

CHARTER TOWNSHIP OF ROYAL OAK
OAKLAND COUNTY, MI
ORDINANCE NO.

AN ORDINANCE OF THE BOARD OF THE CHARTER TOWNSHIP OF ROYAL OAK, MICHIGAN,
TO AMEND CHAPTER 14, MERCHANTS, OF THE TOWNSHIP CODE OF ORDINANCES.

Whereas, The Township Board desires to clarify and simplify the business licensing process for business owners and operators within the Charter Township of Royal Oak, Michigan;

Whereas, The Township Board has identified a need to create an appeals process for merchants whose business license has been denied, suspended, or revoked;

Whereas, The Township Board has identified a need to redefine “merchant,” due to the age of the current definition;

Now, therefore, be it ordained by the Township Board that Chapter 14 of the Code of Ordinances, Charter Township of Royal Oak, Oakland County, Michigan, is hereby amended to read as follows:

ARTICLE I: AMENDMENTS

ARTICLE I. - IN GENERAL

Sec. 14-1. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Merchant and merchant’s license.

- (1) The term "merchant" means and includes all persons, firms, and corporations, both principals and agents thereof, who operate a business and who, for the purpose of carrying on such business, own, use, lease, or occupy, either in whole or in part, a room, building, structure, or property in the township. The provisions of this chapter extend to hawkers, peddlers, solicitors, transient merchants, itinerant dispensers of any goods, wares and merchandise.
- (2) The term "merchant" does not apply to societies making sales for charitable, religious or public purposes; nor to a producer of agricultural products making sales of the products grown by the producer himself.
- (3) The term “merchant’s license” shall refer to a Township-issued business license.

Licensing administrator.

- (1) The term “licensing administrator” shall refer to the township staff member or official who, being designated by the Clerk, is responsible for the intake of all merchant’s license applications and coordination of the processing of said applications.

Sec. 14-2. - Penalty.

Every merchant who conducts business without first complying with the provisions of this Chapter, or who makes a false statement in his application for a license, or fails to comply with any of the provisions of this Chapter, or fails to comply with all applicable local, state, and federal laws; and every person who by circular, handbill, newspaper or in any manner advertises such business ~~sale~~ as herein contemplated before he has complied with the provisions of this chapter, shall be guilty of a misdemeanor. In addition, the Township Clerk shall have the power to suspend or revoke a merchant's license, or suspend a merchant's license for a period not to exceed 30 days. Such action must be accompanied by a letter enumerating the basis for revocation or suspension.

Secs. 14-3—14-22. - Reserved.

ARTICLE II. - LICENSE

Sec. 14-23. - Required; expiration, renewal.

- (a) From and after the effective date of the ordinance from which this chapter is derived, every merchant, either before opening a mercantile establishment in the township or prior to conducting any business, shall procure from the township clerk an initial merchant's license which shall expire on December 31 of the year in which it is issued.
- (b) An initial merchant's license shall be renewed annually upon payment of a fee as provided in section 14-25 and which shall expire on December 31 of the year in which said renewal license is issued. Operation of a mercantile business by any person without an initial merchant's license or a renewal license and the payments of fees as herein provided shall constitute a violation of this article.

Sec. 14-24. - Application.

- (a) *Required information.* Application for an initial merchant's license shall be in writing on the form prescribed by the Clerk's office and shall contain a statement under oath containing the facts relating to the character of the business which the applicant desires to transact, including a true statement of the names and addresses of the owners or persons in whose interest such business is conducted; also places and dates where said applicant for the preceding 18 months has been engaged in business, stating the nature and character of said business and also length of time for which the store or place of conducting said business has been or will be rented or leased, if applicable.
 - (1) The licensing administrator shall return incomplete applications to the applicant within 10 business days alongside the reason for return and a request for additional information.
 - (2) The licensing administrator may require the giving of personal identification and such other information as may be necessary to establish the identity of the applicant.
 - (3) No license or permit required by this Chapter shall be issued to any person who is required to have a license or permit from the State of Michigan, until such person shall submit evidence of such state license or permit and proof that all fees appertaining thereto have been paid.
- (b) *Submission.* Application for an initial or renewed merchant's license shall be submitted to the licensing administrator who shall refer any application for a license to the appropriate Township official or department for an investigation and recommendation on matters pertaining to the exercise of the license applied for. The application must be accompanied by the complete fee, as prescribed by Section 14-25, at the time of submission.

