

TOWNSHIP OF BURT

COUNTY OF ALGER, STATE OF MICHIGAN

BURT TOWNSHIP ORDINANCE NO. 012

Adopted: 05/01/1990

Effective: 05/01/1990

Transient Merchant Ordinance

THE TOWNSHIP OF BURT ORDAINS:

Section 1: No person, either a principal or agent shall engage in business as a transient merchant in the Township of Burt without first having obtained a license in the manner herein provided.

Section 2: **Definition:** Transient Merchant – Any Non-Resident person engaging in temporarily, a retail sale of goods, wares, or merchandise in any place in the Township of Burt, who, for the purpose of conducting such business, occupies any land, building, room or structure of any kind, including trucks, railroad cars, and other transportation equipment. Such terms shall not be construed to apply to any persons selling goods, wares or merchandise of any description at any established city market, or parties operating stores or refreshment stands at resorts or having booths on or adjacent to the property owned or occupied by them, nor to any stands on any fairgrounds.

The word “person” as used in this Ordinance shall include any corporation, or partnership, or two or more persons having a joint or common interest.

Any Non-Resident person who engages in such business for a period of less than three months, and any Non-Resident hawker or peddler shall be deemed to be a transient merchant.

Section 3: Any person who desires to engage in business in the Township of Burt as a transient merchant shall apply in writing to the office of the Township Clerk to be licensed as a Transient Merchant.

- a. Such application shall include the applicants name, age, residence, place of residence in the preceding year, kind of business, proof that he/she has obtained a Transient Merchant License from the County Treasurer, if available, or the requirement is waived in writing by the appropriate county official.

Section 4: An application for license shall be reviewed as follows:

- a. The Alger County Sheriff shall investigate the applicant as necessary to satisfy himself/herself that there are no outstanding criminal charges against the applicant and that the business to be conducted is not intended to cheat or defraud the public. Upon making such determination to their satisfaction, he/she shall indicate his/her approval in writing and by signing the application.
- b. The Township Treasurer shall determine if the applicant owes to the Township any taxes or other indebtedness, and if no such indebtedness exists, shall so indicate his/her findings in writing and by signing the application. A license shall not be issued where indebtedness is reported.
- c. The Zoning Ordinance Enforcement Officer shall determine if the property to be used is appropriately zoned for such business and shall indicate his/her approval or disapproval in writing and by signing the application.

Section 5: Upon receipt of the approvals in Section 4, and the application fee, no more than 15 days after the date of filing of the application, the Township Clerk shall issue to the applicant a license as herein provided.

- a. Such license shall terminate six months following its date of issuance.
- b. Such license shall be voided at anytime by written notice to the Township Clerk by any of the persons listed in Section 4 that the conditions of approval are no longer met or by notice of the County Treasurer that the license issued by him/her has become void.

Section 6: Group License: Where an event, at which more than three transient merchants will be conducting business in one location is sponsored by an organization, that organization may obtain a group transient merchant license which shall apply to all transient merchants at that event.

- a. The organization shall obtain a transient merchant license from the County Treasurer and provide evidence of the same to the Township Clerk.
- b. The organization must file an application which includes the following for each of the transient merchants to be covered by the license; the name, age, residence, place of residence in the preceding year, the place where the business is to be conducted and the nature of the business to be conducted.
- c. The license fee shall be determined by the Township Board.

Section 7: **EXEMPTIONS:** The following exemptions shall be applicable under this ordinance.

- a. Persons or organizations transacting business under this ordinance who are not required by State statute to obtain a transient merchant license from the County Treasurer shall be exempt from the provisions of Section 3a, which requires proof of such a license.
- b. Persons having regularly established places of business in the township which are not subject to this ordinance shall be exempt from this ordinance.
- c. Persons conducting business as transient merchants on behalf of or under the control of any recognized charitable religious organizations shall be exempt

from this ordinance except that they shall inform the Township Clerk of the time and place of their intended activities.

Section 8: Any Person, Persons, Firm, or Corporation who shall violate any of the provisions of this ordinance shall be guilty of a civil infraction as defined in RJA Section 113, MCLA 600.113, punishable by civil fine according to the following schedule:

First offense within one year \$50.00;

Second Offense within one year \$100.00

Any person who commits three or more related violations shall be guilty of a misdemeanor, and shall, upon conviction, be fined not more that \$500.00, and / or imprisoned for not more than 90 days.

Section 9: If any provision of this ordinance is for any reason held unconstitutional, such decision shall not effect the validity of the remaining provisions of this ordinance in its entirety.

Section 10: This ordinance and the various parts, sections, and clauses thereof, are hereby declared to be severable, and all ordinances, or parts of ordinances in conflict herewith, are hereby repealed.

Guy Block
Township Supervisor

Janet Cousier
Township Clerk