

VILLAGE OF STEVENSVILLE  
BERRIEN COUNTY, MICHIGAN

ORDINANCE NO. 08022-2

AN ORDINANCE TO AMEND CHAPTER 8, ARTICLE II OF THE VILLAGE OF STEVENSVILLE CODE OF ORDINANCES TO PROVIDE PROCEDURES AND STANDARDS FOR THE LICENSING OF BUSINESSES

The Village of Stevensville Ordains:

Section 1. Amendment. Chapter 8, Article II of the Village of Stevensville Code of Ordinances is amended to read in its entirety as follows:

**Sec. 8-19. Definitions.**

As used in this article, the following terms shall have the meanings indicated below unless the context expressly indicates otherwise:

- (a) *Business* means any person, group, partnership, corporation, limited liability company or other organization which engages in the manufacture, production, fabrication, development of, or sales, whether retail or wholesale, of goods or products or provides a service for a fee and is required to have a sales tax license under state law.
- (b) *Township* means Lincoln Township, which has agreed to administer this article on behalf of the Village.
- (c) *Township zoning administrator* means the zoning administrator designated by the Township pursuant to the Michigan Zoning Enabling Act, Act 110 of 2006.

**Sec. 8-20. Applicability; license required.**

- (a) This article shall apply to all businesses within the Village.
- (b) No person shall operate a business to which this article applies without first having obtained a license as set forth herein.

**Sec. 8-21. Application fee.**

The Village Council shall by resolution establish, and may amend from time to time, a license application fee which shall be paid by the applicant to the Township zoning administrator when an application for a license is submitted, and the Township shall retain such fee as compensation for the services performed under this ordinance. The Village Council shall consider input from the Township when setting the amount of the fee.

**Sec. 8-22. Application contents.**

- (a) All applications for licenses shall be made to the Township zoning administrator on forms provided by the Township. Each principal owner and all managers and employees shall be named on the application form.
- (b) Unless waived in writing by the Township, the application for license shall contain the following information and be accompanied by the following documents:
  - (1) If the applicant is:
    - (A) An individual, the individual shall list his legal name and any aliases and shall submit satisfactory proof that he is at least 18 years of age.
    - (B) A partnership, the partnership shall list:
      - (i) Its complete name, and the names of all partners;

- (ii) Whether the partnership is general or limited; and
  - (iii) Attach a copy of the partnership agreement, if any.
- (C) A corporation, the corporation shall list:
  - (i) Its complete name;
  - (ii) The date of its incorporation;
  - (iii) Evidence that the corporation is in good standing in the state; or
  - (iv) In the case of a foreign corporation:
    - (a) Evidence that it is currently authorized to do business in the state;
    - (b) The names and titles of all officers, directors and principal owners; and
    - (c) The name and address of the registered corporate agent.
- (D) A limited liability company, the limited liability company shall list:
  - (i) Its complete name;
  - (ii) The date of filing of the articles of organization;
  - (iii) Provide its operating agreement; and
  - (iv) The names of all managers and members.
- (2) Whether the applicant or any other individual required to be listed on the application:
  - (A) Currently holds or has previously held a license issued by the Village or the Township;
  - (B) Whether that business is or was licensed in another state, city or county; and
  - (C) Whether that business license was ever denied, suspended or revoked.
  - (D) If so, the name and location of the use, the reason the permit was denied, suspended or revoked, and the date of the denial, suspension or revocation must be provided on the application.
- (3) The location of the proposed use for which the license is required, including a legal description of the property, street address and telephone numbers.
- (4) Proof of the applicant's right to possession of the premises where the licensed activity is proposed to be located.
- (5) The name, address and telephone number of the applicant and any other individual listed on the application.
- (6) A photocopy of the applicant's driver's license or other government issued identification.
- (7) Photographs (passport size or approximately two inches by two inches) and fingerprints of all principal owners and each manager, general partner, and, in the case of a corporate applicant, the president of the corporation.
- (8) A recent photograph of the applicant.
- (9) The applicant's driver's license number and/or his state or federally issued tax identification number.
- (10) The applicant shall provide an overall management plan and rules of operation for the facility.
- (11) A signed acknowledgement by the applicant that any inaccurate or erroneous information on

the application form or any failure to abide by any requirements of this chapter, or any other regulation of the Township or Village including any approved rules of operation shall be grounds for revocation of the license.

