

## Chapter 3

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## ARTICLE II. BUSINESS LICENSING

### Section 3-26. Identification

An ordinance to protect the health, safety and welfare of the citizens of Tittabawassee Township, Saginaw County, Michigan. This ordinance shall hereafter be known as the “Tittabawassee Township Business Licensing Ordinance”.

### Section 3-27 – Purpose

This ordinance shall provide for the annual registration of all businesses, with stated exceptions, with the Township Clerk. Information shall be collected for the following purposes:

- Provide more adequate police and fire protection
- Provide more equal and equitable real and personal property taxation
- Planning for public utility installations
- Planning and zoning decision making
- Provide information to the public on available services

### Section 3-28. Definitions

As used in this Ordinance:

*BUSINESS*: Means any trade, occupation, profession, work, commerce or other activity owned or operated by any person within the Township of Tittabawassee excluding, however, political, charitable or religious establishments and home occupants.

*BUSINESS LICENSE*: A document issued by the licensing agent to businesses that are in compliance with the terms of this ordinance.

*HOME OCCUPATION*: Means any business carried on by one or more members of a family legally residing on the premises and operated in compliance with the Tittabawassee Township Zoning Ordinance.

*LICENSING AGENT*: Means the Township Clerk or such other Township official or employee as may be designated by resolution of the Township Board.

*LICENSE RENEWAL DATE*; April 1<sup>st</sup>.

*PERSON*: Means any individual, partnership, association or corporation.

*TOWNSHIP*: Means the Township of Tittabawassee.

### Section 3-29. License

- A. No person may commence or continue a “business”, as herein defined, within the Township without having first obtained a Township Business License as hereinafter provided and without maintaining such license in current effect during any business operation or activity.
- B. No Business License shall be issued to a new business and/or an existing business under new ownership until said business is in compliance with all of the following:

1. The owner or operator thereof shall have submitted a completed application to the licensing agent of the Township on a form provided by the licensing agent for such purposes.
  2. All required fees owed to the township have been paid. This includes, but is not limited to any fee associated with the Business License, building permit fees, electrical permit fees, mechanical permit fees, water connection and usage fees, sewer connection and usage fees and storm water connection fees.
  3. A zoning permit is on file with the Zoning Administrator showing that the business is in compliance with all current zoning laws.
  4. A compliance review has been performed by the Building Official and the property is found to be in compliance with applicable building codes. A compliance review may include an inspection by a township building inspector, or other official as designated by the Building Official. Inspections are at the sole discretion of the building official.
- C. No Business License or Business License renewal shall be issued to an existing business until the business is in compliance with all of the following:
1. The owner or operator thereof shall have submitted a completed application to the licensing agent of the Township on a form provided by the licensing agent for such purposes.
  2. All required fees owed to the township have been paid. This includes, but is not limited to any fee associated with the Business License, building permit fees, electrical permit fees, mechanical permit fees, water connection and usage fees, sewer connection and usage fees and storm water connection fees.
- D. No license shall be issued by the licensing agent where the existing or proposed business would be illegal under any law or ordinance of the United States of America, the State of Michigan, the County of Saginaw, or the Township.
- E. The license shall be prominently displayed to public view.

### **Section 3-30. Exemptions**

- A. No license shall be required of any political or religious establishment situated within the Township.
- B. The provisions of this ordinance are not applicable to any agency of the United States of America, the State of Michigan or any political subdivision thereof.
- C. No license shall be required of Home Businesses as defined in this ordinance.
- D. No Business License shall be required of peddlers or temporary businesses if all other permits and licenses required by the Township are properly obtained.
- E. No Business License shall be required of any agricultural operation as defined in the Michigan Right to Farm Act.

### **Section 3-31. Fees**

A fee as determined and set from time to time by resolution of the Township Board shall accompany the original application and all renewals.

A late fee as determined and set from time to time by resolution of the Township Board shall accompany all original applications and renewals filled after the deadlines specified in this ordinance.

