resolution No. 2021-015.

Appendix A.2 Adopted logo of the Commons Area.

Appendix A.3 City of Brighton Social District and Commons Area Map.

RESOLUTION NO. #2021-15

RESOLUTION DESIGNATING A SOCIAL DISTRICT AND DEFINING A COMMONS AREA

**CITY OF BRIGHTON SOCIAL DISTRICT NO. 1
AND COMMONS AREA**

At a meeting of the City Council of the City of Brighton, Livingston County, Michigan, held at the City Hall, 200 North First Street, Brighton, Michigan 48116, on the 1st day of July, 2021, at 7:30 p.m.

PRESENT: Bohn, Emaus, Gardner, Muzzin, Pettengill, Pipoly, and Tobbe

ABSENT: None

The following resolution was offered by Councilmember Emaus and supported by Councilmember Muzzin.

WHEREAS, the City recognizes that the recent public health emergency caused by the COVID-19 global pandemic caused the shut down of certain non-essential businesses for varying amounts of time, and when open, other social distancing recommendations and requirements resulted in reduced occupancies that have had short and long term impacts upon City businesses and the citizens employed by them; and

WHEREAS, the City has determined there exists a need for a social district and a commons area in the City to foster and strengthen the local economy which was impacted by the reduced occupancies that social distancing requirements and recommendations imposed upon local businesses; and

WHEREAS, in order to alleviate the negative impact social distancing requirements and recommendations have had on local businesses, and to continue to foster and strengthen the local economy during the continuing public health emergency and beyond, the City wishes to allow businesses within a social district designated by the City to expand business

operations outdoors into a regulated commons area and onto property owned and/or operated by the City within that district and commons area; and

WHEREAS, Section 551 of Act 58 of the Public Acts of Michigan of 1998, as amended ("Section 551"), provides that the City Council may, on its own initiative, designate one or more social districts within the City wherein purchasers of alcoholic liquor may consume alcohol purchased on the premises of a qualified licensee within a City-defined commons area; and

WHEREAS, the City wishes to designate property in the City as a social district; and

WHEREAS, the City wishes to define a commons area within the social district where qualified licensees pursuant to Section 551 and other city businesses may extend business operations after obtaining a permit from the City; and

WHEREAS, the public health, safety and welfare will be served by designating a social district and commons area as described above in the City.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The City Council hereby designates a social district known as the "City of Brighton Social District No. 1" (the "Social District") consisting of certain parcels of land, the depiction of which is set forth in the attached **Exhibit A**, and which depiction is incorporated by reference. The City shall not close a road within this district without the permission of the governing road authority.

2. The City Council hereby defines a commons area within the Social District (the "Commons Area") consisting of certain public property and rights of way, the boundaries of which are set forth in the attached **Exhibit B**, and which depiction is incorporated by reference.

3. The City Council hereby adopts the logo attached as **Exhibit C**, as the unique logo for the Commons Area and the city manager is hereby directed to cause signs bearing this logo to be erected that clearly mark and define the Commons Area.

4. The city manager is hereby directed to establish a management and maintenance plan for the Social District and the Commons Area, that at a minimum, includes the following:

- a. Hours of operation for the Commons Area to be set intermittently and periodically by separate resolution of the City Council;
- b. A provision that states that no business may sell any goods or services, nor operate, conduct, maintain or manage any such business within any common area defined by the City without, in addition to the license or permit required under the Brighton City Code, a social district permit issued by the City;
- c. A provision that qualified licensees, as that term is defined in Section 551, shall not engage in the sale of alcohol within the commons area, unless otherwise permitted by the City, and the Michigan Liquor Control Commission;
- d. A requirement that businesses that obtain a social district permit from the City operate in compliance with any and all applicable state and local orders related to a public health emergency, including social distancing, party size limitations, masking, etc.;
- e. Area and location limitations;
- f. Spacing limitations for tables, chairs and the like;
- g. Separation from parking and vehicular traffic;
- h. Provision for litter and waste;

- i. Continued access to any fire hydrants and Fire Department connections;
- j. Insurance requirements.

