

ORDINANCE III

LICENSES

ARTICLE I

GENERAL REQUIREMENTS

SECTION 3.1-1 LICENSES REQUIRED

No person shall engage, or be engaged, in the operation, conduct or carrying on of any trade, occupation, work, commerce, privilege, profession, or business in the Charter Township of Flint for which any license is required by any provision of this ordinance without first obtaining a license or permit from the Township in the manner provided for in this ordinance. Any person duly licensed on the effective date of this ordinance shall be deemed licensed hereunder for the balance of the current calendar year.

SECTION 3.1-2 MULTIPLE BUSINESSES

The granting of a license or permit to any person operating, conducting or carrying on any trade, occupation, work, commerce, privilege, profession or business which contains within itself, or is composed of trades, occupations, professions, businesses or privileges which are required by this ordinance or some other ordinance of the Charter Township of Flint to be licensed, shall not relieve the person to whom such license or permit is granted from the necessity of securing individual licenses or permits for each such trade, occupation, work, commerce, profession, business or privilege, except as specifically provided elsewhere in this or some other Township ordinance.

SECTION 3.1-3 STATE LICENSED BUSINESS

The fact that a license has been granted to any person by the State of Michigan to engage in the operation, conduct or carrying on of any trade, occupation, work, commerce, profession, business or privilege shall not exempt such person from the necessity of securing a license or permit from the Township if such license or permit is required by this ordinance.

SECTION 3.1-4 LICENSE APPLICATION

Unless otherwise provided in this ordinance, every person required to obtain a license or permit from the Township to engage in the operation, conduct or carrying on of any trade, occupation, work, commerce, profession, business or privilege shall make application for said license to the Township Clerk upon forms provided by the Township Clerk and shall state under oath or affirmation such facts, as may be required for, or applicable to, the granting of such license or permit. No person shall make any false statement or representation in connection with any application for a license or permit under this ordinance.

SECTION 3.1-5 LICENSE YEAR

The license year applicable to annual licenses or permits shall begin on the date the license or permit is issued and shall terminate at midnight one calendar year later. For persons duly licensed on the effective date of this ordinance the license year applicable shall begin on the January 1 following the effective date of this ordinance and shall terminate at midnight on December 31 of the same year.

SECTION 3.1-6 CONDITIONS FOR ISSUANCE

No license or permit required by this ordinance shall be issued to any person who is also required to have a license or permit from the State of Michigan until such person submits evidence of such State license or permit and proof that all fees pertaining thereto have been paid. No license or permit shall be granted to any applicant therefore until such applicant has complied with all of the provisions of this ordinance applicable to the trade, occupation, work, commerce, profession, business or privilege for which application for license or permit is made.

SECTION 3.1-7 WHERE CERTIFICATION REQUIRED

No license or permit shall be granted where the certification of any officer of the Township is required prior to the issuance thereof until such certification is made.

SECTION 3.1-8 BONDS

Where the provisions of this ordinance require that the applicant for any license or permit furnish a bond, such bond shall be furnished in an amount deemed adequate by the proper Township officer, or, where the amount thereof is specified elsewhere in this ordinance, in the amount so required. The form of such bond shall be acceptable to the Township Attorney. In lieu of a bond, an applicant for a license or permit may furnish one or more policies of insurance in the same amounts and providing the same protection as called for in any such bond. Any such policies of insurance shall be approved as to substance by the Township official issuing said license or permit and as to form by the Township Attorney.

SECTION 3.1-9 RIGHT TO ISSUANCE

If the application for any license or permit is approved by the proper officers of the Township, as provided in this ordinance, said license or permit shall be granted and shall serve as a receipt for payment of the fee prescribed for such license.

SECTION 3.1-10 FEES - WHEN PAID

Any fee required by this ordinance for any license or permit shall be paid at the office of the Township Clerk before the granting of said license or permit.

SECTION 3.1-11 EXEMPT PERSONS

No license or permit fee shall be required from any person exempt from such fee by State or Federal law. Such persons shall comply with all other provisions of

the ordinance. The Township Clerk, shall, in all such cases, issue to such persons licenses or permits that are clearly marked as to said exemption and the reason therefore.

