

ORDINANCE #359 WITH AMENDMENTS (04/17/18)

An ordinance to provide for the annual licensing of businesses within the Township and to create a procedure for the procurement of such licenses; to create certain conditions for the issuance of the license relating to its duration, to the prohibition of illegal businesses, to restrictions on the transfer of the license, and to the revocation of the license for noncompliance with this ordinance; to exempt political, charitable or religious establishments and governmental agencies from the operation and effect of this ordinance; to provide penalties for the violation thereof and to repeal all ordinances or parts of ordinances in conflict herewith.

**THE CHARTER TOWNSHIP OF BANGOR, BAY COUNTY, MICHIGAN,
HEREBY ORDAINS:**

Section 1: Title

This ordinance shall be known and cited as the Bangor Township Licensing Ordinance.

Section 2: Definitions

As used in this ordinance:

“Business” means any trade, occupation, profession, work, commerce or other activity owned or operated for profit by any person within the township excluding, however, political, charitable or religious establishments and governmental agencies.

“Home Occupation” means any business carried on by one or more members of a family residing on the premises providing it be operated in its entirety within the principal dwelling, not have a separate entrance from outside the building, not involve alteration or construction not customarily found in dwellings, not use any mechanical equipment except that which is used normally for purely domestic or household purposes, not use more than twenty five percent (25%) of the total actual floor area of the dwelling and not display or create outside the structure of the dwelling any external evidence of the operation of the home occupation except for one nonanimated, nonilluminated wall sign, in compliance with the Zoning Ordinance and approved by the Planning Commission.

“Licensing Agent” means the Township Clerk or such other township official or employee as may be designated by resolution of the Township Board.

“Person” means any individual, partnership, association or corporation.

“Township” means the Township of Bangor.

Section 3: Purpose

Businesses shall be registered annually within the Township of Bangor, Bay County, Michigan.

A. Information for Township: To assist the Township with information to provide:

1. More adequate police and fire protection.
2. More equal and equitable real and personal property taxation.

3. Better efficiency and economy in furnishing public utility services within the Township.
4. More comprehensive and informed planning and zoning for uses of land and structures within the Township; and

B. Information for General Public: To establish a registry of businesses operating within the Township for the general information of the public and for the promotion of the Townships public safety, health and welfare.

Section 4: License Requirements

- A. Requirement Established: No person may commence or continue a business, as herein defined, within the Township without having first obtained a Township license therefore as hereinafter provided and without maintaining such license in current effect during any business operation or activity.
- B. Application: No license to commence or continue a business shall be issued until the owner or operator thereof shall have first submitted an application to the licensing agent of the Township on a form provided by the licensing agent for such purposes.
- C. Fee: A fee as determined and set from time to time by resolution of the Township Board shall accompany the original application and all renewals.
- D. Restrictions:
 1. All Charges Paid: No license shall be issued until storm water fees, all hookup fees, connection fees, or other charges required by the Township ordinances shall be paid in full or as permitted by ordinance provisions.
 2. Compliance with All Laws: No license shall be issued unless the applicant has complied with all Township, County and State laws, rules and regulations.
 3. Legal under Existing Law: 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 State of Michigan, the county having jurisdiction therefor, or the Township.
 4. Issuance after Review: Upon the filing of a properly completed application and upon payment of the fee and after review by the Building Official, the licensing agent shall issue a license to the person to commence or continue the business designated in said application if the business complies with the terms of this Ordinance.
 5. Display: The license shall be prominently displayed to public view.
 6. Duration, Renewals and Late Fees: The license issued under this Ordinance shall be effective for one year from the date issued. Licenses not renewed within thirty (30) days after the expiration date shall, in addition to the license or renewal fee, pay a late fee as determined and set from time to time by a resolution of the Township Board.
 7. Transfer: No license may be transferred by the holder to any other person except upon prior approval of the Township Board.

8. Inspection: The licensing agent shall have the right of inspection of the business premises to assure compliance with this Ordinance.
9. Termination of Business: 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.

Section 5: Revocation

- A. Noncompliance: 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. Right of Appeal and Hearing: 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. Refund of License Fee: In the event of revocation, the license fee shall not be refunded.

Section 6: Exemptions

- A. Political, Charitable, or Religious Organizations and Home Occupations: No license shall be required of any political, charitable, religious establishment or home occupation situated within the Township.
- B. Federal or State Agencies: The provisions of this Ordinance are not applicable to any agency of the United States of America, the State of Michigan, or any political subdivisions thereof.

Section 7: Severability Clause

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

Section 8: Effective Date

This ordinance shall become effective immediately after the last required publication following adoption.

The above Ordinance was adopted at a regular meeting of the Township Board on the 12th day of September, 2017 and shall be published in the Valley Farmer on or before the 21st day of September, 2017.

ROLL CALL VOTE:

YEAS: Bublitz, Eagle, Phelps, Roupe, Rowley, Wardynski
NAYS: None
ABSENT: Schisler

ORDINANCE DECLARED ADOPTED