

**GARAGE AND YARD SALES
Ordinance No. 227
Adopted: September 10, 1973**

An ordinance to provide for the licensing of garage and yard sales within the Township of Fenton; to provide the application procedure therefor; to provide for the license fee, time-limit and renewability thereof; to provide regulations for the operation thereof; to provide for inspections; to provide that violations shall constitute a nuisance; and to provide penalties for violation thereof.

THE TOWNSHIP OF FENTON, COUNTY OF GENESEE, MICHIGAN ORDAINS:

SECTION 1. License required.

It shall be unlawful for any person, firm, corporation, merchant, club, charitable institution, hawker or peddler to vend, sell, dispose of or offer to vend, sell, dispose of or display an accumulation of goods, merchandise or other personal property in a private garage, other outbuilding, yard or anywhere else on private premises within the Township of Fenton, without first having obtained a license therefor, as hereinafter provided.

SECTION 2. Application.

Application for license to vend, sell, dispose of or display an accumulation of goods, merchandise or other personal property shall be made in writing to the Township Clerk. The application shall contain the name of the applicant, if an individual, the names of partners, if a co-partnership, or the names of the principal officers, if a corporation, club, charitable institution, and shall include the location of the place or places where such merchandise, goods, or other personal property, are to be so displayed and sold.

SECTION 3. Time-limit and renewability.

There shall be no license fee charged for such application. No license shall be valid for more than 3 days. Such licenses are nonrenewable, and no licensee or property description shall receive more than 3 such licenses within any calendar year. Such license shall be posted in the immediate area of such sale.

SECTION 4. Regulations.

Such sales shall not be operated in any manner which would cause a nuisance or create a fire hazard.

SECTION 5. Inspection.

The Township Building Inspector shall make or cause to be made sufficient inspections to insure the compliance with the provisions of this ordinance and other applicable provisions of the Township ordinances by the personnel conducting such sales.

SECTION 6. Nuisance per se.

The provisions of this ordinance shall be enforceable through the bringing of appropriate action for injunction, mandamus, or otherwise, in any court having jurisdiction. Any violation of this ordinance is deemed to be a nuisance per se.

SECTION 7. Penalty for Violation.

Violation of any of the provisions of this Ordinance shall hereafter constitute a misdemeanor and shall be punished by a fine not to exceed five hundred dollars (\$500.00) together with the cost of prosecution and/or imprisonment in the Genesee County Jail or such other place of detention as the court may prescribe for a period of time not to exceed ninety (90) days.

(Amended: Ord. No. 528, 5-18-98; Ord. No. 570, 2-5-01)

HOME OCCUPATIONS
Ord. No. 743
Adopted: December 19, 2011

THE CHARTER TOWNSHIP OF FENTON, COUNTY OF GENESEE, MICHIGAN
ORDAINS:

SECTION 1. Purpose

The purpose of this ordinance is to promote the public health, safety and welfare and to safeguard the health, comfort, living conditions, safety and welfare of the citizens of Fenton Township by regulating home occupations within districts zoned for residential purposes in Fenton Township and limits impact from traffic, noise and similar potential effects of the use. In particular the ordinance is intended to prohibit uses that would generate large concentrations of vehicles and clients at any one time.

SECTION 2. Definition

A home occupation is defined as a business or commercial pursuit conducted by a person or business entity in a residential dwelling.

SECTION 3. Exempt Home Occupations

Home occupations that meet the following criteria do not require review and approval by the Township Zoning Board of Appeals (ZBA), provided they also comply with the requirements of Section 5.

- A. There are no visits by customers or clients to the residence.
- B. The only individuals participating in the home occupations are residents of that home.
- C. The home occupation shall only be carried on within the dwelling unit itself and not in an attached or detached accessory building.
- D. The home occupation shall not occupy more than twenty-five percent (25%) of the dwellings floor area, but in no case shall exceed three hundred (300) sq. ft. of the dwelling.
- E. The home occupation does not require permitting by county, state or federal agencies to operate

SECTION 4. Home Occupations Requiring a Permit

Home occupations that do not meet the criteria in Section 3 may apply for a permit from the ZBA. In considering approval of a proposed home occupation the ZBA shall apply the following criteria and the requirements of Section 5.

- A. The level of traffic generated by customers or clients coming to the residence shall not be greater than would normally be expected in a residential neighborhood.
- B. Not more than one employee of the home occupation is permitted who is not a resident of that home.
- C. The home occupation may be carried on within the dwelling itself and may also be carried out in an attached or detached accessory building if in the opinion of the ZBA such activities will not unreasonably affect the residential character of the area.
- D. The home occupation shall not occupy more than twenty-five percent (25%) of the dwellings floor area, but in no case shall exceed three hundred (300) sq. ft. of the dwelling. Limitations on usage of any accessory structures will be established by the ZBA.
- E. If the home occupation requires permitting by county, state or federal agencies to

operate, the ZBA shall condition their approval on the applicant acquiring and maintaining those permits

