

Chapter 8

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ARTICLE I. IN GENERAL

Secs. 8-1—8-30. Reserved.

ARTICLE II. LICENSES**Sec. 8-31. Licenses required.**

No person shall engage in the operation, conduct or carrying on of any trade, profession, business or privilege for which any license is required by any provision of this Code without first obtaining a license from the village in the manner provided for in this article.

(Code 1959, § 20.051)

Sec. 8-32. State licensed businesses.

The fact that a license or permit has been granted to any person by the state to engage in the operation, conduct or carrying on of any trade, profession, business or privilege shall not exempt such person from the necessity of securing a license or permit from the village if such license or permit is required by this Code.

(Code 1959, § 20.052)

Sec. 8-33. License application.

Unless otherwise provided in this Code, every person required to obtain a license from the village to engage in the operation, conduct or carrying on of any trade, profession, business or privilege shall make application for said license to the village clerk upon forms provided by the clerk and shall state under oath or affirmation such facts, as may be required for, or applicable to, the granting of such license.

(Code 1959, § 20.053)

Sec. 8-34. License year.

The license year shall begin January 1 of each year and shall terminate at midnight on December 31 of that year. Original licenses shall be issued for the balance of the license year at the full license fee. License applications for license renewals shall be accepted and licenses issued for a period of 15 days prior to the annual expiration date. In all cases where the provisions of this Code permit the issuance of licenses for periods of less than one year, the effective date of such licenses shall commence with the date of issuance thereof.

(Code 1959, § 20.054)

Sec. 8-35. Where certification required.

No license shall be granted where the certification of any officer of the village is required prior to the issuance thereof until such certification is made.

(Code 1959, § 20.055)

Sec. 8-36. Health officer's certificate.

In all cases where the certification of the county health officer is required prior to the issuance of any license by the village clerk, such certification shall be based upon an actual inspection and a finding that the person making application and the premises in which he proposes to conduct or is conducting the trade, profession, business or privilege comply with all the sanitary requirements of the state and of the village.

(Code 1959, § 20.056)

Sec. 8-37. Chief of police's certificate.

In all cases where the certification of the chief of police is required prior to the issuance of any license by the village clerk, such certification shall be based upon a finding that the person making application for such license is of good moral character.

(Code 1959, § 20.057)

Sec. 8-38. Licensing standards for good moral character.

- a) The phrase "good moral character," when used in this article for the purpose of licensing, shall be construed to mean the propensity on the part of the person to serve the public in the licensed area in a fair, honest and open manner.
- b) A judgment of guilt in a criminal prosecution or a judgment in a civil action shall not be used, in and of itself, as proof of a person's lack of good moral character. It may be used as evidence in the determination, and when so used the person shall be notified and shall be permitted to rebut the evidence by showing that at the current time he or she has the ability to, and is likely to serve the public in a fair, honest and open manner, that he or she is rehabilitated, or that the substance of the former offense is not reasonably related to the occupation or profession for which he or she seeks to be licensed.
- c) The following criminal records shall not be used, examined or requested by the village in a determination of good moral character:
 - 1) Records of an arrest not followed by a conviction;
 - 2) Records of a conviction which has been reversed or vacated, including the arrest records relevant to that conviction;
 - 3) Records of an arrest or conviction for a misdemeanor or a felony unrelated to the person's likelihood to serve the public in a fair, honest, and open manner;
 - 4) Records of an arrest or conviction for a misdemeanor for the conviction of which a person may not be incarcerated in a jail or prison.
- d) When a person is found to be unqualified for a license because of a lack of good moral character, or similar criteria, the person shall be furnished by the village clerk with a statement to this effect. The statement shall contain a complete record of the evidence upon

which the determination was based. The person shall be entitled, as of right, to a rehearing on the issue before the village council if he or she has relevant evidence not previously considered regarding his or her qualifications.

Sec. 8-39. Late renewals.

All fees for the renewal of any license which are not paid at the time said fees shall be due, shall be paid as "late fees" with an additional 25 percent of the license fee required for such license for the first 15 days that such license fee remains unpaid, and thereafter the license fee shall be that required for such license, plus 50 percent of such fee.

(Code 1959, § 20.058)

Sec. 8-40. Right to issuance.

