

CHARTER TOWNSHIP OF YPSILANTI

Ordinance No. 2018-477

An Ordinance to Amend Chapter 22 of the Ypsilanti Charter Township Code of Ordinances by Adding a New Article Requiring Registration of Commercial and Industrial Businesses

The Charter Township of Ypsilanti *ordains* that the Charter Township Code of Ordinances is amended as follows:

Section 1. Purpose

The purpose of this article concerning the registration of commercial and industrial businesses within the Township is to protect the health, safety, and welfare of persons in the Township by providing the Township with the information necessary to ensure compliance with safety, structure and fire laws; identify business activities and establishments which concern zoning, occupancy, density of occupancy; the presence, storage and handling of hazardous materials; the physical condition of places where persons are employed or carry on trade, and the enforcement of the law, including local, state and federal laws, and regulations, applying to business establishments located within Ypsilanti Township.

Section 2. Definitions.

The following terms when used in this article, shall have the meaning ascribed to them in this section.

Business establishment means any lot, building or structure, or a part thereof, including without limitation, leased or occupied space in a mall, store or building, permanently located within Ypsilanti Township, from which: 1) a person(s) engages in or causes to be engaged in any act or acts of buying, selling, leasing, renting, or otherwise disposing of, performing or marketing, any goods, services, merchandise or commodities of any kind or description for commercial profit; 2) a person(s) engages in industrial production of merchandise or commodities of any kind or description for commercial profit.

Section 3. Business Registration Certificate required.

No person, firm partnership or corporation shall, directly or indirectly, operate, conduct, maintain or manage any business establishment within Ypsilanti Township without first obtaining a business registration certificate issued pursuant to this article.

Section 4. Business Registration Certificate required to be Posted.

The business registration certificate shall be posted in a conspicuous place at or near the entrance the business so that it may be read at any time.

Section 5. State license or permit not a substitute.

The fact that a license or permit has been granted to any person, firm, partnership or corporation by the state to engage in the operation, conduct, maintenance, or management of any business establishment shall not

constitute an exemption from the necessity of procuring a business registration certificate as required by this article.

Section 6. Application; form; contents.

Each person, firm, partnership or corporation required to procure a business registration certificate from the township shall make application for such certificate to the Office of Community Standards in the form and manner prescribed by that Office and shall state, under oath, such facts as may be prescribed for, or applicable to, the granting of such certificate, including the following:

- (a) The full name, business address, residence address, email address and telephone number of the owner or their agent.
- (b) The full name, email address and 24 hour emergency telephone number of the person to contact in the event of an emergency during non-business hours.
- (c) The address where the business will be located.
- (d) The nature and character of goods, wares, merchandise to be sold or offered for sale or services to be provided by the applicant.
- (e) The nature and kind of business establishment which the applicant proposes to conduct.
- (f) Whether any hazardous materials will be stored, kept or used at the business establishment premises. Hazardous materials are those chemicals or substances defined as such in the International Fire Code adopted by reference in Chapter 30, Section 26 (30-26) of the Township Code of Ordinances.

Section 7. Term.

A business registration certificate granted under this article shall be valid until the business establishment is transferred or sold to a new owner or if the business expands its use to include uses not listed in the original application.

Section 8. Separate premises.

If a business registration certificate holder intends to locate a business establishment at a new address in the jurisdiction, a business registration certificate issued for the new address is required before business is conducted at the new address.

Section 9. Transferability.

A certificate of registration issued under this article is not transferable. If a business establishment is transferred or sold to a new owner or if the business establishment use expands or changes to include uses not listed in the original application, a new business registration application and certificate is required before business is conducted by the new owner or the new use is added to the business establishment.

Section 10. Requirements for Certificate of Compliance; compliance with state law and township ordinances.