SECTION 5. Requirements for All Home Occupations

Any home occupation, including those exempt from permitting under Section 4 above shall comply with the following requirements

- A. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants.
- B. There shall be no change in the outside appearance of the structure or premises, or other visible evidence of the conduct of such home occupation including outdoor storage of material.
- C. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses of persons off the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference with any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.
- D. The home occupation does not entail deliveries to or transmittal from the home in connection with the home occupation other than those items which are routinely handled by the US Postal Service, United Parcel Service (UPS), Federal Express or similar service.
- E. Unless otherwise permitted by the ZBA under the provision of Section 4 above, home occupations shall be carried on only by a member or members of the family residing in the premises with no employees who are not a resident of that home.
- F. The property owner shall not be permitted to expand existing parking areas to accommodate the home occupation.
- G. Signs for home occupations shall comply with the requirements of the Fenton Township Sign Ordinance.
- H. The parking or storage of commercial vehicles used for a home occupation shall comply with the restriction in Section 6.01 of the Township Zoning Ordinance

SECTION 6. Prohibited Uses

The following uses shall not be permitted as part of a home occupation

- A. Vehicle repair
- B. Fitness center or gymnasium, but this is not intended to prohibit personal trainers working with clients, one at a time
- C. Gymnasium
- D. Medical clinic

SECTION 7. Permit Procedures

Each person conducting a home occupation in a residential dwelling except those meeting the requirements of Section 3 above shall obtain a permit for such home occupation from the Township ZBA. The permit shall be obtained by filing an application with the Township, for submission to the ZBA at its next regular meeting. The application shall set forth the nature of the business to be conducted; the area of the dwelling in which the occupation will be conducted; and the identity of the person or persons conducting the home occupation within the dwelling.

- A. As part of an application for issuance of a home occupation permit, or renewal of a home occupation permit the ZBA shall have the right to require an inspection by the Township Fire Chief, Township Building Inspector and/or the Township Ordinance Enforcement Officer to determine that the proposed home occupation is in compliance

with the provisions of this ordinance.

- B. If the proposed home occupation is in compliance with the provisions of this ordinance, the ZBA shall issue a home occupation permit. The ZBA may impose conditions on their approval to ensure that the operation of the home occupation shall not unreasonably affect the residential character of the area and shall comply with the requirements of this ordinance.
- C. Each person who has been issued a permit for a home occupation shall file an annual request for renewal of the permit at least four (4) weeks prior to the regularly scheduled October ZBA meeting. Such request shall inform the Township ZBA that a renewal is requested, and shall further inform the Township ZBA of any changes made in the conduct of the home occupation since the original application.
- D. Application for issuance of a home occupation permit, or renewal of a home occupation permit shall be accompanied by a fee payable to the Township in an amount which shall be from time to time established by the Township Board of Trustees.

SECTION 8. Existing Home Occupation Permits

Any property owner or occupant who has previously been granted a home occupation permit by the Township, and has in fact conducted the approved home occupation in the twelve month period preceding adoption of this ordinance, may continue to conduct the home occupation as previously approved. The home occupation shall be reviewed for renewal, and shall be in accordance with the provisions of Section 7 above.

SECTION 9. Permits not Transferable

A permit to conduct a home occupation shall not be transferable or assignable upon sale or other change in ownership of the land upon which the home occupation is conducted. The home occupation permit shall terminate when the person conducting the home occupation for which the permit was issued ceases to occupy the premises.

SECTION 10. Penalty for Violation.

Violation of any of the provisions of this Ordinance shall hereafter constitute a misdemeanor and shall be punished by a fine not to exceed five hundred dollars (\$500.00) together with the cost of prosecution and/or imprisonment in the Genesee County Jail or such other place of detention as the court may prescribe for a period of time not to exceed ninety (90) days.

SECTION 11. Conflicting Provisions

Whenever any provision of this Ordinance imposes more stringent requirements, regulations, restrictions or limitations than are imposed or required by the provisions of any other Township law or ordinance, then the provisions of this Ordinance shall govern. Whenever the provisions of any other law or ordinance impose more stringent requirements than are imposed or required by this Ordinance, then the provisions of such ordinance shall govern. Where any provision of this Ordinance differs from any other provision of this Ordinance, the more restrictive requirement shall prevail.

SECTION 12. Repeal of Prior Ordinance.

Ordinance No. 425 is hereby repealed.

SECTION 13. Severability.

This ordinance and the various parts, sections, subsections, provisions, sentences and clauses are severable. If any part of this ordinance is found to be unconstitutional or invalid it is declared the remainder of this ordinance shall not be affected hereby.

Section 14. Effective Date

This ordinance shall be published as required by law and shall take effect 30 days after adoption and publication. Enacted at a regular meeting of the Fenton Township Board held on the 19th day of December 2011.

**Fertilizer Application
Ordinance No. 545
Adopted: March 29, 1999**

An ordinance to regulate the use of fertilizers near lakes, streams, rivers, county drains and certain wetland areas within the Charter Township of Fenton; to establish licensing requirements for Commercial Fertilizer Applicators; and to provide a penalty for the violation thereof.