If the application for any license is approved by the proper officers of the village, as provided in this Code, said license shall be granted and shall serve as a receipt for payment of the fee prescribed for such license.

(Code 1959, § 20.059)

Sec. 8-41. Suspension or revocation.

Any license issued by the village may be suspended by the village president for cause, and any permit issued by the village may be suspended or revoked by the issuing authority for cause. The licensee shall have the right to a hearing before the village council on any such action of the village president, provided a written request therefor is filed with the village clerk within five days after receipt of said notice of such suspension. The council may confirm such suspension or revoke or reinstate any such license. The action taken by the council shall be final. Upon suspension or revocation of any license or permit, the fee therefor shall not be refunded.

(Code 1959, § 20.060)

Sec. 8-42. "Cause" defined.

The term "cause", as used in this article, shall include the doing or omitting of any act, or permitting any condition to exist in connection with any trade, profession, business or privilege for which a license or permit is granted under the provisions of this Code, or upon any premises or facilities used in connection therewith, which act, omission or condition is:

- 1) Contrary to the health, morals, safety or welfare of the public;
- 2) Unlawful, irregular or fraudulent in nature;
- 3) Unauthorized or beyond the scope of the license or permit granted; or
- 4) Forbidden by the provisions of this Code or any duly established rule or regulation of the village applicable to the trade, profession, business or privilege for which the license or permit has been granted.

(Code 1959, § 20.061)

Sec. 8-43. License renewal.

Unless otherwise provided in this Code, an application for renewal of a license shall be considered in the same manner as an original application.

(Code 1959, § 20.062)

Sec. 8-44. Exhibition of license.

No licensee shall fail to carry any license issued in accordance with the provisions of this article upon his person at all times when engaged in the operation, conduct or carrying on of any trade, profession, business or privilege for which the license was granted; except that where such trade, profession, business or privilege is operated, conducted or carried on at a fixed place or establishment, said license shall be exhibited at all times in some conspicuous place in such place of business. Every licensee shall produce his license for examination when applying for a renewal thereof or when requested to do so by any village police officer or by any person representing the issuing authority.

(Code 1959, § 20.063)

Sec. 8-45. Exhibition on vehicle and machine.

No licensee shall fail to display conspicuously on each vehicle or mechanical device or machine required to be licensed by this Code such tags or stickers as are furnished by the village clerk.

(Code 1959, § 20.064)

Sec. 8-46. Displaying invalid license.

No person shall display any expired license or any license for which a duplicate has been issued.

(Code 1959, § 20.065)

Sec. 8-47. Transferability; misuse.

No license or permit issued under the provisions of this Code shall be transferable unless specifically authorized by the provisions of this Code. No licensee or permittee shall, unless specifically authorized by the provisions of this Code, transfer or attempt to transfer his license or permit to another nor shall he make any improper use of the same.

(Code 1959, § 20.066)

Sec. 8-48. Misuse of license; automatic revocation.

In addition to the general penalty provision for violation thereof, any attempt by a licensee or permittee to transfer his license or permit to another, unless specifically authorized by the provisions of this Code, or to use the same improperly shall be void and result in the automatic revocation of such license or permit.

(Code 1959, § 20.067)

Secs. 8-49—8-70. Reserved.

ARTICLE III. PEDDLERS*

Sec. 8-71. License required.

No person shall engage in the business of hawking or peddling, or soliciting orders for, any goods or merchandise without first obtaining a license therefor. No such license shall be granted except upon certification of the chief of police. The fee for such license shall be as currently established or as hereafter adopted by resolution of the village council from time to time.

(Code 1959, § 20.101)

Sec. 8-72. Fingerprints.

No license to peddle shall be granted to any person unless a complete set of fingerprints of such person are on file in the noncriminal identification file of the police department.

(Code 1959, § 20.102)

Sec. 8-73. Fixed stands prohibited.

No licensee shall stop or remain in any one place upon any street, alley or public place, longer than necessary to make a sale to a customer wishing to buy. Any peddler using a vehicle, when stopped, shall place his vehicle parallel to and within 12 inches of the curb and shall depart from such place as soon as he has completed sales with customers actually present.

