

TITLE XI: BUSINESS REGULATIONS

Chapter

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CHAPTER 110: RENTAL DWELLINGS

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§ 110.01 PURPOSE

(A) *Public health, safety and welfare.* The purpose of this chapter is to protect the public health, safety and general welfare of the people of the village in non-owner occupied dwellings, including:

- (1) To protect the character and stability of residential areas;
- (2) To correct and prevent housing conditions that adversely affect or are likely to adversely affect the life, safety, general welfare and health, including the physical, mental and social well-being of persons occupying dwellings;
- (3) To provide minimum standards for cooking, heating and sanitary equipment necessary to health and safety;
- (4) To provide minimum standards for light and ventilation, necessary to health and safety;
- (5) To prevent overcrowding of dwellings by providing minimum space standards per occupant for each dwelling unit;
- (6) To provide minimum standards for the maintenance of existing residential buildings and to, thus, prevent slums and blight; and

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(7) To preserve the value of land and buildings throughout the village.

(B) *Rental disputes.* With respect to rental disputes, except as otherwise specifically provided by this chapter, it is not the intention of the Village Council to intrude upon contractual relationships between tenant and landlord. The Village Council does not intend to intervene as an advocate of either party, nor to act as an arbiter, nor to be receptive to complaints from tenant or landlord which are not specifically and clearly relevant to the provisions of this chapter. In the absence of such relevancy with regard to rental disputes, it is intended that the contracting parties exercise such legal sanctions as are available to them without the intervention of village government.
(1989 Code, § 22.01.00)

§ 110.02 APPLICATION

(A) *Tenant-occupied dwellings.* Every building and its premises used in whole or in part as a rented home or rented residence, or as an accessory structure thereof, for a single family or person, and every building used in whole or in part as a rented home or rented units, shall conform to the requirements of this chapter, irrespective of when such building may have been constructed, altered or repaired. This chapter:

(1) Establishes minimum standards for erected dwelling units, accessory structures and related premises;

(2) Applies to condominium units that are rented to be occupied by someone other than the owner; and

(3) Applies to mobile homes that are rented to be occupied by someone other than the owner.

(B) *Owner-occupied dwellings.* The provisions of this chapter shall not apply to dwellings regularly occupied by the owner.
(1989 Code, § 22.02.00)

§ 110.03 DEFINITIONS

(A) For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

APPROVED. Complying with all applicable village ordinances and village codes.

BUILDING. A structure erected for the shelter of persons, animals, chattels or movable property of any kind.

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DWELLING. A building, or portion thereof, designed or used predominantly for residential occupancy of a continued nature, including one-family dwellings, two-family dwellings and multiple-family dwellings, but not including hotels or motels.

DWELLING UNIT. A single residential accommodation which is arranged, designed, used or, if vacant, intended for use exclusively as a domicile for one family. Where a private garage is structurally attached, it shall be considered as part of the building in which the **DWELLING UNIT** is located.

FAMILY. Two or more persons related by blood, marriage or adoption maintaining a common household in a dwelling unit.

FLUSH WATER CLOSET. A toilet bowl flushed with water with a water sealed trap.

GARBAGE. Putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.

HABITABLE BUILDING. Any building or part thereof that meets minimum standards for use as a home or place of abode by one or more persons.

HABITABLE ROOM. A room or enclosed floor space used or intended to be used for living, sleeping, cooking or eating purposes, excluding bathrooms, water closet compartments, laundries, furnace rooms, unfinished basements (those without floor covering, ceiling covering, wall finish, required ventilation, required electric outlets and required exit facilities), pantries, utility rooms of less than 50 square feet of floor space, foyers, communicating corridors, stairways, closets, storage spaces and workshops, hobby and recreation areas in parts of the structure below ground level or in attics.

HEATED WATER. Water heated to a temperature of not less than 120°F measured at faucet outlet.

KITCHEN. A space which contains a sink with counter working space, adequate space for installing cooking and refrigeration equipment and adequate space for the storage of cooking utensils.

MULTIPLE-FAMILY DWELLINGS. A dwelling or portion thereof containing three or more dwelling units.

OCCUPANT. Any person including owner or operator living, sleeping, cooking and eating in a dwelling unit.

OPERATOR. The owner or his or her agent who has charge, care, control or management of a building, or part thereof, in which dwelling units or rooming units are let.

ORDINANCE ENFORCEMENT OFFICER. The ordinance enforcement officer of the village and his or her authorized employees.

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OWNER. Any person, partnership, firm or corporation who, alone, jointly or severally with others, shall be in actual possession of, or have charge, care or control of, any dwelling or dwelling unit within the village as owner, employee or agent of the owner, or as trustee or guardian of the estate or person of the title holder. Any such person representing the actual **OWNER** shall be bound to comply with the provisions of this chapter to the same extent as the **OWNER**.