5. The city manager is hereby directed to develop and promulgate an application for a social district permit that contemplates the management and maintenance plan set forth in paragraph 4 of this Resolution and to establish procedures for the completion and submission of the same to the city manager or his designee for consideration and approval. The permit application at a minimum shall include all of the following:

- a. A copy of the business's business license or licenses required by Chapters 10 and 22 of the Brighton City Code, as amended;
- b. A copy of the business's city liquor license required under Chapter 6 of the Brighton City Code, as amended;
- c. An application for or copy of the business's license to operate within a sidewalk, pursuant to Chapter 78, Article III, of the Brighton City Code, as amended, if the business intends to place merchandise, tables or chairs with the area adjacent to their business within the Commons Area;
- d. The social district and common area defined and designated by the City within which the business intends to operate;
- e. If the business is engaged in the sale of alcohol, a copy of the business's liquor license issued pursuant to 1998 PA 58 (Michigan Liquor Control Code, MCL 436.1101 et seq.);
- f. If the business is engaged in the sale of alcohol, a copy of its application for a social district permit to the State of Michigan Liquor Control Commission ("Commission") for approval by the City before the application is submitted to

the Commission;

g. A statement that approval of the applicant's application to the Commission does not constitute approval by the City of the applicant's request for a social district permit from the City;

h. If the business is engaged in the sale of alcohol, a description and visual depiction of each container it intends to use in the commons area defined by the City within the social district designated by the City, and which displays and/or demonstrates all of the following:

1. The trade name or logo or some other mark that is unique to the applicant business.

2. The City adopted logo that is unique to the commons area within which the business intends to operate.

3. The container is not glass.

4. The container has a liquid capacity that does not exceed 16 ounces.

5. Such other information the city manager deems reasonably necessary to determine whether the requirements of Brighton City Code and the social district management and maintenance plan have been met.

i. The fee required by this Resolution, or duly adopted fee ordinance of the City.

6. There shall be a non-refundable fee in the amount of \$50, or as otherwise set by a duly adopted fee ordinance of the City, that must accompany the application for a social district permit.

7. Final approval by the City of a social district permit shall not be approved until the applicant's application to the Commission is approved. Approval by the Commission does not

constitute approval by the City. Approval of a social district permit issued by the City is within the City's discretion notwithstanding any approval by the Commission. Revocation by the Commission of a social district permit issued by the Commission constitutes automatic revocation of a social district permit issued by the City, without appeal as may otherwise provided by the Brighton City Code. The issuance of a social district permit to an applicant does not create a vested right in the operation of the business in a commons area. The City may revoke a social district permit within its discretion at anytime.

8. A social district permit that is issued by the City shall be renewed annually. Social district permit renewal applications shall be submitted annually in the manner prescribed by this Resolution and on an application form approved by the City. Renewal applications shall, at a minimum, require the applicant to confirm or update all of the information originally required by this Resolution, including its application to the State of Michigan Liquor Control Commission. The City Clerk may request from the applicant any additional information reasonably necessary to determine whether there has been a significant change in business operations.

9. Social district permits shall be subject to all requirements of the Brighton City Code, that are generally applicable to all permits issued by the City.

10. The City of Brighton Social District and Commons Area designated and defined by this Resolution may be revoked after a public hearing upon the City Council's determination in its sole discretion that the City of Brighton Social District and/or the Commons Area threatens the health, safety, or welfare of the public or has become a public nuisance.

11. All resolutions or portions of resolutions that are inconsistent with this Resolution are hereby repealed.

YEAS: Emaus, Gardner, Muzzin, Pettengill, Pipoly, and Tobbe

NAYS: Bohn

THE RESOLUTION WAS DECLARED ADOPTED.

STATE OF MICHIGAN)
)
COUNTY OF LIVINGSTON)

I, the undersigned, the duly qualified and acting City Clerk of the City of Brighton, Livingston County, Michigan, DO HEREBY CERTIFY that the foregoing is a true and complete copy of certain proceedings taken by the City Council at a meeting held on the 1st day of July, 2021, at 7:30 p.m.



Tara Brown, City Clerk

Appendix A.2 - Adopted logo of the Commons Area

This is required on all cups