SECTION 3.1-12 SUSPENSION OR REVOCATION

Any license or permit issued by the Township may be suspended by the Township Supervisor for cause. Written notice of the suspension stating the cause or causes therefore shall be delivered to the licensee or permittee personally or mailed by first class mail, return receipt requested, to the address stated in the application for the license or permit. The Supervisor shall immediately notify the Township board of trustees of each suspension or revocation and that suspension or revocation shall be placed on the agenda for the next meeting of the Township board of trustees. The licensee or permittee shall be notified that the suspension has been placed on the agenda and that the licensee or permittee shall have the right to protest the suspension before the Township board at that meeting. The Township Board may confirm, alter or amend such suspension or revoke or reinstate any such license or permit. The action taken by the Township board shall be final. Upon suspension or revocation of any license or permit, the fee therefore shall not be refunded. Except as otherwise specifically provided in this ordinance, any licensee or permittee whose permit or license has been revoked shall not be eligible to apply for a new license for the trade, occupation, work, commerce, profession, business or privilege for a period of ninety (90) days after such suspension or revocation.

SECTION 3.1-13 "CAUSE" DEFINED

The term "cause", as used in this ordinance, shall include the doing or omitting of any act, or permitting any condition to exist in connection with any trade, occupation, work, commerce, profession, business or privilege for which a license or permit is granted under the provisions of this ordinance, or upon any premises or facilities used in connections therewith, which act, omission or condition is:

- (A) Contrary to the health, safety or welfare of the public;
- (B) Unlawful, irregular or fraudulent in nature;
- (C) Unauthorized or beyond the scope of the license or permit granted; or
- (D) Forbidden by the provisions of this ordinance or any duly established rule or regulation of the Township applicable to the trade, occupation, work, commerce, profession, business or privilege for which the license or permit has been granted.

"Cause" shall also include fraud, misrepresentation or false statement contained in the application for license; any violation by a licensee or permittee amounting to a felony, or a misdemeanor involving moral turpitude.

SECTION 3.1-14 LICENSE RENEWAL

Unless otherwise provided in this ordinance, an application for renewal of a license or permit shall be considered in the same manner as an original application.

SECTION 3.1-15 EXHIBITION OF LICENSE

No licensee or permittee shall fail to carry upon his/her person, or prominently display on his/her vehicle or equipment, any license or permit issued in accordance with the provisions of this ordinance at all times when engaged in the operation, conduct or carrying on of any trade, occupation, work, commerce, profession, business or privilege for which the license or permit was granted; except that where such trade, occupation, work, commerce, profession, business or privilege is operated, conducted or carried on at a fixed place or establishment, said license or permit shall be exhibited at all times in some conspicuous location at that fixed place or establishment.

SECTION 3.1-16 TRANSFERABILITY; MISUSE

No license or permit issued under the provisions of this ordinance shall be transferable unless specifically authorized by the provisions of this ordinance. No licensee or permittee shall, unless specifically authorized by the provisions of this ordinance, transfer or attempt to transfer his license or permit to another nor shall he make any improper use of the same.

SECTION 3.1-17 MISUSE - AUTOMATIC REVOCATION

In addition to any other penalty provision provided in this ordinance, any attempt by a licensee or permittee to transfer his license or permit to another, unless specifically authorized by the provisions of this ordinance, or to use the same improperly, shall be void and result in the automatic revocation of such license or permit.

SECTION 3.1-18 PENALTY

A) Whenever in this ordinance and the articles contained therein any act is prohibited or is made or declared to be unlawful, or the doing of any act is required, or the failure to do an act is declared to be unlawful, where no specific penalty is provided therefore, the violation of such provision is hereby designated a municipal civil infraction and a civil fine in an amount not to exceed \$500.00 plus costs shall be paid by a defendant who is found responsible for each such violation. Violators will also be subject to sanctions, remedies and procedures as set forth in Ordinance 7006 and Ace 236 of the Public Acts of 1961, as amended.

B) If the civil fine is paid at the Township's Municipal Violation's Bureau pursuant to a municipal ordinance violation notice the fine shall be \$100.00. No costs shall be imposed or collected at the Violation Bureau for this violation.

SECTION 3.1-19 SEVERABILITY

Every article in this ordinance and every section of every article shall be considered severable and in the event that any word, phrase, sentence or

paragraph in any article or section is declared to be invalid, unenforceable, or unconstitutional, the declaration shall not affect the remainder of the article or section nor the validity of the article or section as a whole.

SECTION 3.1-20 REPEAL OF PRIOR AND INCONSISTENT ORDINANCES
Ordinance 4100, and all parts of any other ordinance that is in conflict with this ordinance, are hereby repealed as of the effective date of this ordinance. The repeal of those ordinances does not affect or impair any act done, offense committed, or right accruing, accrued or acquired or liability, penalty, forfeiture or punishment incurred prior to the time enforced, prosecuted or inflicted.