

**HOWELL TOWNSHIP, LIVINGSTON COUNTY
BUSINESS ESTABLISHMENT LICENSING ORDINANCE
ORDINANCE NO. 241**

An Ordinance to regulate the licensing of BUSINESS ESTABLISHMENTS in Howell Township pursuant to the authority of MCL 41.181.

THE TOWNSHIP OF HOWELL ORDAINS:

Section 1. Purpose. The purpose this Ordinance is to promote the general health, safety and welfare of the citizens by identifying BUSINESS ESTABLISHMENT locations and operations within the Township to enhance the efficient delivery of township services, including police, fire, water and wastewater, and to promote compliance with all planning, zoning, building, tax, and all related Township ordinances.

Section 2. Definitions. The following words, terms, and phrases, when used in this Ordinance, shall have the meaning respectively ascribed to them except where the context clearly indicates a different meaning.

BUSINESS ESTABLISHMENT: means any business, trade, occupation, work, commerce, profession, including all personal property, devices, machines, vehicles, and appurtenances used therein, which are conducted for private profit or benefit, either directly or indirectly on any commercial property in Howell Township.

HOME BUSINESS: means a technical, personal or professional service, or other type of commercial enterprise as permitted by special use permit under Section 4.03 (J) of the Township Zoning Ordinance, which business either takes place in a home or one of its accessory structures which is operated and carried on by the inhabitants thereof or with no more than one non-family employee, and which use is generally, but not necessarily, secondary to the use of the dwelling for dwelling purposes.

HOME OCCUPATION: means any use permitted by Section 14.26 of the Township Zoning Ordinance that is customarily conducted entirely within a dwelling and carried on by the inhabitants of the dwelling, not involving employees other than members of the immediate family residing in the dwelling, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes, does not change the character of the dwelling, and does not endanger the health, safety, and welfare of any other persons residing in that area by reasons of noise, noxious odors, unsanitary or unsightly conditions, fire hazards and the like, involved in or resulting from such occupation, professions or hobby; provided further, that no article or service is sold or offered for sale on the premises, except such as is produced by such HOME OCCUPATION; and that such HOME OCCUPATION shall not involve internal or external alterations of the dwelling's construction features, equipment, machinery, outdoor storage, or signs not customarily found in residential areas.

LICENSE: means a written LICENSE granted to each BUSINESS ESTABLISHMENT within Howell Township under this Ordinance.

PERSON: means any individual, partnership, association, or corporation owning, operating, maintaining or sharing in the profits of the BUSINESS ESTABLISHMENT.

Section 3. License Required.

A. No PERSON shall own, operate, maintain, or receive profits from a BUSINESS ESTABLISHMENT within Howell Township, including existing and future BUSINESS ESTABLISHMENTS, without having first obtained a LICENSE from Howell Township in the manner provided for in this Ordinance.

B. Unless otherwise provided in this Ordinance, every PERSON or BUSINESS ESTABLISHMENT required to obtain a LICENSE shall make application for such LICENSE to the Township Clerk, or his/her designee, upon an application form provided by the Township Clerk, or his/her designee, and shall state under oath or affirmation such facts as may be required to be disclosed by such application form.

C. It shall be the duty of every PERSON owning, operating, maintaining or receiving profits from a BUSINESS ESTABLISHMENT to report any changes in the information furnished in or with the current LICENSE application to the Township Clerk or his/her designee within five (5) business days of such change occurring.

D. The granting of a LICENSE shall not relieve the person to whom such LICENSE is granted from the necessity of securing individual licenses or permits for each individual BUSINESS ESTABLISHMENT that the PERSON owns, operates, or receives profits from.

E. Non license shall be required under this Ordinance for a HOME BUSINESS or a HOME OCCUPATION.

Section 4. License Year.

A. The LICENSE year shall begin January 1st of each year and shall terminate at midnight on December 31st of the same year. No LICENSE will be issued until the required fees are paid.

B. The LICENSE fees for periods of less than one (1) year shall be the same as a full LICENSE year, and the effective date of such LICENSE shall commence with the date of issuance thereof.