- (a) No certificate required by this article shall be issued to any applicant who is required to procure a license or permit from a state or federal agency until such applicant shall submit evidence that the required state or federal license or permit has been issued and that all applicable fees have been paid.
- (b) No certificate shall be granted to any applicant until such applicant has complied with all the provisions of this article and other ordinances of the township pertaining to businesses for which an application for a certificate is made. No certificate shall be granted, if the approval of any officer of the township is required, until such approval is made. Approval in each instance shall mean written approval by the designated officer upon the face of the application for a certificate, subscribed by such officer, and the date of approval.

Section 11. Certificate fees.

Business registration certificate fees shall be set from time to time by resolution of the township board for the cost of administering this ordinance including but not limited to zoning verification, building code compliance, and fire safety code compliance for any change of use or change of occupancy of commercial and industrial spaces as applicable, except that no fee shall be collected for initial registration of businesses in existence at the time of publication in a newspaper of general circulation as required by law.

Section 12. Fees; exemptions.

No registration fee shall be required from any applicant exempt from payment of the fee by state or federal law.

Section 13. Denial, revocation and suspension. Right to Appeal. Hearing.

Business registration certificates issued under this article may be revoked or suspended by the Director of Community Standards, at any time, for any of the following reasons:

- (a) Fraud, misrepresentation or any false statement made in the application for certificate;
- (b) Fraud, misrepresentation or any false statement made in the operation of the business establishment.
- (c) Conducting a business establishment in an unlawful manner or in such a manner as to constitute a threat to the health, safety or welfare of the public.

Section 14. Revocation/ suspension/denial of certificate; notice required.

Written notification of suspension/ revocation/denial of certificate, stating the causes for said action, shall be delivered to the certificate holder personally or mailed to his business address as shown on the application for license.

Section 15. Right to Appeal. Hearing. Standard of Review.

- (a) A certificate holder has the right to appeal such suspension/revocation to the Township Board, provided a written request to appeal is filed with the Township Clerk within 10 days after the notice of suspension/revocation/denial of certificate is sent to the certificate holder at its business address as shown on the application for business registration certificate.
- (b) At the hearing before the Township Board, the certificate holder/applicant shall have the right to hear the evidence relied upon by the Director of Community Standards in determining to suspended/revoke/deny the certificate; and the right to present evidence and witnesses on his/her own behalf.
- (c) Following the hearing, the Township Board shall determine whether the decision to suspend/revoke/deny the certificate was supported by competent, material and substantial evidence. A written statement of the Township Board's findings and determination shall be made within 21 days after the conclusion of the hearing.

Section 16. Penalty.

- (a) Persons, firms, partnerships or corporations who violate any section of this article shall be responsible for a municipal civil infraction as provided in Chapter 40, Article II, of this Code of Ordinances for the Charter Township of Ypsilanti.
- (b) The imposition of a fine shall not relieve the business establishment from responsibility to correct the violation. All such persons, firms, partnerships or corporations shall be required to correct or remedy such situation or defects within a reasonable time and each act or violation and every day upon which said violation should occur shall constitute a separate offense.
- (c) The application of the penalty of this section shall not be held to prevent the enforcement removal of prohibited conditions by injunctive or other relief in a court of competent jurisdiction.

Section 17. Severability.

Should any section, subdivision, sentence, clause or phrase of this Ordinance be declared by the Courts to be invalid, the same shall not affect the validity of the Ordinance as a whole or any part thereof other than the part as invalidated.

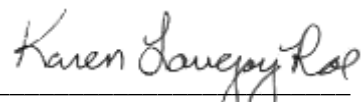
Section 18. Publication Clause.

This Ordinance shall be published in a newspaper of general circulation as required by law.

Section 19. Effective Date.

This Ordinance shall be effective 120 days after publication in a newspaper of general circulation as required by law.

I, Karen Lovejoy Roe, Clerk of the Charter Township of Ypsilanti, County of Washtenaw, State of Michigan hereby certify approval of the first reading of Proposed Ordinance No. 2017-477 by the Charter Township of Ypsilanti Board of Trustees assembled at a regular meeting held on April 17, 2018. The second reading is scheduled to be heard on May 15, 2018.



Karen Lovejoy Roe, Clerk
Charter Township of Ypsilanti