

# Chapter 806 – Business Licensing Ordinance

## Section 806.1 – Title

This Ordinance shall be known and cited as the “Lenox Township Business Licensing Ordinance”

## Section 806.2 - Intent

An Ordinance to regulate the licensing of business establishments in Lenox Township pursuant to the authority of MCL 41.181, and to promote the general health, safety, and welfare of the township residents 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, fire and all related township ordinances.

## Section 806.3 – Definitions

As used in this Ordinance, the terms:

**Business Establishment** – Any business, trade, occupation, work, commerce, and/or 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, industrial, and/or institutional property in Lenox Township.

**Home Business** – A technical, personal, or professional service, or other type of commercial enterprise as permitted by Township Ordinances.

**Home Occupation** – Any use permitted by Section 329 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 except as specifically provided for in the Township Zoning Ordinance, including, more particularly, Sections 329 and 337 of the Township Zoning Ordinance.

**License** – A written LICENSE granted to each BUSINESS ESTABLISHMENT within Lenox Township under this Ordinance for which a fire-plan review will be required in addition to the applicable administrative review and inspections by the Township.

**Person** – any individual, partnership, association, company, entity, or corporation owning, operating, maintaining, and/or sharing in the profits/revenues/losses of the BUSINESS ESTABLISHMENT.

#### **Section 806.4 – License Required**

- A. No PERSON shall own, operate, maintain, or receive profits from a BUSINESS ESTABLISHMENT within Lenox Township, including existing and future BUSINESS ESTABLISHMENTS, without having first obtained a LICENSE from Lenox 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 an application for such LICENSE to the Township, upon an application form provided by the Township, 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 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. No license shall be required under this Ordinance for a HOME BUSINESS or a HOME OCCUPATION.

#### **Section 806.5 – License Year**

- A. The LICENSE year shall begin January 1st of each year and shall terminate at midnight on December 31st of the following year (two years per each license). No LICENSE will be issued until the required fees are paid. If the business is opening after January 1, the LICENSE will be pro-dated but not prorated
- B. The LICENSE fees for periods of less than two (2) years shall be the same as a full two-year LICENSE, and the effective date of such LICENSE shall commence with the date of issuance thereof.

## **Section 806.6 – 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 806.7 – Conditions of Issuance of License**

- A. A LICENSE issued by Lenox 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) Two years after the license was issued, on December 31 of the second 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 where the existing or proposed BUSINESS would be illegal under any law or ordinance of the United States of America, the State of Michigan, Macomb 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. During the License period, each PERSON and/or BUSINESS ESTABLISHMENT shall be subject to a fire-plan review, if needed, to be conducted by the Township and/or a private entity contracted by the Township.
- I. Each LICENSE holder shall immediately notify the Township of any change in location of the BUSINESS ESTABLISHMENT or any other change in the information provided in the LICENSE application form.

#### **Section 806.8 – License Fees\***

- A. The initial LICENSE application fee shall be set forth in a Fee Schedule\*\* as approved by the Township Board by resolution, and in addition to all township inspection fees and administrative fees, said schedule shall incorporate a Business License Fee of \$50.00 (which equates to \$25.00 annually). The Business License is a 2-year license.

\*Refer to the Supplemental Information to Section 806.8 – License Fees

\*\*Refer to the Building Department Fee Schedule

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

#### **Section 806.9 – Suspension and Revocation of License**

- A. Lenox Township reserves the right to suspend or revoke any LICENSE granted under this ordinance for any violations of any ordinance of Lenox Township and/or the laws of the State of Michigan and/or the United States of America.
- B. Upon the written concurrence of the Township Supervisor and the Township Clerk, the Township Clerk shall issue a certified letter to the PERSON or BUSINESS ESTABLISHMENT who holds the LICENSE either suspending their LICENSE for a period of not more than forty-five (45) calendar days or revoking the LICENSE permanently.
  - (1) The letter issued by the Township Clerk shall detail, describe, and cite the violations of the PERSON or BUSINESS ESTABLISHMENT and the reasoning for the suspension or revocation of the LICENSE.
- C. The PERSON or BUSINESS ESTABLISHMENT shall have the right to appeal the Township's decision to suspend or revoke their LICENSE to the Lenox Township Board of Trustees.

## **Section 806.10 – Inspection, Testing and Maintenance Reports**

All inspections and maintenance reports that are required to be furnished to the Fire Department and/or the Public Safety Department under this Ordinance shall be forwarded to all appropriate Township departments.

## **Section 806.11 – Transfer**

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 806.12 – Severability**

The various sections and provisions of this Ordinance shall be deemed to be severable, and should any section or provision of this Ordinance be declared by any court of competent jurisdiction to be unconstitutional or invalid the same shall not affect the validity of this Ordinance as a whole or any section or provision of this Ordinance, other than the section or provision so declared to be unconstitutional or invalid.

## **Section 806.13 – Enforcement**

Any PERSON who shall violate any of the provisions of this Ordinance shall be guilty of a civil infraction and is subject to a civil fine of not more than \$500, plus costs, which may include all direct or indirect expenses which the Township has incurred 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. A grace period of up to ten (10) days shall apply for corrections, but the business shall not be open for operations. Each day a violation of this Ordinance continues to exist constitutes a separate violation.

## **Section 806.14 – Conflict**

Existing licensing ordinances and licensing ordinances hereinafter adopted shall remain in effect and shall apply in addition to the provisions of this Ordinance subject to Section 806.8(A), above.

## **Section 806.15 – Effective Date**

This Ordinance shall take effect thirty (30) days after the date of publication pursuant to MCL 41.184(2)(a).

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### **Supplemental Information to Section 806.8 – License Fees\***

After paying the fee and obtaining the Business License, a fire inspection has up to two (2) years to be completed.

The LICENSE must be applied for, fee paid, and will be granted, which will result in a fire inspection every two years. A LICENSE may be revoked for unresolved violations of the fire code, identified during the inspection.