THE CHARTER TOWNSHIP OF FENTON, COUNTY OF GENESEE, MICHIGAN
ORDAINS:

SECTION 1. Purpose.

Based on scientific studies and general knowledge, the township board has determined that certain compounds containing nitrogen and phosphorus which are contained in fertilizers, when used within the township, enter into the township's water resources, including lakes, streams, wetlands, drains and natural water courses, resulting in excessive and accelerated growth of algae and aquatic plants which is detrimental to such water resources. Therefore the township board has determined it necessary and appropriate to regulate the application of fertilizers.

SECTION 2. Definitions.

For the interpretation of this Ordinance, the following definitions shall apply:

- A. **Authorized Township Official.** A Police Officer, the Township Building Inspector, the Township Ordinance Enforcement Officer, the Township Supervisor or any other township employee specially designated in writing by the Township Board for the purpose of enforcing this Ordinance.
- B. **Commercial Fertilizer Applicator.** Any individual or entity who applies fertilizer in the township in exchange for money, goods, services or other valuable consideration.
- C. **County Drain.** A channel, ditch, ravine, storm drain, catch basin, or any other man-made structure designed to direct and control the flow of water, which is under the jurisdiction of the Genesee County Drain Commissioner.
- D. **Institutional Fertilizer Applicator.** Any individual or entity who applies fertilizers for the purpose of maintaining turf areas of more than one (1) acre. Institutional applicators shall include, but shall not be limited to, owners, operators and caretakers of golf courses, public lands, schools, parks, religious institutions, utilities, industrial or business sites and any residential properties maintained in condominium and/or common ownership. Owners of individual parcels in single-family residential districts shall not be considered as institutional applicators.
- E. **Fertilizer.** A substance which enriches the soil containing elements essential for plant growth, being primarily nitrogen, phosphorus and potassium.
- F. **Township.** The Charter Township of Fenton.
- G. **Wetland.** Any land characterized by the presence of water which is sufficient to support and normally supports wetland vegetation or aquatic life and is commonly referred to as a bog, swamp or marsh. A wetland basically consists of wet soil and wetland vegetation. For purposes of this Ordinance a wetland must be 2 acres or more in total area or contiguous to a lake, stream, river, drain or natural water course.

SECTION 3. Regulation of Fertilizers.

No property owner, Commercial Fertilizer Applicator, Institutional Fertilizer Applicator or other person, entity or firm shall apply, deposit, leave, maintain, place, use or permit another person, entity or firm to apply, deposit, leave, maintain, place or use any fertilizer on or in any lake, stream, river, county drain, or any wetland contiguous to a lake, stream, river or county drain within the Township.

No Commercial Fertilizer Applicator or Institutional Fertilizer Applicator shall apply, deposit, leave, maintain, place, use or permit another person, entity or firm to apply, deposit, leave, maintain, place or use any fertilizer on any property within twenty-five (25) feet of the shoreline of any lake, stream, river, county drain or any wetland contiguous to a lake, stream, river or county drain within the Township or otherwise apply, deposit, leave, maintain, place or use any fertilizer in any manner by which fertilizer could enter into any lake, stream, river, county drain or any wetland contiguous to a lake, stream, river or county drain within the Township.

Except for Commercial Fertilizer Applicators and Institutional Fertilizer Applicators, no property owner or other person, entity or firm shall apply, deposit, leave, maintain, place, use or permit another person, entity or firm to apply, deposit, leave, maintain, place or use any fertilizer on any property within fifty (50) feet of the shoreline of any lake, stream, river, county drain or any wetland contiguous to a lake, stream, river or county drain within the Township or otherwise apply, deposit, leave, maintain, place or use any fertilizer in any manner by which fertilizer could enter into any lake, stream, river, county drain or any wetland contiguous to a lake, stream, river or county drain within the Township.

SECTION 4. Licensure Requirement and Procedure.

- A. All Commercial Fertilizer Applicators shall be licensed in good standing by the Township prior to applying fertilizers on any lands within the Township.
- B. A license issued under this Ordinance shall be valid until expiration, suspension or revocation.
- C. To secure a license, a Commercial Fertilizer Applicator shall complete and submit to the Township an *Application for Commercial Fertilizer Applicator License*. Previously licensed applicators shall submit their applications by March 1 of the year for which a license is requested. The license application shall include, but is not limited to, the following information:
 - 1. Legal and business name(s), address, telephone number and the name of a contact person for the applicant.
 - 2. A copy of the applicant's material safety data sheet (MSDS) for products used.
 - 3. A copy of the applicant's most current listing of clients located within the Township.
 - 4. Documented evidence that the applicant is licensed by the State of Michigan for the use of chemicals and any other materials utilized during the process of applying fertilizers.
- D. Upon submission of the application, the applicant shall pay the fee according to the schedule established by resolution of the township board.
- E. The application shall be approved or denied within thirty (30) days by the Township and, if approved, a license shall be issued with an effective date of April 1 of the current year, with an expiration date of March 31 of the immediately following year.
- F. The Township shall maintain a current list of all licensed Commercial Fertilizer Applicators.
- G. A licensee shall notify the department in writing of any changes in the information disclosed in the license application.