PERMISSIBLE OCCUPANCY. The maximum number of persons permitted by state law or village ordinance to reside in a dwelling unit or rooming unit.

PERSON. An individual, firm, partnership, association, corporation or joint venture or organization of any kind.

PLUMBING. All of the following supplied facilities and equipment in a dwelling: gas pipes, gas burning equipment, water pipes, steam pipes, garbage disposal units, waste pipes, water closets, sinks, installed dishwashers, lavatories, bathtubs, shower baths, installed clothes washing machines, catch basins, drains, vents and any other similar fixtures and the installation thereof, together with all connections to water, sewer and gas lines.

PREMISES. A platted lot or part thereof or unplatted parcel of land, either occupied or unoccupied by any dwelling or non-dwelling structure, including such building, accessory structure or other structure thereon.

PUBLIC HALL. A hall, corridor or passageway for providing egress from a dwelling unit to a public way and not within the exclusive control of one family.

REFUSE. All putrescible and non-putrescible waste solids including garbage and rubbish.

RENTAL OR RENTED DWELLING OR DWELLING UNIT. A dwelling or dwelling unit let or intended to be let for rent or lease.

REPAIR. To a sound and acceptable state of operation, service ability or appearance.

RODENT HARBORAGE. Any place where rodents can live, nest or seek shelter.

ROOMING UNIT. Any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking and eating purposes.

RUBBISH. Non-putrescible solid wastes consisting of both combustible and non-combustible wastes, such as paper, cardboard, tin cans, grass and shrubbery clippings, wood, glass, brick, plaster, bedding, crockery and similar materials.

SAFETY. The condition of being relatively free from danger and hazards which may cause accidents or disease.

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SUBSTANDARD DWELLING. Any dwelling which does not conform to the minimum standards established by the village code.

SUPPLIED. Paid for, furnished by, provided by or under the control of the owner, operator or agent of a dwelling.

VILLAGE. The Village of Port Sanilac.

(B) Whenever the words “dwelling”, “dwelling unit”, “premises”, or “structure” are used in this chapter, they shall be construed as though they were followed by the words “or any part thereof”.

(1989 Code, § 22.03.00)

§ 110.04 INSPECTION REQUIRED; APPLICATION; FEE

The following requirements shall apply to inspections.

(A) No person shall rent any building or mobile home to any person for dwelling purposes without registering the rental unit, obtaining an inspection certificate and paying the fee required by this section. Such certification shall begin on January 1 of even years, terminate on December 31 two years thereafter and must be renewed bi-annually. Units inspected in the last six months of a two-year cycle will not have to be re-inspected for a renewed certificate of inspection in the subsequent cycle.

(B) Applications shall be made to the Village Clerk, on forms supplied by the Clerk. Each applicant shall provide the name and address of the applicant. If the applicant is a corporation, the application shall name the principal officers. The applicant shall provide the address and apartment number, if any, of each dwelling unit.

(C) The fee for such inspection shall be established by annual fee resolution. The Building Inspector shall inspect and approve each unit before a certificate is issued.

(D) If the required inspection fee has been paid and each dwelling unit to be covered by the certificate has been inspected and it does not appear that any violation of this chapter or of any other applicable state law or village ordinance exists, the Clerk shall issue the certificate (which may be in the form of an inspection verification certificate or sticker).

(1989 Code, § 22.04.00) Penalty, see § 110.99

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§ 110.05 GENERAL REQUIREMENTS

No owner or other person shall occupy or let to another person any dwelling, dwelling unit or rooming unit unless it and the premises are clean, sanitary, fit for human occupancy and comply with all applicable legal requirements of the state and the village, including the following requirements.

(A) *Maintenance of shared or public areas.* Every owner of a dwelling containing two or more dwelling units shall maintain in a clean and sanitary condition the shared or public areas of the dwelling and premises thereof.

(B) *Maintenance of occupied areas.* Every occupant of a dwelling, dwelling unit or rooming unit shall maintain in a clean and sanitary condition that part or those parts of the dwelling, dwelling unit and premises thereof that he or she occupies and controls.

(C) *Maintenance of yards.* Outside storage for dwellings, dwelling units or rooming houses shall be limited to equipment and materials for the care and maintenance of lawns and gardens, except as specifically provided in the Zoning Code.

(D) *Pest extermination.* Every occupant of a dwelling or dwellings shall be responsible for the extermination of vermin and rodents on the premises. No occupant of a dwelling or dwelling unit shall accumulate fire wood, rubbish, boxes, lumber, scrap metal or any other materials in such manner that may provide a rodent harborage in or about any dwelling or dwelling unit; stored materials shall be stacked neatly in piles elevated at least 18 inches above the ground or floor. No owner or occupant of a dwelling or dwelling unit shall store, place or allow to accumulate any material that may serve as food for rodents in a site accessible to rodents. Firewood can be piled no higher than six feet.

