
Local Ordinance Banning Alcohol Sales Trumps State Law

By Stephen P. Ormond / Aug 14, 2013

In an August 6, 2013 unpublished opinion the Michigan Court of Appeals has ruled that "state law does not preempt the field of liquor control regulation" in a dispute over whether a local zoning ordinance banning the sale of alcoholic beverages at gasoline service stations overrides the state's qualified approvals of such sales. *Maple BPA, Inc. v Charter Township of Bloomfield*, 20103 Mich. App. LEXIS 1349 (August 6, 2013). The court found that a Michigan Constitution provision granting the Michigan Liquor Control Commission complete control of alcohol sales does not bar local zoning restrictions banning liquor sales at gas stations even if the MLCC would otherwise permit such sales.

The applicant in this case may file an application for leave to appeal to the Michigan Supreme Court. Those interested in following this issue should contact one of Clark Hill's liquor licensing team members.