- H. The business name of a Commercial Fertilizer Applicator shall be prominently displayed on all company vehicles in order to assist in monitoring and enforcement of this ordinance.

SECTION 5. Enforcement.

- A. Any Authorized Township Official shall act as an enforcement officer of this Ordinance.
- B. The township, through its enforcement officers, shall monitor for compliance with this Ordinance and shall be permitted to conduct periodic spot checks on all Commercial and Institutional Fertilizer Applicators for such purpose.
- C. In addition to the Sanctions for Violation outlined in Section 6 of this Ordinance, should a licensee be found to be in violation of this Ordinance, the township board, following notice and an opportunity of the licensee to be heard, shall have the right to revoke the license for a period of up to one (1) year.

SECTION 6. Penalty for Violation.

Violation of any of the provisions of this Ordinance shall hereafter constitute a misdemeanor and shall be punished by a fine not to exceed five hundred dollars (\$500.00) together with the cost of prosecution and/or imprisonment in the Genesee County Jail or such other place of detention as the court may prescribe for a period of time not to exceed ninety (90) days.

(Amended: Ord. No. 570, 2-5-01)

SECTION 7. Severability.

The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby.

SECTION 8. Effective Date.

This ordinance shall be published as required by law and shall take effect 30 days after adoption and publication.

Enacted at a regular meeting of the Fenton Township Board held on the 29th day of March, 1999.

**BUSINESS LICENSING
Ordinance No. 550
Adopted: June 7, 1999**

An ordinance to provide for the annual licensing of businesses within the Charter Township of Fenton, Genesee County, Michigan, and to establish a procedure for the procurement of Zoning Permits, Certificates of Occupancy and Business Licenses; to establish certain conditions for the issuance of the license relating to its duration, the prohibition of illegal businesses, restrictions on the transfer of the license and the revocation of the license for noncompliance with this Ordinance; to exempt political, charitable and religious establishments and governmental agencies from the operation and effect of this Ordinance; and to provide penalties for the violation thereof.

THE CHARTER TOWNSHIP OF FENTON, COUNTY OF GENESEE, MICHIGAN ORDAINS:

SECTION 1. Title.

This Ordinance shall be known and cited as the Fenton Township Business Licensing Ordinance.

SECTION 2. Definitions, as used in this Ordinance.

Business. Any trade, occupation, work, commerce or other activity owned or operated for profit by any person within the Township excluding, however, political, charitable or religious establishments.

Licensing Agent. The Township Clerk or Township Supervisor or any other township official or employee as may be designated by resolution of the Township Board.

Person. Any individual, partnership, association or corporation.

Township. The Charter Township of Fenton.

SECTION 3. Purpose.

It is the purpose of this Ordinance to assist the Township with information to provide more adequate police and fire protection; more equal and equitable real and personal property taxation; better efficiency and economy in furnishing public utility services within the Township; more comprehensive and informed planning and zoning uses of land and structure within the Township; and to establish a registry of businesses operating within the Township for the general information of the public and for the promotion of the Township.

SECTION 4. Licensing Requirements.

No person may commence or continue a business, as herein defined, within the Township without having first obtained from the Township a Zoning Permit, Certificate of Occupancy and a Business License therefor as hereinafter provided and without maintaining said Business License in current effect during any business operation or activity. A fee, established by the Township Board and subject to change from time to time by resolution of the Township Board, shall accompany the applications for Zoning Permit, Certificate of Occupancy and Business License.

(Amended: Ord. No. 755, 4-22-13)

SECTION 5. Procurement Procedure For Zoning Permit.

No Zoning Permit shall be issued until the owner or operator therefor shall have first submitted an *Application for Zoning Permit* to the Licensing Agent of the Township on a form

provided by the Licensing Agent for such purposes. Upon the filing of a properly completed application the Licensing Agent shall schedule an inspection by the appropriate township official(s). If the business is determined to be in compliance with the Township's Zoning Ordinance, the Licensing Agent shall issue a Zoning Permit to the owner or operator of the business.

Certain changes regarding a business will require that a new Zoning Permit be procured in the same manner as set forth herein for the original issuance of the Zoning Permit. These changes include, but are not limited to, the following:

- A new business is established in an existing commercial building.
- An existing business is relocated to a different building within the same commercial complex.
- An existing business is relocated within the same building.
- An existing business enlarges the area occupied within the same building.
- An existing business changes the business name, but the use does not change.
- An existing business changes ownership, but the use does not change.
- An existing business changes the use in any manner.
- Any transaction, modification or other circumstance, as determined by the Licensing Agent, which results in a significant change to the use, ownership, name or operation of the business.

(Amended: Ord. No. 755, 4-22-13)

SECTION 6. Procurement Procedure For Certificate of Occupancy.

