

STATE OF MICHIGAN, COUNTY OF OAKLAND
CHARTER TOWNSHIP OF WEST BLOOMFIELD

ORDINANCE NO. C-736

**TEXT AMENDMENT TO ZONING ORDINANCE
(Automobile Service Stations)**

An Ordinance to amend the Zoning Ordinance, codified in Chapter 26 of the Charter Township of West Bloomfield Code of Ordinances, to delete the definition of Gasoline service station and add definitions of Gasoline station and Automobile service station that specify permitted accessory uses with a prohibition on the sale of alcohol, which has been found to be contrary to the public health, safety and welfare.

THE CHARTER TOWNSHIP OF WEST BLOOMFIELD ORDAINS:

Section 1 of Ordinance

Section 26-2, Definitions, in Article I of the Zoning Ordinance, codified in Chapter 26 of the Charter Township of West Bloomfield Code of Ordinances, is amended to delete the definition of Gasoline service station and add definitions of Automobile service station and Gasoline station to read as follows:

Sec. 26-2. Definitions.

Automobile service station means a place for the retail dispensing, sale or offering for sale of motor fuels, with the only permitted accessory uses being the servicing and minor repair of motor vehicles, retail sales of minor automotive related convenience products and accessories such as windshield washer fluid, motor oil, wipers and window scrapers, and retail sales of non-automotive related products including (i) sundries such as gum, candy, cigarettes, newspapers, magazines and other individually packaged convenience items, (ii) basic convenience grocery items such as milk and bread, (iii) pre-prepared food items that are not subject to licensing by the Michigan Department of Agriculture or the Oakland County Health Department, and (iv) non-alcoholic beverages only, it being the finding and public policy determination of the township that the sale of beer, wine, liquor, or other beverages containing alcohol should never be found or determined to be customarily incidental to an automobile service station for the following reasons:

- (a) Alcohol is not a product that should be conveniently available to the motoring public at a location where they purchase fuel for their vehicle. Such availability has a strong potential to encourage or facilitate alcohol related driving offenses and accidents that might not otherwise occur if a motorist in need of fuel had to make a separate stop to purchase alcohol.

(b) The nature of modern day automobile service stations and the multiple transactions employees must handle at the same time is inconsistent with the proper administration and enforcement of the State's liquor control laws and prohibitions on sales to minors and visibly intoxicated persons and the Michigan Liquor Control Code of 1998, MCL 436.1906, does not require server training programs for off-premises licensees and their employees.

(c) Many automobile service stations are open later than other stores where alcohol is sold, creating the ability for persons who had been consuming alcohol in an on-premises establishment to conveniently purchase alcohol after leaving that establishment, increasing the chances of alcohol related driving offenses and accidents and potentially undermining the liability of on-premises licensees for serving alcohol to minors or visibly intoxicated persons under the rebuttable presumption in MCL 436.1801(8), that licensees other than the one who made the last sale are not liable for damages caused by a minor or visibly intoxicated person they served.

(d) Allowing the sale of alcohol at automobile service stations would increase the volume of motor vehicle traffic and parking demands on properties that were not planned or designed to accommodate the increased demand, resulting in increased vehicle conflicts and accidents.

(e) Locations that sell alcohol are a separate retail use under this chapter, which the township pursuant to its zoning authority to ensure that use of land is situated in appropriate locations and relationships, reduce hazards to life and property, and to promote and protect the public health, safety and welfare, has determined should not be allowed at automobile service station locations.

Gasoline station means an automobile service station as defined and subject to the same accessory use limitations as contained in that definition.

Section 2 of Ordinance

Should any section, subdivision, sentence, clause or phrase of this ordinance be declared by the Courts to be invalid, the same shall not affect the validity of the ordinance as a whole or any other parts not invalidated.

Section 3 of Ordinance

Except as expressly set forth above, the Zoning Ordinance shall remain in full force and effect.

Section 4 of Ordinance

This Ordinance shall take effect upon the expiration of seven (7) days after publication, unless otherwise provided by law.

CERTIFICATION

I hereby certify that the foregoing ordinance was adopted by Board of Trustees of the Charter Township of West Bloomfield at a meeting of the Board duly called and held on July 2, 2009.

CHARTER TOWNSHIP OF WEST BLOOMFIELD

By: _____
Catherine Shaughnessy, Township Clerk

INTRODUCED: June 15, 2009

ADOPTED: July 2, 2009

PUBLISHED: