

PASSED 3-3-03

SEE ORD. #3 § 30  
STREET VENDORS

ORDINANCE 2003- 03 VILLAGE OF MESICK BUSINESS PERMITS

THE VILLAGE OF MESICK ORDAINS:

Section 1 - This Ordinance is to be titled Business Permits.

Section 2 - Purpose

The purpose of this Ordinance shall be to require a permit for business activities and enterprises physically located within the Village of Mesick and to provide the Village with necessary information concerning the businesses within the Village, including but not limited to the nature of the business operation, the number of employees, place of business, and emergency contacts, in order to protect the health, welfare and safety of the Village inhabitants.

Section 3 - Definitions.

For the purposes of this ordinance the following terms, phrases, words, and their derivatives shall have the meaning given in this section:

Business means and includes all kinds of vocations, occupations, home occupations, professions, enterprises and establishments, any of which are conducted on any premises in this Village or anywhere else within its jurisdiction.

Premises means and includes all land, structures and places, and the equipment and appurtenances connected or used therewith, in any business, and also any personal property which is either affixed to, or otherwise used in connection with, any such business conducted on such premises.

Village Council means the Council of the Village of Mesick, or such its designee.

Section 4 - Conducting business without a permit is deemed unlawful.

A. It is unlawful for any proposed business to commence, carry on or establish any kind of business activity within the Village without first having registered with the Village and obtained a permit to do so, or without complying with any and all regulations contained in this Ordinance.

Section 5 - Registration Form

Every person required to obtain a permit under the provisions of this Ordinance shall submit an application for such permit to the Village Council. The permit application shall:

A. Be a written statement upon forms provided by the Village Council. Such forms shall include an affidavit signed by the registrant stating the name of the business, owner or owners of the business, manager of the business, if any, the address and telephone number of the business, the number of employees, and the nature of the business;

B. Require the disclosure of all additional information necessary for compliance with this Ordinance and any other information which the Village Council finds to be reasonably necessary to the fair administration of this Ordinance; and

C. Be submitted prior to commencement of business within the Village.

Section 6 - Authorization; Investigations.

A. Upon the receipt of an application where any provision of the Ordinance necessitates an inspection or

further investigation, the Village Council shall refer the application to the proper officer, or agent for making such investigation.

B. Application does not permit the conduct of any business if the premises to be used for the business, or the proposed conduct of such business, does not fully comply with the requirement of this Ordinance.

C. Application does not permit the conduct of any business or performance of any act which would constitute a violation of the Zoning Ordinance of the Village.

D. Application does not permit the conduct of any business which violates any existing state or federal statutes, or municipal ordinance.

#### Section 7 - Duties of the Village Council.

The Village Council shall:

A. Enforce all reasonable rules and regulations necessary to the operation of this ordinance;

B. Adopt all forms and prescribe the information to be given in such forms;

C. Require applicants to submit all affidavits and oaths necessary to the administration of this Ordinance;

D. Submit all application registrations to interested Village Officials or its agents for their review as to compliance by the registrant with all Village Ordinances, rules and regulations which such officials have the duty of enforcing; and

E. Maintain a listing of all registered businesses located within the Village.

#### Section 8 - Fee; Term.

There shall be no fee to apply for a business permit and such registration shall remain in effect until such time as the registrant no longer conducts such business within the Village limits or until such time as the ownership of such business changes. A business permit is not transferable.

#### Section 9 - A permit is required for each place of business.

A separate permit must be made for each branch, establishment or separate place of business in which the business is carried on.

#### Section 10 - Denial or Revocation of Permit

Permits requested under this Ordinance may be denied by the Village for any of the following reasons:

1. False statements, fraud or misrepresentation in the application for a permit or in the operation of the business.

2. Failure to comply with an authorized requirement of the Village Council.

3. Failure of the applicant to pay any indebtedness due to the Village of Mesick.

The Village Council, upon seven days written notice to a registrant, stating the contemplated action and in general the grounds therefor, and after a reasonable opportunity for the registrant to be heard, may revoke any registration filed with the Village if it finds that:

A. The registrant has failed to file any reports or furnish any other information that may be required by any provisions of this Ordinance relating to the specific business;

B. The registrant has violated any of the provisions of this or any other Village Ordinance pertaining to the business, or any regulation or order lawfully made relating thereto; or

C. The registration contains a material omission or misstatement of fact.

**Section 11- Each days Violation Deemed Separate Offense.**

The carrying on of any business as provided in this Ordinance, without a permit from the Village Council, or without complying with any and all regulations of such business contained in this Ordinance, shall be deemed a separate violation of this Ordinance for each and every day that such business is carried on.

**Section 12 - Penalty**

Any person, firm or corporation violating this Ordinance shall be subject to enforcement by the Village as provided by State law and shall be subject to a civil fine of \$100.00 per day for such violation. In addition to this fine, the Village may recover its reasonable attorney fees and costs incurred in enforcement of this Ordinance.

**Section 13- Saving Clause**

Provisions of this Ordinance are hereby declared to be severable and if any clause, sentence, word, section or provision is declared void or unenforceable, for any reason by a Court of competent jurisdiction, the remaining portions of said Ordinance shall remain in full force and effect.

All other ordinances or portions thereof inconsistent or conflicting with this Ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

**Section 13- Effective Date**

This Ordinance shall take effect \_\_\_\_\_.