

**AN ORDINANCE PERTAINING TO TRANSIENT MERCHANTS
THE TOWNSHIP OF BURT ORDAINS:**

Sec. 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.

Sec. 2. Definitions. Transient merchant: Any 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 items must 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 fairground.

The word "person" as used in this Ordinance includes any corporation, or partnership, or two or more persons having a joint or common interest.

Any person who engages in such business for a period of less than six months, and any hawker or peddler must be deemed as a transient merchant.

Sec. 3. Any person who desires to engage in business in the Township 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 must include the applicant's name, age, address, the kind of business intended, proof of transient merchant licensing from County Treasurer, if available, or proof the requirement is waived in writing by the appropriate county official.

Sec. 4. An application for license must be reviewed as follows:

- A. The Burt Township Clerk must investigate the applicant as necessary to verify 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, must indicate approval by signing the application.
- B. The Township Treasurer must determine if the applicant owes to the Township any past due property taxes or other indebtedness. If no indebtedness exists, must indicate approval by signing the application.

Sec. 5. Upon the receipt of the approvals in Sec. 4., and the application fee, no more than 7 days after the date of filing the application, the Township clerk issues to the applicant a license as herein provided.

- A. Such license must terminate 6 months following its date of issuance.
- B. Such license may be voided at any time by written notice of the Township Clerk by any persons listed in Section 4 that the conditions of approval are no longer met or by notice of the County Treasurer that the licensed issued on their end has become void.

Sec. 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 must obtain a group transient license which applies to all transient merchants at that event.

- A. The organization must obtain 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, address, and nature of business to be conducted.
- C. The license fee shall be the same as for a single license unless the Township Board determines a different fee.

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Sec. 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 is exempt from the provisions of Sec. 3, A. , which requires proof of such license.
- B. Persons having regularly established places of business in the township which are not subject to this ordinance is exempt from the ordinance.
- C. Persons conducting business as transient merchants on behalf of or under the control of any recognizable charitable or religious organizations are exempt from this ordinance. Written notification of intended time and wares must be submitted to the Township Clerk 7 days in advance.
- D. Provided however, that the Township Board may waive all requirements of this ordinance upon written request.

Sec. 8. Guidelines for Transient Merchants:

- A. A Michigan Sales Tax License is required for all Transient Merchants, exceptions permitted only by the Michigan Department of Treasury.
- B. Staging: Upon approval of the application and the transient merchant license is issued, the person must set up only in areas determined and established by the Burt Township Board and Zoning Administrator.
- C. Must display a copy of approved license in a space easily scene upon inspection.
- D. Must provide receptacles for waste disposal and is responsible for the refuse made during the process of business.

Sec. 9. Any person, persons, firm or corporation in violation of any provisions of this ordinance, upon conviction thereof, shall be fined in the amount of no less than \$10.00, no more than \$100.00, or be imprisoned in the Alger County Jail for a period not to exceed 90 days, or by both. Such fine, and/or imprisonment is the determined at the discretion of the Court trying the offender. Each day during which any such person engages in a business violation of the provisions of this ordinance may be deemed to constitute separate offenses.

Sec. 10. If any provisions of this ordinance is for any reason held unconstitutional, such decision must not affect the validity of the remaining provisions of this ordinance in its entirety.

Sec. 11. This ordinance and the various parts, sections and clauses thereof, are hereby declared severable, and all ordinances or parts of ordinances in conflict herewith, are hereby repealed.

Township Supervisor

Date

Township Clerk

Date

Adopted: August 31, 2017

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