- (12) A license application shall be accompanied by a nonrefundable license fee and escrow deposit as may be established from time to time by the Village Council pursuant to Section 8-21.

**Sec. 8-24. Inspection.**

Representatives of the police department, health department, fire department, zoning department or other Township or Village departments or agents shall be permitted access from time to time to inspect the premises for the purpose of ensuring compliance with the specific regulations of this chapter and any other applicable regulations.

**Sec. 8-25. Expiration and renewal.**

- (a) Each license shall expire one year from the date of issuance and may be renewed only by application as set forth herein. Application for license renewal shall be made at least 60 days before the expiration date; provided, however, that the expiration date of a license under consideration for renewal shall not be extended during the period the renewal application is under consideration.
- (b) If the Township denies renewal of a license, the applicant shall not be issued a license for 90 days from the date of denial and such license shall only be issued if the Township finds that the basis for the original denial has been corrected or abated.

**Sec. 8-26. Suspension.**

The Township shall suspend a license for a period not to exceed 30 days if it determines that the licensee has:

- (1) Violated any section of this article, conditions of approval imposed by the Township or other applicable regulations; or
- (2) Refused to allow an inspection of the licensed premises as authorized by this article.

**Sec. 8-27. Revocation; penalties.**

- (a) The Township may revoke a license if it determines that a cause of suspension occurs and the licensee:
- (1) Has previously been suspended within the preceding 12 months.
- (2) Given false information in the material submitted during the application process;
- (3) Violates this chapter, conditions of approval imposed by the Township, Village or other applicable regulation;
- (4) Has knowingly allowed possession, use, or sale of controlled substances on the licensed premises;
- (5) Knowingly operated the licensed activity during a period of time when the licensee's license was suspended;
- (6) Is delinquent in payment to the Township, Village, county or state for any taxes, charges or fees in relation to the licensed premises or any other property the licensee owns in the Township or Village.
- (b) The revocation shall continue for a period of not less than 90 days unless otherwise determined by the Township Board of Trustees.
- (c) After denial of an application, or denial of a renewal of an application, or suspension or revocation

of any license, the applicant or licensee may, as permitted by law, seek judicial review of such action in any court of competent jurisdiction.

- (d) Any person or any other legal entity that violates any provision of this chapter shall be guilty of a municipal civil infraction, punishable as set forth in section 230.113 of the Village Zoning Ordinance.
- (e) Any violation of this chapter shall constitute, and is hereby declared to be, a nuisance per se which shall be abated.
- (f) The Township or Village may, at its option, and in addition to or in the alternative of any other remedy, seek to enjoin any violation of this chapter. Nothing herein shall be interpreted to limit the remedies available to the Township at law or in equity. The Township shall be awarded its actual costs of enforcement and attorney fees incurred in the prosecution of each violation of this chapter.

**Sec. 8-28. Transfers prohibited.**

A licensee shall not transfer a license to another, nor shall a licensee engage in an activity or use for which a license is required under the authority of a license, except at a location approved for same by the Township.

Section 2. Publication and Effective Date. The Village Clerk shall cause a notice of adoption of this ordinance to be published. This ordinance shall take effect 10 days after its adoption or upon publication of the notice of adoption, whichever occurs later.

YEAS: Mason, Patterson, Steinberger, Wenger

NAYS: NONE

ABSTAIN: NONE

ABSENT: Liggett, Pohyba

CERTIFICATION

This true and complete copy of Ordinance No. 080928-2 was declared adopted at a Regular Meeting of the Stevensville Village Council held on Aug 9, 2022

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David Wenger, Village President

  
Tiffany Moore Village Clerk