- (c) *Review and inspections.* All businesses operating in the Township shall pass the required inspections specified herein prior to the issuance of a license, to establish complete compliance with all applicable local, state, and federal laws. Inspections shall be required for the first issuance of a license, then every two years after the initial inspection conducted for the first issuance of a license to any person operating, conducting, or carrying on operations which are required by this Chapter to be licensed.
- (1) The following persons are authorized to conduct inspections in the manner prescribed herein.
 - i. Township Clerk. The Township Clerk shall make all investigations reasonably necessary to the enforcement of this subchapter.
 - ii. Planning and Zoning personnel. The Zoning Administrator or their designee shall make all investigations reasonably necessary to the enforcement of this subchapter.
 - iii. Building personnel. The Building Official or their designee shall inspect and examine businesses located within their respective jurisdictions to enforce compliance with this subchapter.
 - iv. Fire personnel. The Fire Marshall or their designee shall inspect and examine businesses located within their respective jurisdictions or beats to enforce compliance with this subchapter.
 - (2) All persons authorized herein to inspect licensees and businesses shall have the authority to enter at all reasonable times the following premises:
 - i. Those for which a license is required;
 - ii. Those for which a license was issued and which, at the time of inspection, are operating under the license; or
 - iii. Those for which the license has been revoked or suspended.
 - (3) A license may be suspended immediately by the Township Clerk if entry to the building where the license will be in effect is refused during its normal business hours.
 - (4) The following inspections and investigations shall be made, and reports filed with the licensing administrator within 10 business days of the date of application for a merchant's license or within thirty days of the date of the second annual renewal:
 - i. The zoning administrator or their designee shall ascertain whether the proposed location of the business is in compliance with the zoning code.
 - ii. The zoning administrator or their designee shall ascertain whether any additional site modifications or zoning approvals, such as site plan review or special land use review, are required to bring the site into compliance with the zoning code.
 - (5) Within 30 days of receipt of approval from the zoning administrator, the applicant shall contact the licensing administrator to schedule their remaining required inspections.
 - i. The building official or their designee shall ascertain whether or not the proposed location of the business is in compliance with all applicable building and zoning codes and ordinances.
 - ii. The fire department shall ascertain whether the proposed location of the business is in compliance with all applicable fire laws.
 - (6) Persons inspecting licensees, their businesses, or premises as herein authorized shall report all violations of this subchapter or of other laws or ordinances to the licensing administrator and shall submit any other reports as the Township Clerk shall order.
- (d) *Issuance.* Upon determining that the merchant has passed the required inspections specified herein and established complete compliance with all applicable local, state, and federal laws, the licensing administrator shall submit a complete report to the Township Clerk. The Clerk shall

then issue the merchant's license within 10 business days to the address specified on the application form.

Sec. 14-25. - Fees.

A standard fee, in an amount established by resolution of the township board, before issuing an initial merchant's license and for the annual renewal of such license as herein provided.

Sec. 14-26. - Building restrictions; license transfer, fee for transfer.

- (a) No person shall open a mercantile business in the township without first securing a license therefor. No license provided for in this chapter shall be granted to open or operate a mercantile business on any premises, unless said premises be provided with a building having water and sewer connections and adequate toilet facilities; said building shall be in compliance with state construction code.
- (b) In the event of a sale of a licensed mercantile business in the township the license therefor may be transferred from the seller to the purchaser of said business, and applications for all such transfers shall be made in writing to the township clerk and shall contain a statement under oath of the names and addresses of the owners or persons in whose interest such business is conducted; also the places where said applicant for the preceding 18 months has been engaged in business, and stating the nature and character of said business.
- (c) The transfer fee in an amount set by board resolution shall be collected by the township clerk before issuing any transfer of license as provided for in this section. No licenses or transfers of licenses shall be issued by the township clerk until the application for such licenses or transfers of licenses shall have been first approved by the township board.

Sec. 14-27. – Branch license; application, fee.

- (a) All persons who own or operate established mercantile businesses in the township, and mercantile businesses licensed under the provisions of this chapter, and who shall desire to open and operate branches of such business, shall first make application for a branch license to the township clerk before opening or operating same.
- (b) A branch license fee in an amount set by board resolution shall be collected by the township clerk before issuing a branch license as provided for in this section.
- (c) No such branch license shall be issued by the township clerk until the application for such branch license shall have been approved by the township board.

Sec. 14-28. – Administrative Review Committee; appeals.

- (a) *Composition and powers.*
 - (1) The Administrative Review Committee shall consist of:
 - i. One (1) member of the Township Board, who is not currently obligated to another administrative role (Supervisor, Treasurer, or Clerk).
 - ii. The township Building Administrator.
 - iii. The township Manager.
 - (2) The Administrative Review Committee is vested with the authority to recommend that the decision of the Township Clerk regarding a merchant's license be upheld, overturned, or otherwise modified to the Township Board of Trustees.

- (3) The Administrative Review Committee is vested with the authority to grant extensions to the timelines specified in Section 14-24(c) (Review) or Section 14-23(Required; expiration, renewal) of this Chapter.
- (b) *Appeals and extensions.* In the event that an applicant wishes to appeal a merchant's license that has been revoked, suspended, or denied, or an applicant wishes to request an extension, the applicant may submit the request to the Administrative Review Committee.
 - (1) To initiate a request, the applicant shall submit a written request on a form and in the manner prescribed by the Clerk's office within 14 days after notice of the action complained of has been mailed to such person's last-known address.
 - (2) The Administrative Review Committee may refer any application for an appeal or extension to the appropriate Township official or department for an investigation and recommendation.
 - (3) In the event of an appeal, the Administrative Review Committee shall make a recommendation to the Township Board of Trustees, recommending that the denial, revocation, or suspension be upheld, overturned, or otherwise modified. Conditions and/or restrictions to any license recommended to be granted under this Section must bear a rational relationship to the reasons for the Township Clerk's license denial or the preservation of the public health, safety and welfare. The Township Board shall consider the request to appeal and the findings of the Administrative Review Committee at the next regularly scheduled Board meeting.
 - (4) In the event of an extension, the Administrative Review Committee shall make a determination whether to approve or deny the request, not to exceed 90 days of extension.

ARTICLE II. SEVERABILITY: Should any word, sentence, phrase or any portion of this Ordinance be held in any manner invalid by any Court of competent jurisdiction or by any agency having authority to do so for any reason whatsoever, such holding shall be construed and limited to such word, sentence, phrase or any portion of the Ordinance held to be invalid and shall not be construed as affecting the validity of any remaining words, sentences, phrases or portions of the Ordinance.

ARTICLE III. CONFLICTING ORDINANCES: All prior existing ordinances adopted by the Charter Township of Royal Oak inconsistent or in conflict with the provisions of this Ordinance are, to the extent of such conflict or inconsistency, hereby expressly repealed.

ROYAL OAK TOWNSHIP
OAKLAND COUNTY, MICHIGAN