**Section 3-32. Process**

- A. Within ninety (90) days of the effective date of this ordinance, all existing businesses shall submit a completed application for a business license on a form provided by the Township, along with all required fees. Applications will be reviewed and licenses issued within one hundred eighty (180) days of the effective date of this ordinance.
- B. New businesses shall submit a completed application for a business license on a form provided by the Township, along with all required fees, prior to commencing business operations. No business shall commence business operations until it has received a properly issued business license.
- C. Existing business license holders shall submit a completed application for renewal, on a form provided by the Township, not less than thirty (30) days before the renewal date.
- D. Business Licenses are valid for one (1) year beginning on the renewal date of the appropriate year. Fees are not pro-rated for applications received mid-year.
- E. New businesses which begin operation prior to obtaining a Business License and existing businesses that fail to make application for a renewal of their business license in a timely manner may have late fees assessed in an amount as determined by the Township Board.
- F. The Business License is non-transferrable.
- G. The licensee shall notify the licensing agent prior to any termination of the business for which the license is issued but no part of the license fee shall be refunded.
- H. The licensing agent or his designee shall have the right of inspection of the business premises to assure compliance with this Ordinance.
- I. Multiple businesses operating under the same ownership and Federal Tax ID number shall require one license. All business names must be provided with the application. Multiple businesses operating under the same ownership but separate Federal Tax ID numbers shall require a separate Business License for each Tax ID number.

**Section 3-33. REVOCATION:**

- A. In the event of any noncompliance with the provisions of this Ordinance after a license has been issued, the same may be revoked by order of the licensing agent until the noncompliance has been corrected as determined by said agent.
- B. The licensee may appeal all revocations to the Township Board, which, for cause shown, may uphold the revocation, or reinstate the license after giving the licensee reasonable notice and after holding a hearing, at which licensee shall have an opportunity to be heard.
- C. In the event of revocation, the license fee shall not be refunded.

**Section 3-34. SANCTIONS FOR VIOLATION:**

Any person or other entity who violates any of the provisions of this Ordinance is responsible for a municipal civil infraction as defined by Michigan law and subject to a civil fine as defined in the Tittabawassee Township Sanctions for Ordinance Violations Ordinance. A violator of this Ordinance shall also be subject to such additional sanctions,

remedies, and judicial orders as are authorized under Michigan law. Each day a violation of this Ordinance continues to exist constitutes a separate violation.

**Section 3-35. SAVING PROVISIONS:**

Should any portion of this Ordinance be declared unconstitutional, illegal or of no force and effect by any court of competent jurisdiction such portion thereof shall not be deemed to affect the validity of any other part or portion thereof.

**Section 3-36. EFFECTIVE DATE:**

This Ordinance shall take effect on January 1<sup>st</sup>, 2018.

**Secs. 3-36--3-64. Reserved**

**ARTICLE III. PEDDLER AND SOLICITOR LICENSING AND CONTROL**

**DIVISION 1. GENERALLY**

**Sec. 3-65. Title.**

This article shall be known and cited as the "Tittabawassee Township Peddler and Solicitor Licensing and Control Ordinance".

(Ord. No. 04-05, § 1.1, 5-11-2004)

**Sec. 3-66. Operation or use of vehicles and equipment on streets and other public places between sunset and sunrise.**

No vehicle or other equipment shall be operated, propelled, located, or otherwise used on the public streets, sidewalks, parks or other public ways or places between the hours of sunset and sunrise, by any person licensed under this article, for the purpose of carrying on the licensed activity; provided, however, that the police department may authorize the use of equipment for street vending within such hours, where the occasion, location and circumstances are such that there is no danger to the public or the operator, and on such terms and conditions as the department finds necessary as to the time, location, equipment, and mode of operation to protect the public and operator from hazard; and provided further, that motor vehicles, licensed under the state statutes and meeting their requirements, may be operated as authorized thereby.