Section 5. State, Federal and County Licensed Businesses. The purposes of this Ordinance being local in nature, and dealing with matters of local concern only, the granting of a license or other permit or approval by the county, state or federal government to any PERSON or BUSINESS ESTABLISHMENT shall not exempt such

PERSON or BUSINESS ESTABLISHMENT from the necessity of securing a LICENSE from the Township if such LICENSE is required by this Ordinance.

Section 6. License: Conditions of Issuance.

A. A LICENSE issued by Howell Township under this Ordinance does not waive other mandated licenses (i.e.: federal, state, county, public health, occupational, building inspection, fire inspection, etc.)

B. Acceptance by any PERSON or BUSINESS ESTABLISHMENT of a LICENSE under this Ordinance shall constitute permission to any officer of the Township to enter upon and inspect the BUSINESS ESTABLISHMENT at all reasonable times.

C. A LICENSE issued under this Ordinance shall be effective until a "renewing event" occurs. A "renewing event" means one or more of the following with respect to a BUSINESS ESTABLISHMENT that has received a LICENSE from the Township:

(1) The BUSINESS ESTABLISHMENT terminates or discontinues business for a period of at least 30 days;

(2) The BUSINESS ESTABLISHMENT changes its location(s) within the Township;

(3) The ownership of the BUSINESS ESTABLISHMENT changes;

(4) The COMMERCIAL BUSINESS substantially changes the nature of its activities conducted within the Township; or

(5) December 31 of each year.

D. When a renewing event occurs, that BUSINESS ESTABLISHMENT must obtain a new LICENSE under this Ordinance and must pay the applicable fee, prior to commencing or continuing its BUSINESS ESTABLISHMENT.

E. No LICENSE shall be issued by the Township Clerk or his/her designee where the existing or proposed BUSINESS would be illegal under any law or ordinance of the United States of America, the State of Michigan, Livingston County, or the township.

F. The LICENSE shall be prominently displayed to public view.

G. No LICENSE may be transferred by the holder to any other PERSON or BUSINESS ESTABLISHMENT.

H. Each LICENSE holder shall immediately notify the Township Clerk, or his/her designee, of any change in location of the BUSINESS ESTABLISHMENT or any other change in the information provided in the LICENSE application form.

Section 7. License Fees.

A. The initial fee, renewal fee, and late fees for LICENSE shall be set forth in a Fee Schedule as approved by the Township Board by resolution.

B. No LICENSE shall be issued until the required fees are paid.

C. All fees for the renewal of any business LICENSE which are not paid at the time such fees are due shall incur late fees as outlined in the approved Fee Schedule.

Section 7. Severability. No LICENSE may be transferred from one BUSINESS ESTABLISHMENT to another. A LICENSE may be transferred by a BUSINESS ESTABLISHMENT only for a change of its location within the Township.

Section 8. Enforcement. Any PERSON who shall violate any of the provisions of this Ordinance shall be guilty of a civil infraction, as defined by Michigan law, and is subject to a civil file of not more than \$500, plus costs, which may include all direct or indirect expenses to which the Township has been put in connection with the violation. 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 9. Effective Date. This Ordinance shall take effect thirty (30) days after the date of publication. Existing licensing ordinances and licensing ordinances hereinafter adopted shall remain in effect and shall apply in addition to the provisions of this Ordinance.

The above Ordinance was offered for enactment by Eaton and was supported by Hubbel at a regular meeting of the Howell Township Board, held at the Howell Township Hall, on the 18th day of October, 2010, at 7:30 p.m., the vote being as follows:

YEAS: Hubbel, Coddington, Hammond and Eaton

NAYS: Howard

ABSENT: Phalen and Henry

CERTIFICATION

I hereby certify that the foregoing is a true and complete copy of an Ordinance adopted by the Howell Township Board at a regular meeting held on October 18, 2010, pursuant to the procedures required by law. Such Ordinance was duly published on October 22, 2010, and became effective thirty (30) days thereafter.

Carolyn Eaton
Howell Township Clerk