

Chapter 4

BUSINESS LICENSING*

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* **Cross References:** Administration, Ch. 2; fire prevention and protection, Ch. 6; offenses, Ch. 9.

State Law References: Authority to grant licenses, MCL 67.2, MSA 5.1286.

Sec. 4-1. Hawking, other peddling; advertising business.

No person shall engage in the business of hawking, other peddling or in the business of advertising by means of handbills or other printed matter, or by the use of loudspeakers, broadcasts or other devices from house to house, from place to place or in any public street, alley, sidewalk or other public place in the village, without having first obtained a license therefor, as specified in this chapter.

(Ord. No. 46, § 1, 2-20-58)

Sec. 4-2. Street vendors.

No person shall sell or expose for sale any goods, wares, merchandise, fruits, nuts, candies, foods or refreshments from any stand, wagon, stall cart, pack basket, or in any other manner, on any of the public streets, places, alleys or sidewalks in the village or from house to house, or take orders or make contracts for the purchase thereof, by sample, list or catalog unless he shall have first obtained a license as a hawker or street vendor in the manner provided in this chapter.

(Ord. No. 46, § 2, 2-20-58)

Sec. 4-3. Auctions.

No person having in his possession any goods, wares or merchandise shall, by himself or by an agent, sell or offer for sale in the village such goods, wares or merchandise at auction, or sale or cry off at auction without having first obtained an auctioneer's license for auction selling as specified in this chapter. The auction sales mentioned shall not apply to any public sale by any officer by virtue of any process or decree of court or legal sales authorized by law.

(Ord. No. 46, § 3, 2-20-58)

Sec. 4-4. Circuses, exhibitions, etc.

(a) No person or company shall make or exhibit in the village any circus, menagerie, play, game or theatrical exhibition, opera, vocal or instrumental concert or exhibit, any natural or artificial curiosity or give any public entertainment or amusement of any kind, of whatever name or nature, to which admission is charged or received, without having first obtained a license to do so as provided in this chapter.

(b) This section shall not extend to any lecture upon scientific, historical or literary subjects or to any exhibition of painting, engraving, sculpture or fine art, executed by any citizens of the village or to exhibitions or fairs given by citizens or associations of the village or to any concert or entertainment for the exclusive benefit of any church, school or benevolent object in this village.

(Ord. No. 46, §§ 4, 5, 2-20-58)

Sec. 4-5. Peddling of fish, meat.

No person shall sell fish or meat from house to house or from place to place or in any public street, alley or public place in the village or from any stand, wagon, cart or vehicle or any other device on the public streets, alley or public places in the village without having first obtained a license as a hawker and peddler in the manner specified in this chapter.

(Ord. No. 46, § 6, 2-20-58)

Sec. 4-6. License exemption; area of sales restricted.

Nothing contained in this chapter shall be construed to prevent any manufacturer, farmer, mechanic or nurseryman from selling his work or production sample or otherwise without a license, but no such manufacturer, farmer, mechanic or nurseryman, hawker, peddler or street vendor shall sell from any wagon, stand or other vehicle or device within fifty (50) feet east and west of Ovid Street in the village and within fifty (50) feet north and south of Main Street in the village, extending one (1) block east and west and north and south, respectively, from the intersection of Ovid and Main Streets.

(Ord. No. 46, § 7, 2-20-58)

Sec. 4-7. License application; fee.

Any person desiring to exercise or engage in any activity mentioned in this chapter shall make application to the village clerk for a license therefor and shall pay to the clerk an application fee as prescribed by resolution of the village council from time to time. The application shall state the class of license desired, the period for which the license should be issued and if the license is issued as requested, the applicant shall pay to the clerk the necessary license fees as are specified in this chapter at the time of receiving the license. If the amount of the license fee is not covered by this chapter, the village council shall fix the amount of such fee by resolution, and the applicant shall pay to the clerk the amount so fixed.

(Ord. No. 46, § 8, 2-20-58)

Sec. 4-8. License term; transfer; revocation.