(Ord. No. 04-05, § 1.2, 5-11-2004)

**Sec. 3-67. Misrepresentations by solicitors.**

No person shall, directly or indirectly, solicit contributions for any purpose, by misrepresentation of his name, occupation, financial condition, social condition or residence, and no persons shall make or perpetrate any other misstatement, deception, or fraud in connection with any solicitation or any contribution for any purpose in the township.

(Ord. No. 04-05, § 1.3, 5-11-2004)

**Sec. 3-68. Penalties.**

Any person, firm, or corporation who violates any of the provisions of the within ordinance shall be guilty of a

misdemeanor and each such person shall be guilty of a separate offense for each occurrence thereof, and upon conviction of such violation such person shall be guilty of a municipal civil infraction and shall be subject to the penalties as defined in the Tittabawassee Township Sanctions for Ordinance Violations Ordinance. (Ord. No. 04-05, § 4.3, 5-11-2004; Ord. No. 04-06, 6-8-2004)

**Secs. 3-69--3-94. Reserved.**

DIVISION 2. HAWKERS AND PEDDLERS

**Sec. 3-95. Definition.**

The term "hawker" or "peddler" as used in this article, shall be construed to mean any person who travels from house to house or place to place, or who, on the streets or alleys or open places, or in public grounds or places, sells or offers for sale, or exposes for sale, any goods, wares, merchandise or services to any person not a dealer therein, or who takes orders for the purchase of goods, wares or merchandise by samples, lists, or catalog, or subscription for magazines and books from any person not a dealer therein. The term "hawker" or "peddler," as used in this article, shall not be applicable to any party selling the products of his own farm, orchard or garden.

(Ord. No. 04-05, § 2.1, 5-11-2004)

**Sec. 3-96. License required.**

No person shall conduct the business or occupation of a hawker or peddler within the limits of the township, unless he shall have obtained a license in accord with this article. No person shall act as a helper or assistant to a licensed peddler, unless he has a license issued by the township police department.

(Ord. No. 04-05, § 2.2, 5-11-2004)

**Sec. 3-97. Application.**

Any person desirous of obtaining a license as a hawker or peddler shall apply to the township police department upon proper forms to be furnished by the department and signed by such applicant, and stating the person's name, address, date of birth, social security number, drivers license number, physical description, the type of business, the goods or services being sold, and the manner the person intends to travel and trade or conduct business. The person shall also provide to the department a photograph of the applicant and the applicant's fingerprints.

(Ord. No. 04-05, § 2.3, 5-11-2004)

**Sec. 3-98. Fee.**

Licenses issued under this article shall be charged and paid for at the time the application is filed at a fee to be determined, from time to time, by resolution of the township board.

(Ord. No. 04-05, § 2.4, 5-11-2004)

**Sec. 3-99. Issuance.**

The township police department is authorized to issue licenses to those who have complied with the provisions of

this article, unless otherwise directed by the township board.  
(Ord. No. 04-05, § 2.5, 5-11-2004)

**Sec. 3-100. License to be carried by licensee.**

All licensees shall carry with them, at all times while peddling, the license issued by the township.  
(Ord. No. 04-05, § 2.6, 5-11-2004)

**Sec. 3-101. Alteration of license prohibited.**

No licensee under this section shall alter, remove or obliterate any entry made on the license.  
(Ord. No. 04-05, § 2.7, 5-11-2004)

**Sec. 3-102. Expiration.**

All licenses issued under the provision of this article shall expire within seven days from date of issue unless a prior date is fixed therein.  
(Ord. No. 04-05, § 2.8, 5-11-2004)

**Sec. 3-103. Suspension or revocation.**

The township police department shall have the power to suspend any license issued under this article for violation of a township ordinance or any condition or regulation under which the license was granted, or for undesirable business practices. The township police department shall report all suspensions to the township board, which may, for cause shown, revoke or reinstate the license after giving the licensee reasonable notice and an opportunity to be heard. No person whose license has been revoked shall receive another license for a period of one year thereafter. In the event of revocation, the license fee shall not be refunded.  
(Ord. No. 04-05, § 2.9, 5-11-2004)