(Code 1959, § 20.103)

Sec. 8-74. Exempt persons.

This article shall not be applicable to farmers or truck gardeners selling or offering for sale any products grown, raised or produced by them, the sale of which is not otherwise prohibited or regulated; nor to any person under the age of 18 years, when engaged in peddling or soliciting in the neighborhood of his residence, on foot and under the direct supervision of any school or recognized charitable or religious organization.

(Code 1959, § 20.105)

Secs. 8-75—8-100. Reserved.

ARTICLE IV. TRANSIENT MERCHANTS†

Sec. 8-101. License required.

No person shall engage in a temporary business of selling goods, wares or merchandise at retail within the village from any lot, premises, building, room or structure, including railroad

***State law references**—Home solicitation, MCL 445.111 et seq.; transient merchants, MCL 445.371 et seq.; veteran's license for peddlers, MCL 35.441 et seq.; charitable organizations and solicitations act, MCL 400.271 et seq.; public safety solicitation act, MCL 14.301 et seq.

†**State law reference**—Transient merchants, MCL 445.371 et seq.

cars, without first obtaining a license therefor. No such license shall be granted except upon certification of the chief of police and village treasurer. The fee for such license shall be as currently established or as hereafter adopted by resolution of the village council from time to time. Persons having regularly established places of business in the village who are not otherwise subject to this article, shall not become subject thereto because of making incidental sales or deliveries direct from railroad cars.

(Code 1959, § 20.151)

Sec. 8-102. Temporary business defined.

Every person engaged in the retail sale and delivery of goods, wares or merchandise, shall be deemed to be engaged in carrying on a temporary business unless his goods, wares or merchandise shall have been assessed for taxation in the village during the current year.

(Code 1959, § 20.152)

Sec. 8-103. Indebtedness to village.

No license shall be granted to any person owing any personal property taxes or other indebtedness to the village, or who contemplates using any personal property on which personal property taxes are owing, in the operation of such business, and the treasurer shall certify to the applicant's qualifications with respect to such indebtedness.

(Code 1959, § 20.153)

Sec. 8-104. Benefit sales.

Any person selling or offering for sale any goods, wares or merchandise on behalf of and solely for the benefit of any recognized public, charitable or religious purpose shall, after meeting all other requirements, be granted a license without payment of the fee required by section 8-101.

(Code 1959, § 20.154)

Secs. 8-105—8-119. Reserved.

ARTICLE V. RECREATIONAL MARIHUANA

Sec. 8-120. Prohibition of Recreational Marihuana Establishments.

- a) Pursuant to the provisions of Section 6.1 of the Michigan Regulation and Taxation of Marihuana Act (the "Act"), marihuana establishments, as defined by the Act, are completely prohibited within the boundaries of the Village.
- b) An application for a state or local license to establish a marihuana establishment, as defined by the Act, within the boundaries of the Village shall be deemed to be not in compliance with this Ordinance.
- c) This section does not supersede rights and obligations with respect to the transportation of marihuana through the Village to the extent provided by the Act, and does not supersede rights and obligations under Michigan law with respect to the establishment and licensing of medical marihuana facilities under the Michigan Medical Marihuana Act, the Medical Marihuana Licensing Act, 2016 PA 281, or any other law of the State of Michigan allowing for or regulating marihuana for medical use.

(Ord. No. 152-2019, 01-21-2019)

Sec. 8-121. Prohibition on Sale and Consumption of Marihuana in Public Places.

- a) In conformance with Sections 4.1(e) and 6.2(b) of the Act, the sale or consumption of marihuana in any form and the sale or display of marihuana accessories, as defined by the Act is prohibited in any public places within the boundaries of the Village.
- b) Any person who violates any of the provisions of this section shall be responsible for a municipal civil infraction punishable by a civil fine of \$500, plus court-imposed costs.
- c) This section does not supersede rights and obligations with respect to the transfer and consumption of marihuana on private property to the extent authorized by the person who owns, occupies or operates such property, as provided in and authorized by the Act, and does not supersede rights and obligations with respect to the use of marihuana for medical purposes as provided by any law of the State of Michigan allowing for or regulating marihuana for medical use.

(Ord. No. 152-2019, 01-21-2019)