

New Buffalo Township Berrien County, Michigan

Business Licensing Ordinance

Ordinance No. 20190916

Adopted: 9-16-19

Published: 9-26-19

An ordinance to protect the health, safety and welfare of the citizens and visitors of New Buffalo Township through the annual licensing of businesses within New Buffalo Township and to create a procedure for the procurement of such licenses; to create certain conditions for the issuance of the licensing relating to its duration, the prohibition of illegal businesses, to create restrictions on the transfer of the license, and to the revocation of the license for noncompliance with this ordinance; to provide penalties for the violation thereof and to repeal all ordinances or parts of ordinances in conflict herewith.

THE TOWNSHIP OF NEW BUFFALO, BERRIEN COUNTY, MICHIGAN ORDAINS:

Section 1. Title

This Ordinance shall be known and cited as the New Buffalo Township Business License Ordinance.

Section 2. Definitions

BUSINESS – means any trade, occupation, profession, work, commerce or other activity owned or operated for profit by any person within New Buffalo Township.

LICENSING AGENT – means the New Buffalo Township Building & Zoning Department Administrator or such other Township Official or employee as may be designated by the Township Board.

PERSON – means any individual, partnership, association or corporation.

TOWNSHIP – means the Township of New Buffalo.

FIRE CODE INSPECTION – inspection conducted by the Fire Code Inspector to assess the potential fire safety hazards in a building. Its type and frequency varies from one to another, depending on the location of the building or installation, relevant laws, local and special regulations applicable for the type of building occupancy. The building under inspection shall meet a set of standards related to fire safety as established by the Fire Prevention Code including but not limited to:

- Fire detection and alarm systems
- Types and operational state of fire extinguishers
- Fire hydrants and pumps
- Means of egress and emergency signage etc.

Section 3. Purpose

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

1. Provide more adequate police and fire protection.
2. Provide more equal and equitable real and personal property taxation.
3. Planning for public utility services with the Township.
4. More comprehensive and informed planning and zoning for uses of land and structures within the Township.
5. Establish a registry of businesses operating within the Township for the general information of the public and for the promotion of the Township.

Section 4. License Requirements

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 licensing in current effect during any business operation or activity.

Section 5. Procurement Procedure for License

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 purpose. A fee as established by the Township shall accompany the application. Upon filing of the properly completed application and payment of the fee, the licensing agent shall review the application and schedule the required inspection of the business to determine whether there is compliance with all applicable laws, ordinance, rules and regulations relating to health sanitation, building, zoning, fire code and all other applicable regulations and requirements of the Township and State of Michigan at the site. Upon final approval of the inspection the Township will 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.

Section 6. Conditions of License

The license issued under this ordinance shall be effective from the date of approval for a period as follows:

12 Months

Assembly occupancies with an occupant load of 100 or more, except churches and synagogues.

High hazard occupancies.

High-rise occupancies, regardless of classification, with a high-rise occupancy defined as any occupancy with an occupied floor more than 55 feet above the lowest level of fire department access.

Institutional occupancies.

24 Months

Industrial occupancies

36 Months

Assembly occupancies with an occupant load of less than 100. Churches and synagogues, regardless of occupant load.

Business occupancies.

Mercantile occupancies.

Storage occupancies.

Miscellaneous occupancies.

No license may be transferred by the holder to any other person except upon prior approval of the Township. The licensing agent shall have the right of inspection of the business premises to assure compliance with this ordinance. 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.

Section 7. Violation and Penalty

- A. Any person who disobeys, neglects or refuses to comply with any provision of this ordinance or who causes, allows or consents to any of the same shall be deemed to be responsible for the violation of this ordinance. A violation of this ordinance is deemed to be a nuisance per se.
- B. A violation of this ordinance is a municipal civil infraction, for which the fines shall not be less than \$100 nor more than \$500, in the discretion of the Court. The foregoing sanctions shall be in addition to the rights of the Township to proceed at law or equity with the appropriate and proper remedies. Additionally, the violator shall pay costs which may include all expenses, direct and indirect, which the Township incurs in connection with the municipal civil infraction pursuant to MCL 600.8727.
- C. Each day during which any violation continues shall be deemed a separate offense.

- D. In addition, the Township may seek injunctive relief against persons alleged to be in violation of this ordinance, and such other relief as may be provided by law.
- E. This ordinance shall be administered and enforced by the Ordinance Enforcement Officer of the Township or by such other person(s) as designated by the Township Board from time to time.

Section 9. Severability Clause

The provisions of this ordinance are hereby declared to be severable. If any clause, sentence, word, section or provision is hereafter declared void or enforceable for any reason by a court of competent jurisdiction, it shall not affect the remainder of such ordinance which shall continue in full force and effect.

Section 10. Repeal

All ordinance or parts of ordinances in conflict herewith are hereby repealed.

Section 11. Effective Date

This Ordinance shall take effect the 31st day after publication.

Section 12. Publication, Recordation

This ordinance or a summary shall be published as required by law in a newspaper of general circulation in the Township, promptly after its adoption, and shall be recorded in the Ordinance Book of the Township and such recording authenticated by the signatures of the Township Supervisor and Township Clerk.

The above ordinance was offered for adoption by the Township Board Member Heit and seconded by Township Board Member Rahm, the roll call vote being as follows:

Name	Yes	No
Michelle Heit	<u>✓</u>	_____
Judith Zabicki	<u>✓</u>	_____
Jack Rogers	<u>✓</u>	_____
Pete Rahm	<u>✓</u>	_____
Patty Iazzetto	<u>✓</u>	_____

THE BOARD SUPERVISOR DECLARED THIS ORDINANCE ADOPTED THIS 11th DAY OF September 2019.

CERTIFICATION

I certify that the foregoing is a true and complete copy of the Business Licensing Ordinance adopted by the Township Board at a meeting held on the 16th day of September, 2019, the original of which is on file in my office and available to the public. Public notice of said meeting was given pursuant to and in compliance with the Open Meetings Act, Act No. 2678 of the Public Acts of Michigan 1976, including the case of a special or rescheduled meeting, notice by posting at least eighteen (18) hours prior to the time set for said meeting.

Dated: September 16th, 2019 Judith H. Zabicki
Judith Zabicki, Clerk

PUBLICATION

I hereby certify that a summary of the foregoing Ordinance was published in the New Buffalo Times, on the 26th day of September, 2019.

Judith H. Zabicki
Judith Zabicki, Clerk