**Sec. 3-104. Records to be kept.**

A full, complete record of each license issued under this article, including renewals, suspensions, or revocation thereof, and serious complaints and charges against the licensee, together with his photograph, shall be kept on file by the township police department.  
(Ord. No. 04-05, § 2.10, 5-11-2004)

**Secs. 3-105--3-129. Reserved.**

DIVISION 3. CHARITABLE AND RELIGIOUS SOLICITATIONS

**Sec. 3-130. Definitions.**

For purposes of this article, the following definitions shall apply, unless a different meaning is clearly indicated by the context:

*Charitable.* The word "charitable" shall mean and include the words patriotic, philanthropic, social service, welfare, benevolent, educational, civic or fraternal, either actual or purported.

*Contribution.* The word "contribution" shall mean and include the words alms, food, clothing, money, subscription,



property or donations under the guise of a loan of money or property.

*Person.* The word "person" shall mean any individual firm, co-partnership, corporation, company, association or joint stock association, church, religious sect, religious denomination, society, organization or league, and includes any trustee, receiver, assignee, agent, or other similar representative thereof.

*Promote.* The word "promoter" shall mean any person who promotes, manages, supervises, organizes, or attempts to promote, manage, supervise, or organize a campaign of solicitation.

*Religious and religion.* As used in this article, the words "religious" and "religion" shall not mean and include the word "charitable" as herein defined, but shall be given their commonly accepted definitions.

*Solicit and solicitation.* The terms "solicit" and "solicitation" shall mean the request, directly or indirectly, of money, credit, property, financial assistance, or other thing of value on the plea or representation that such money, credit, property, financial assistance, or other thing of value will be used for a charitable or religious purpose by means of going from door to door.

(Ord. No. 04-05, § 3.1, 5-11-2004)

### **Sec. 3-131. Solicitor's credentials.**

All persons to whom permits have been issued under this article shall furnish proper credentials to their solicitors for such solicitation. Such credentials shall include the name of the permit holder, the date, a statement describing the holder's charitable or religious activity, a description of the purpose of the solicitation, the signature of the permit holder or of the holder's chief executive officer, and the name, address, age, sex, and signature of the solicitor to whom such credentials are issued and the specific period of time during which the solicitor is authorized to solicit on behalf of the permit holder. A copy of such credentials must be filed with the township police department at the time the application for a permit is filed under this article and must be approved by the department as conforming to the requirements of this section. No person shall solicit under any permit granted under this article, unless the person has such credentials in the person's immediate possession, and the same shall be shown upon the request of any person solicited or any police officer of the township.

(Ord. No. 04-05, § 3.2, 5-11-2004)

### **Sec. 3-132. Records of donations and disbursements.**

No person shall solicit any contributions for any charitable or religious purpose for which a permit is required by this article, without maintaining a system or accounting whereby all donations and all disbursements are entered upon the books or records of such person's treasurer or other financial officer.

(Ord. No. 04-05, § 3.3, 5-11-2004)

### **Sec. 3-133. Permit.**

- A. It shall be unlawful for any person, or for any agent, member, or representative thereof, directly or indirectly to solicit money, donations of money, property or financial assistance of any kind, or sell or offer to sell any article, tag, service, emblem, publication, ticket, advertisement, subscription, or anything of value, on the plea or the representation that such sale or solicitation, or the proceeds or any part thereof, is for a charitable or religious purpose, on the streets, in any office or business building, by house to house canvass, or in any other public or private place or personal solicitation unless such person shall have a permit issued in accord with this article.

- B. The provisions of this section shall not apply to any established society, association or corporation that is organized and operated exclusively for religious, philanthropic, benevolent, fraternal, charitable or reformatory purposes, and not operated for pecuniary profit, where no part of the net earnings of which benefits any person, private shareholder or individual, and where the solicitation of such organization is conducted among the members thereof by other members or officers thereof, voluntarily and without remuneration for such solicitation, or where such solicitation is in the form of collection or contributions at the regular exercises or services of any church, religious society, lodge, benevolent order of fraternity or similar organizations, or of any branch thereof.