No license shall be granted under this chapter for a term beyond the first Monday in June next following the issuance of the license. Licenses issued pursuant to this chapter shall not be transferrable or assignable. The license fee for yearly, monthly or weekly licenses shall be the same for any part or portion thereof. Any licenses granted under the provisions of this chapter shall be subject to revocation by the village council for cause shown after due notice to the licensee with an opportunity to be heard and, whenever the public interest of the village shall so require, the village council shall have authority to revoke any licenses granted pursuant to this chapter.

(Ord. No. 46, § 9, 2-20-58)

Sec. 4-9. Licensees attracting crowds in streets; dispersal.

Nothing in this chapter or in any license issued pursuant to this chapter shall be construed or held to permit or allow the person having such license to collect a crowd in any street so as to obstruct or interfere with travel thereon and therein, and any crowd so collected may be dispersed by the village marshal.

(Ord. No. 46, § 11, 2-20-58)

Sec. 4-10. Junkyards.

(a) *License required.* No person shall keep a junk shop or junkyard, or a place for the dismantling of automobiles, or engage in the business of buying, collecting and selling old iron, brass, tin, copper, lead, rubber, paper, aluminum or any other miscellaneous metals or used automobile parts without procuring a license from the village clerk for such purposes, as provided in this section.

(b) *Application for license; investigation; issuance.* Application for a license under this section shall be made to the village clerk, after which the application shall be referred to the police department for investigation as to the moral character, obligations and previous record of the applicant, who in turn will report its findings to the village council for further action. Such applications must contain the name of the applicant and the location proposed or to be used for the operation of such junk shop, junkyard or place for dismantling automobiles. Provided the investigation shows the applicant to be of good moral character and willing to abide by the existing laws of this state, this section and all regulations as passed upon by the village council, the council may then authorize the village clerk to issue a license to the applicant to operate a junk shop, junkyard or a place for the dismantling of automobiles upon the payment of a license fee in the amount prescribed by resolution of the village council from time to time.

(c) *Transactions with minors, certain other persons prohibited.* No licensee shall purchase, receive or take any article mentioned in this section from any person under the age of eighteen (18) without the written consent of the parent or guardian of such minor. Written consent to that effect will be kept on file by the licensee. No licensee shall purchase, receive or take any article from any intoxicated person, nor from any person by reputation or suspected by him to be a thief, associate of thieves, or a receiver of stolen property.

(d) *Police access to premises.* The police department shall have access at all times to all parts of the premises for which a license has been granted, as provided for in this section. Refusal to give such access by any person on such premises shall be sufficient cause to create a forfeiture of the license.

(e) *Unauthorized display or storage.* No license shall make the use of any street, sidewalk or any other part of a highway or any other property not in his possession or under his control for the storage or display of any junk or resale automobiles without proper authority from the village.

(f) *Fencing; prevention of nuisances.* The village council may impose as a condition for the granting of a license to operate a junkyard or junk shop or place for the dismantling of automobiles the building of a tight board fence around such shop, yard or place of eight (8) feet or more, or around such proportion as it may deem necessary. Such place, yard or shop shall be so constructed as not to create a nuisance by reason of noise or disagreeable odor or fumes, and the junk dealers shall not burn paper, rubber, wood or oils in the open or any other substances which may create pollution of the air or be considered a fire hazard within the village. The village council may impose such other restrictions as may be necessary to prevent the business of the licensee from being conducted in such a manner as to be a nuisance or a noisome or offensive business within the village limits.

(g) *Cleanliness of premises; fire prevention measures.* The premises of such junkyard, junk shop or place for dismantling of automobiles must be kept in a clean and neat condition. Oil, oil soaked rags or any other inflammable or dangerous material must not accumulate and be thrown or placed where they will create a fire hazard.

(h) *License revocation, expiration.* Licenses issued under the provisions of this section shall be revocable by the village council at any time for a violation of any law of the state or any ordinance of the village if the council shall deem such a licensee an unfit person to carry on such business or it is satisfied that such business as conducted is detrimental to the interests of the public. All licenses shall expire on July 1 of each year unless sooner revoked by the village council.

(Ord. No. 37, § 8, 8-25-41)

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