No Certificate of Occupancy shall be issued until the owner or operator therefor shall have first been issued a *Zoning Permit* and submitted a *Building Permit Application*, (new buildings), or *Application for Certificate of Occupancy*, (existing buildings), to the Licensing Agent of the Township on a form provided by the Licensing Agent for such purposes. Upon the filing of a properly completed application the Licensing Agent shall schedule an inspection by the appropriate township official(s). If the business is determined to be in compliance with the Township's Building Code and Fire Prevention Code Ordinances, the Licensing Agent shall issue a Certificate of Occupancy to the owner or operator of the business.

Certain changes regarding an existing commercial building will require that a new Certificate of Occupancy be procured in the same manner as set forth herein for the original issuance of the Certificate of Occupancy. These changes include, but are not limited to, the following:

- Additions constructed to an existing commercial building.
- The removal or demolition of portions of an existing commercial building.
- Any significant modification or alteration to an existing commercial building, as determined by the Licensing Agent.

(Amended: Ord. No. 755, 4-22-13)

SECTION 7. Procurement Procedure For Business License.

No license to commence or continue a business shall be issued until the owner or operator therefor shall have first been issued a *Zoning Permit* and a *Certificate of Occupancy* and submitted an application to the Licensing Agent of the Township on a form provided by the Licensing Agent for such purposes. Upon the filing of a properly completed application the Licensing Agent shall issue a license to the person to

commence or continue the business designated in said application if the business complies with the terms of this Ordinance.

(Amended: Ord. No. 755, 4-22-13)

SECTION 8. Conditions of License.

The license issued under this Ordinance shall be effective for a period of one (1) year from the effective date of issue. Renewals of Business Licenses shall be issued upon application and payment of the fee therefor in the same manner as set forth herein for the original issuance of the license. Renewals of all Business Licenses will require fire inspections unless such inspection requirement is waived by the Fire Chief. Any such inspections will require the payment of a fee, as established by the Township Board and subject to change from time to time by resolution of the Township Board. No license shall be issued by the Licensing Agent where the existing or proposed business would be illegal under any law or ordinance of the United States of America, the State of Michigan, the County of Genesee or the Township, or if the business property or its goods, fixtures, equipment or inventory has any delinquent, unpaid personal property taxes or where the business property building is in violation of the Township Building Code. No license may be transferred by the holder to any person except upon prior approval of the Licensing Agent. The Licensing Agent shall have the right of inspection of the business premises to assure compliance with this Ordinance. In the event of any noncompliance with the provisions of this Ordinance after a license has been issued, the same may be revoked by order of the Licensing Agent until the noncompliance has been corrected as determined by said agent.

(Amended: Ord. No. 755, 4-22-13)

SECTION 9. Existing Businesses.

The Township shall provide written notification of the requirements of this Ordinance to all businesses already in existence as of the effective date of this Ordinance. Such existing businesses shall comply with the requirements of this Ordinance within ninety (90) days of said notification.

SECTION 10. Exemptions.

No license shall be required of any political, charitable or religious establishment situated within the Township. The provisions of this Ordinance are not applicable to any agency of the United States of America, the State of Michigan, or any political subdivision thereof.

SECTION 11. Penalty for Violation.

Violation of any of the provisions of this Ordinance shall hereafter constitute a misdemeanor and shall be punished by a fine not to exceed five hundred dollars (\$500.00) together with the cost of prosecution and/or imprisonment in the Genesee County Jail or such other place of detention as the court may prescribe for a period of time not to exceed ninety (90) days.

(Amended: Ord. No. 570, 2-5-01)

SECTION 12. Severability.

The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby.

SECTION 13. Effective Date.

SECTION 2 – BUSINESS REGULATIONS

This ordinance shall be published as required by law and shall take effect 30 days after adoption and publication.

Enacted at a regular meeting of the Fenton Township Board held on the 7th day of June, 1999.

**AMPLIFIED SOUND CONTROL
Ord. No. 698
Adopted: April 21, 2008**

An ordinance to regulate the use of amplified sound devices outdoors in the Charter Township of Fenton.

**THE CHARTER TOWNSHIP OF FENTON, COUNTY OF GENESEE, MICHIGAN
ORDAINS:**

SECTION 1. Purpose

The purpose of this Ordinance is to secure the public health, safety and general welfare of the residents and property owners of Fenton Township by regulating outdoor amplified sound systems.

SECTION 2. Definition

Sound amplification device – Equipment designed to increase the volume of sound created by a separate source such as a musical instrument or a human voice. The term does not include a standard radio, DVD player or similar device, but does include “stand alone” amplified microphone systems.