(Ord. No. 04-05, § 3.4, 5-11-2004)

**Sec. 3-134. Application generally.**

- A. An application for a permit required by this article shall be made to the township police department upon forms provided by the township. Such application shall contain the following information or, in lieu thereof, a detailed statement of the reason or reasons why such information cannot be furnished:
1. The name, address or headquarters of the person applying for the permit.
  2. If the applicant is not an individual, the names and addresses of the applicant's principal officers and managers and a copy of the resolution, if any, authorizing such solicitation, certified to as a true and correct copy of the original by the officer having charge of the applicant's records.
  3. The purpose and use for which such solicitation is to be made.
  4. The name and address of the person who will be in direct charge of conducting the solicitation, and the names of all promoters connected or to be connected with the proposed solicitation.
  5. An outline of the method or methods to be used in conducting the solicitation.
  6. The time when such solicitation shall be made, giving the preferred dates for the beginning and ending of such solicitation.
  7. The amount of any wages, fees, commissions, expenses or emoluments to be expended or paid to any person in connection with such solicitation, and the names and addresses of all such persons.
  8. A statement to the effect that, if a permit is granted, it will not be used or represented in any way as an endorsement by the township or by any department or officer thereof.
  9. Such other information as may be reasonably required by the township in order for the township to determine the kind and character of the proposed solicitation and whether such solicitation is in the interest of and not inimical to the public welfare.
  10. The person's name, address, date of birth, social security number, and driver's license number.
- B. The person shall furnish a photograph and fingerprints of the person to the department.
- C. If, while any application is pending, or during the term of any permit granted thereon, there is any change in fact, policy or method that would alter the information given in the application, the applicant shall notify the township police department in writing thereof within 24 hours after such change.
- D. No person shall, directly or indirectly, make or perpetrate any misstatement, deception, or fraud in connection with any application or report filed under this section.

(Ord. No. 04-05, § 3.5, 5-11-2004)

**Sec. 3-135. Investigation of application and applicant.**

- A. The township police department shall examine all applications filed under this article and shall make or cause to be made such further investigation of the application and the applicant as the township police department shall deem necessary.
- B. The township police department shall not issue a permit required by this article, unless the department finds:
  - 1. That all of the statements made in the application are true.
  - 2. That the applicant has a good character and reputation for honesty and integrity, or, if the applicant is not an individual person, that every member or co-partner, managing officer or agent of the applicant has a good character and reputation for honesty and integrity.
  - 3. That the control and supervision of the solicitation will be under responsible and reliable persons.
  - 4. That the applicant has not engaged in any fraudulent transaction or enterprise.
  - 5. That the solicitation will not be a fraud on the public.
  - 6. That the solicitation is prompted solely by a desire to finance the charitable or religious cause described in the application and will not be conducted primarily for private profit.
  - 7. That the cost of raising the funds will be reasonable. Any such cost in excess of 25 percent of the amount collected shall be considered to be unreasonable unless special facts are presented showing that peculiar reasons make a cost higher than 25 percent reasonable in the particular case.

(Ord. No. 04-05, § 3.6, 5-11-2004)

**Sec. 3-136. Fee.**

Permits issued under this article shall be charged and paid for at the time the application is filed at a fee to be determined, from time to time, by resolution of the township board.

(Ord. No. 04-05, § 3.7, 5-11-2004)

**Sec. 3-137. Issuance.**

A permit required by this article shall be issued by the township police department when all of the provisions of this article have been complied with and when such issuance has been approved by the department; provided that such permit shall not be issued until the credentials of the applicant's solicitors have been approved.

(Ord. No. 04-05, § 3.8, 5-11-2004)

**Sec. 3-138. Duration.**

All permits issued under the provisions of this article shall expire within seven days from issue, unless a prior date is fixed therein.