SECTION 3. Permit

- A. Prior to using a sound amplification device in conjunction with an outdoor event, including a party, wedding, auction, outdoor sale, etc, the property owner or occupant of the property shall apply to the Township Zoning Administrator for an Amplified Sound Permit.
- B. The application shall contain the name and address of the applicant, the location of the place or places where such sound amplification device or system is proposed to be used, a description of sound amplification device and its purpose, the nature of the sound (music, PA announcements, etc.) and the length of time for which such permit is desired. The application shall include the fee established by the Township Board, which may be revised by the Board from time to time as they determine necessary
- C. The application shall be submitted at least 3 days prior to the beginning of the event to be covered by the permit
- D. The Zoning Administrator may issue a permit for a maximum of 30 days. Issuance of the permit shall be based on the standards for approval listed below.
- E. The Zoning Administrator may impose conditions to the amplified sound permit including maximum volume allowed, location and hours of operation of the amplified sound equipment.
- F. Each event requires a separate permit.

SECTION 4. Standards for Approval

- A. The applicant or property owner shall not have been cited for a violation related to this Ordinance or the Township Noise Abatement Ordinance.
- B. The nature of the proposed sound cannot include a drum, loudspeaker or other instruments or devices for the purpose of attracting attention to any performance, show, sale display or other commercial purpose, or the operation of any loudspeaker or other sound amplifying device upon any vehicle on the streets of the Township with the purpose of advertising, where such vehicle, speaker or sound amplifying equipment emits loud and raucous noises easily

- heard from nearby, adjoining residential property.
- C. Compliance with these requirements does not exempt the permittee from complying with regulations in this Ordinance.

SECTION 5. Standards for Operation

The operation of any amplified sound device in such a manner or with such volume as to unreasonably upset or disturb the quiet, repose or comfort of other persons or to in any way interfere with the operation of any school or place of religious worship shall constitute a violation of this Ordinance.

SECTION 6. Inspection

The local police agency or the Township Ordinance Enforcement Officer is authorized to conduct site visits to verify compliance with the provisions of this Ordinance and the amplified sound permit.

SECTION 7. Other Ordinances.

- A. An operation permitted under this Ordinance is exempt from the noise regulations of Section 4.20 of the Township Zoning Ordinance for the term of the permit.
- B. An operation permitted under this Ordinance is exempt from the noise regulations of the Township Noise Abatement Ordinance for the term of the permit.
- C. A facility authorized to operate a restaurant with live entertainment and/or outdoor seating permitted by special use permit under Section 11.63 of the Township Zoning Ordinance may apply for an amplified sound permit only if the permit is not prohibited under the terms of the special use permit approved for that particular use.

SECTION 8. Appeals and Variances.

- A. The decision by the Zoning Administer to approve or deny an application for a permit may be appealed to the Township Board by the applicant. Any appeal must be within 21 days of the date of the decision by the Zoning Administrator.
- B. An applicant who does not meet the requirements for issuance of a permit may apply for a variance from these ordinance requirements. Such a variance may be granted by the Township Board upon a finding that the variance will not violate the spirit or intent of this Ordinance.

SECTION 9. Penalties

- A. Violation of this Ordinance shall constitute a misdemeanor and shall be punished by a fine not to exceed five hundred dollars (\$500.00) together with the cost of prosecution and/or imprisonment for a period of time not to exceed ninety (90) days.
- B. The provisions of this Ordinance shall be enforceable through the bringing of appropriate action for injunction, mandamus or otherwise in Genesee County Circuit Court. Any violation of this Ordinance is deemed to be a nuisance per se.

SECTION 10. Severability

The several provisions of this Ordinance are declared to be separate; if any Court shall hold that any section or provision hereof is invalid, such holding shall not affect or impair the validity of any other section or provision of this Ordinance.

SECTION 11. Repeal

Ordinance No. 271, adopted July 5, 1977 is hereby repealed.

SECTION 12. Effective Date

This Ordinance shall be published as required by law and shall take effect thirty (30) days after its enactment and publication.

Enacted at a regular meeting of the Board of Trustees of the Charter Township of Fenton, held on the 21st day of April 2008.

SOLICITORS; PEDDLERS; TRANSIENT MERCHANTS OR VENDORS
Ordinance No. 707
Adopted: April 20, 2009

An ordinance to protect the public health, safety and welfare of the citizens of the Charter Township of Fenton by the regulation, licensing and control of solicitors, peddlers, transient merchants and similar sales persons conducting business within the Township.

THE TOWNSHIP OF FENTON, COUNTY OF GENESEE, MICHIGAN ORDAINS:

SECTION 1. Definitions

The following terms shall, for purposes of this ordinance have the meanings stated below, unless the context indicates that a different meaning was intended:

Solicitor: any person traveling either by foot or conveyance from place to place, who solicits, asks for or invites donations of money or goods, or who takes or attempts to take orders for the sale of goods, wares or merchandise for future delivery, or for services to be furnished or performed in the future. The term solicitor also includes the driver of any conveyance used for or associated with soliciting and shall include the term canvasser.

Peddler: any person traveling either by foot or conveyance from place to place, carrying goods, wares or merchandise, and offering the same for sale, or making sales and delivering articles to purchasers, or offering to provide services either immediately or in the future. Peddler also includes the driver of any conveyance used for or associated with peddling and shall also include the terms hawker and huckster.