(Ord. No. 04-05, § 3.9, 5-11-2004)

**Sec. 3-139. Copy to be carried by solicitors and displayed upon request.**

No person shall solicit under a permit issued pursuant to this article, unless he has in his immediate possession, a

facsimile copy of such permit, which copy must be shown upon the request of any person solicited or any police officer of the township.

(Ord. No. 04-05, § 3.10, 5-11-2004)

**Sec. 3-140. Nontransferable; return upon expiration.**

Any permit issued under this article shall be nontransferable and shall be returned to the township police department within two days after its date of expiration, together with all facsimile copies thereof.

(Ord. No. 04-05, § 3.11, 5-11-2004)

**Sec. 3-141. Suspension and revocation.**

Whenever it shall be shown or whenever the township police department has knowledge that any person to whom a permit has been issued under this article has violated any of the provisions of this article or has misrepresented the purpose of the solicitation, the department may revoke the license by mailing a notice of revocation by certified mail to the licensee. The licensee shall have the right to appeal to the township board at their next regular meeting.

(Ord. No. 04-05, § 3.12, 5-11-2004)

**Secs. 3-136--3-169. Reserved**

**DIVISION 4. ROADWAY SOLICITATION**

**Section 3-170. Identification.**

An ordinance to protect the health, safety and welfare of the citizens of Tittabawassee Township, Saginaw County, Michigan. This ordinance shall hereafter be known as the Tittabawassee Township Roadway Soliciting Ordinance.

**Section 3-171. Definitions.**

Whenever in this chapter the following terms are used they shall have the meanings as described to them in this section, unless it is apparent from the context thereof that some other meaning is intended:

Roadway: That portion of a public road upon which motor vehicles are intended to traverse.

Roadway Solicitation: The act of pedestrians entering the roadway or standing on the curb for the purpose of soliciting a ride, employment, business or donations from the occupant(s) of any vehicle.

Sponsoring Organization: The organization making application for a Roadway Solicitation Permit.

Roadway Solicitation Permit: A permit issued by the Tittabawassee Township Police Department under the terms set forth in this ordinance.

**Section 3-172. Roadway Solicitation.**

(1) A person shall not stand in a roadway for the purpose of soliciting a ride, employment, business or donations from the occupant(s) of any vehicle unless such action is in compliance with applicable state law and the terms of this ordinance.

(2) A person who violates this rule is responsible for a civil infraction.

### **Section 3-173. License Required.**

Roadway solicitations shall not be allowed without a roadway solicitation permit being first obtained from the Tittabawassee Township Police Department.

- A. Applications will only be accepted from recognized charitable or civic organizations (the sponsoring organization).
- B. Solicitations shall be for donations only.
- C. Sponsoring Organization must show proof of liability insurance with a coverage amount of at least \$500,000.00 or an amount specified by state law, whichever is higher.
- D. Application and all required attachments, including proof of insurance, must be submitted to the Tittabawassee Township Police Chief not less than 10 days before the planned event.
- E. Permits shall be valid for not more than three (3) days and only on the dates and locations specified.
- F. Permits are not transferable and shall be used only by the specified organization and for the purpose specified.
- G. Permit may be revoked by any police officer or township official if the actions of the solicitors create a safety hazard or excessive traffic congestion. Once a permit is revoked, all persons involved in the event shall immediately cease their activities and remove themselves and all event related materials from the site.

### **Section 3-174. Event Restrictions.**

Roadway Solicitations must comply with all of the following:

- A. Roadway Solicitations are allowed only at the intersection of Webster and Freeland Roads.
- B. Roadway Solicitations are allowed between the hours of 9:00 am and 2:00 pm.
- C. All persons making such solicitations shall be a minimum of 18 years of age or an age specified by Michigan State Law, whichever is higher.
- D. All persons making such solicitations shall wear reflective safety vests or other reflective safety apparel.
- E. Solicitations shall be for donations only. Sales, petitions, distribution of materials or other activities are prohibited and will void the Roadway Solicitation Permit.
- F. Persons involved in the event may offer thank you gifts of inconsequential value to donors.

**Secs. 3-175--3-184 Reserved.**