Transient merchant or vendor: any person who engages in the temporary business of the retail sale and delivery of goods, wares or merchandise within the Township, and who, for the purpose of conducting such business, uses or occupies any lot, premises, building, room or structure, provided however that such definition shall not include merchants having regularly established places of business within the Township if they are operating from their established place of business, persons making sales at any annual fair, street fair, festival, annual celebration or observance, or regularly employed route salespeople.

Commercial sales persons, selling or attempting to sell only to business establishments, shall be exempt from these definitions

Solicit: To make petition, to approach with a request or plea, to urge, entice or lure as in selling, begging, or to try to obtain by asking for; to travel about with wares for sale, to sell from place to place or to retail in small quantities.

Person: the word person as used in this ordinance shall include an individual, business, firm, corporation, partnership, club, society, association or other organization or entity.

SECTION 2. Prohibited Acts

It shall be unlawful to engage in the practice of going in and upon private residences, and/or properties in the Township by solicitors, peddlers, transient merchants or vendors not having been requested or invited so to do by the owner or occupant of said private residence, for the purpose of soliciting unless otherwise permitted in the provisions of this ordinance.

No solicitors, peddlers, transient merchants or vendors shall conduct any business within any Township park or upon any property owned or controlled by the Township, without specific approval of the Township Board, separate from this ordinance.

SECTION 3. Permitted Acts

Persons or their agents engaged in the sale of perishable food products in the public ways of the Township if such activity is otherwise in compliance with Township ordinances and is not deemed to be conducted in such a manner that may constitute a breach of the peace or to constitute a menace to the health, safety or general welfare of the public.

SECTION 4. Permit Required

Except as otherwise provided in this ordinance, it shall be unlawful for any solicitor, peddler or transient merchant or vendor whether a person, firm or corporation to solicit, peddle or engage in business within the Charter Township of Fenton without first having secured a permit to conduct such business from the Township. The agents or other representatives of a permittee doing business in the Township shall be responsible for compliance with this ordinance by their principals and by the businesses they represent.

SECTION 5. Exemptions from Permit

Any person under 18 years of age, when engaged in soliciting or selling on foot under the direct supervision of a school or a recognized charitable or religious organization, when such soliciting is solely for the benefit of their respective school, classes, activity groups, athletic teams or charity.

Members of churches, synagogues, mosques and other religious organizations when such soliciting is solely for the benefit of the respective religious organization.

Persons or their agents who display and sell used household goods at their own dwelling (garage/yard sales) if such activity is in compliance with the Township garage and yard sale ordinance.

Persons soliciting at private homes for the purpose of soliciting or obtaining orders for the sale of goods or merchandise, if such persons are on the premises of such homes because of prior invitation by the owner or resident.

Any person who is exempt from such license under the terms of state or federal law. These persons shall remain subject to the other provisions of this ordinance except as to those provisions which may be preempted by state or federal law.

A person soliciting exclusively to canvass or petition for a public official, political candidate, public policy or initiative being promoted for purposes of public referendum, initiative, or election, or a person canvassing solely for the limited purpose of distributing religious, political or other noncommercial information. These persons shall remain subject to the other provisions of this ordinance.

SECTION 6. Permit Application and Fees

Application for a permit for a solicitor, peddler or transient merchant or vendor shall be made to the Charter Township of Fenton Zoning Administrator or his/her designee. In the event an application is made by an organization, business, firm, corporation, partnership,

SECTION 2 – BUSINESS REGULATIONS

club, society, association or other organization or entity, an application must be made for each agent or employee who will be engaging in active soliciting, peddling or transient merchandising or vending. The application shall be in the form prescribed by the Zoning Administrator and shall include the following:

The name, address and telephone number of the applicant, and business if different than the applicant, to include both local information and permanent information, if different.

The name, address and telephone number for each person, agent and independent contractor who shall be operating as a solicitor, peddler, transient merchant or vendor.

A description of the nature of the business and the goods or services to be offered.

The period of time during which the proposed soliciting or sales is proposed to occur.

The hours of the day and the days of the week during which the applicant and all employees, agents and independent contractors will be engaging in the proposed soliciting, peddling or other sales activities.

If the applicant will be soliciting on behalf of an employer, the application shall be accompanied by a letter from the employer stating authorization for the employee to carry out such business on the employer's behalf, and also provide the employers federal taxpayer identification number and state employer identification number.

If motor vehicles are to be used in the proposed activity, the applicant shall provide a complete description for each vehicle, their respective license plate numbers and proof of valid insurance for each.

A recent photograph clearly showing the head and shoulders shall be provided for each person, agent or independent contractor who shall be engaging in the proposed soliciting, peddling or sales activity.

The applicant shall provide a statement as to whether the applicant and/or any person, agent or independent contractor who will be engaging in the proposed soliciting, peddling or sales activity has been convicted of any crime, misdemeanor, or violation of any municipal ordinance. The statement shall describe each offense and the penalty assessed.

If the applicant proposes to handle or sell any food or other item for human consumption, the applicant shall provide proof of any required health permit issued by the Genesee County Health Department or Michigan Department of Agriculture.

Such other information as the Zoning Administrator or his/her designee may reasonably determine is necessary to verify the character and nature of the proposed soliciting, peddling or other sales activity.

A non-refundable permit fee as established by the Township Board.

SECTION 7. Review of Application, Approval/Denial and Issuance

Upon receipt of an application, the Zoning Administrator or his/her designee shall determine whether all requirements of the application have been submitted. If any required

information or supplements have not been included, the Zoning Administrator or his/her designee shall notify the applicant and require correction before further review.

If the Zoning Administrator or his/her designee determines that all required contents of the application have been submitted and the application fee has been paid, the Zoning Administrator or his/her designee shall make an investigation of the applicant, the applicant's business and other matters as the Zoning Administrator or his/her designee deems necessary for the protection of the public with respect to soliciting, peddling and any other sales activity governed by this ordinance.

If as a result of such investigation, the Zoning Administrator or his/her designee determines that the applicant should not be issued a permit for any of the following reasons:

1. Misleading or false information on the application
2. Prior history or conduct which may be detrimental to the health, safety and welfare of the citizens of the Township
3. Any conviction of a licensee of any felony or any misdemeanor that may jeopardize public health, safety and/or welfare.
4. Any other reason the Zoning Administrator or his/her designee determines necessary to protect the public consistent with the purposes of this ordinance.

The applicant shall be notified in writing that the permit request has been denied and the reasons for such denial.

If as a result of such investigation the applicant and application are found to be satisfactory for purposes of issuing a permit under the provisions of this ordinance, such approval shall be endorsed on the application by the Zoning Administrator or his/her designee. Permits issued shall be subject to all terms and conditions contained in this ordinance. The Zoning Administrator or his/her designee shall then prepare the permit on a prescribed form and forward it to the applicant.

Upon issuance of a permit, each person actively soliciting, peddling or engaging in sales activity shall have a copy of the endorsed permit in their possession and readily available for proof.

A permit issued under the terms of this ordinance shall be valid for no longer than 1 year from the date of issue.

The permit/license is not renewable or transferrable.

SECTION 8. Hours of Operation

No person shall travel from place to place, street to street or door to door, within the boundaries of the Charter Township of Fenton, for the purposes of soliciting, peddling or other sales activity including activity performed on behalf of a charitable/religious or

political organization except; Monday through Saturday between the hours of 9:00 a.m. to 8:00 p.m. or the time of sunset whichever is earlier, without an appointment.

SECTION 9. Identification

No person shall travel from place to place, street to street or door to door, within the boundaries of the Charter Township of Fenton, for the purposes of soliciting, peddling or other sales activity including activity performed on behalf of a charitable/religious or political organization without a recognized form of identification displayed as evidence that they are authorized to do so under the provisions of this ordinance.

SECTION 10. Revocation of Permit

The Zoning Administrator or other authorized representative of the Township may revoke a permit for any of the following causes:

1. Fraud, misrepresentation or false statement contained in the permit application.
2. Fraud, misrepresentation or false statements made in the course of soliciting, peddling or other sales activities.
3. Any conviction of a licensee of any felony or any misdemeanor that may jeopardize public health, safety and/or welfare.
4. Conducting the business of soliciting, peddling or transient merchant sales in such a manner as to constitute a breach of the peace or a menace to the health, safety or welfare of the public.
5. Going in and upon the premises of a private residence or property.
6. Soliciting, peddling or conducting a transient merchant business outside permitted days or hours as provided for in this ordinance.
7. Any violation of the terms of the permit or this ordinance.

SECTION 11. Appeal

Any person, firm or corporation aggrieved by the action of the Zoning Administrator or his/her designee in the application for a permit or revocation of a permit may appeal to the Township Board.

Such appeal shall be commenced by filing the appeal in writing with the Township Board within 21 days after notice of the denial or revocation.

At the hearing the Township Board shall consider comments made by the applicant and any written materials submitted. If the applicant fails to appear at the time of the hearing the denial of the application or revocation of the permit by Zoning Administrator or his/her designee shall stand.

SECTION 12. Penalty for Violation

Violation of any of the provisions of this Ordinance shall constitute a misdemeanor and shall be punished by a fine not to exceed five hundred dollars (\$500.00) together with the

cost of prosecution and/or imprisonment for a period of time not to exceed ninety (90) days.

SECTION 13. Severability

This ordinance and the various parts, sections, subsections, provisions, sentences and clauses thereof are hereby declared to be severable, and if any part, section, sub-section, provision, sentence or clause is adjudged unconstitutional or invalid it is hereby declared that the remainder of the ordinance shall not be affected thereby.

SECTION 14. Repeal

Ordinance No. 169, adopted May 28, 1969, is hereby repealed.

SECTION 15. Effective date.

This Ordinance shall be published as required by law and shall take effect thirty (30) days after its enactment and publication.

Enacted at a regular meeting of the Board of Trustees of the Charter Township of Fenton, held on the 20th day of April 2009.