(E) *Sanitary fixtures and appliances.* Every occupant of a dwelling unit shall keep all supplied fixtures and facilities therein in a clean and sanitary condition and shall be responsible for the exercise of reasonable care in the proper use and operation thereof.

(F) *Minimum heating and maintenance.* In every dwelling unit or rooming unit where the control of the supplied heat is the responsibility of a person other than the occupant, a temperature of at least 68°F shall be maintained at a distance of three feet above the floor in all habitable rooms, bathrooms and water closet compartments from September through May.

(G) *Minimum exterior lighting.* The owner of a multiple-family dwelling or dwellings shall be responsible for providing and maintaining effective illumination in all exterior parking lots and driveways and walkways.

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(H) *Minimum standards for basic equipment and facilities.* No person shall occupy as owner, occupant or let to another for occupancy any dwelling or dwelling unit, for the purpose of living, sleeping, cooking or eating therein, which does not comply with the following requirements: every dwelling unit shall have a space in which food may be prepared and cooked, which shall have adequate circulation area and which shall be equipped with the following:

(1) A kitchen sink in good working condition, connected to an approved water supply including hot and cold water and also connected to an approved sewer system;

(2) Cabinets or shelves, for the storage of eating, drinking and cooking equipment and utensils; and

(3) Stove, or similar device for cooking food, and a refrigerator, or similar device, for the safe storage of food at temperatures less than 50°F, but more than 32°F under ordinary maximum summer conditions.

(I) *Toilet facilities.* Within every dwelling unit, there shall be a room which affords privacy to anyone within said room and which is supplied with a flush toilet in good working condition, connected to an approved water and sewer system.

(J) *Lavatory sink.* Within every dwelling, there shall be a lavatory sink; said sink may be in the same room with the flush toilet or if located in another room, the sink shall be placed in close proximity to the door leading directly into the room containing the flush toilet; said lavatory sink shall be connected to an approved water system with both hot and cold water and also connected to an approved sewer system.

(K) *Bathtub or shower.* Within every dwelling unit, there shall be a room which affords privacy to a person within said room and which is equipped with a bathtub or shower in good working condition. Said tub or shower can be in the same room with the flush toilet or in another room, shall be properly connected to an approved water system with hot and cold water and connected to an approved sewer system.

(L) *Egress.* Every dwelling unit in a one- or two-story dwelling shall have at least one means of egress leading to a safe and open space at ground level. Every dwelling unit in a multiple dwelling shall have immediate access to two or more means of egress leading to a safe and open space at ground level.

(M) *Handrails.* Structurally-sound handrails shall be provided on any steps containing four risers or more. If steps are not enclosed, handrails and bannisters spaced no greater than six inches apart shall be provided. Porches, decks and balconies located no more than 30 inches from ground level or floor below shall have approved handrails 30 to 34 inches high. Stairs, balconies and porches exceeding 30 inches from ground level or lower floor, shall have a protective railing 36 inches in height and, if unenclosed, banisters shall be spaced no greater than six inches apart. Alternate systems providing at least the same degree of protection shall be acceptable.

(N) *Access.* Access to or egress from each dwelling unit shall be provided without passing

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through any other dwelling or dwelling unit.

(O) *Door locks.* No owner shall occupy or let to be occupied any dwelling or dwelling unit unless all exterior doors of the dwelling or dwelling unit are equipped with safe, functioning locking devices, including at least one dead bolt locking device that cannot be retracted by end pressure; provided, however, that, such door shall be operable from the inside without the use of a key or any special knowledge or training.

(P) *Habitable room ventilation.* Except where there is supplied some other device affording adequate ventilation and approved by the Building Inspector, every habitable room shall have at least one window facing directly outdoors which can be opened easily. The minimum total of operable window area in every habitable room shall be at least 5.7 square feet.

(Q) *Other room ventilation.* Every bathroom and water closet compartment and every laundry and utility room shall have at least 50% of the ventilation required in habitable rooms; except that, no window shall be required if said rooms are equipped with a ventilation system providing at least equal ventilation.

(R) *Electric service, outlets and fixtures.* Every dwelling unit and all public and common areas shall be supplied with electric service, overcurrent protection devices, electric outlets and electric fixtures which are properly installed, which shall be maintained in safe working condition and shall be energized by an approved source of electric power and in compliance with the applicable ordinances of the village and state. The minimum capacity of said electric service and the minimum number of electric outlets and fixtures shall be as follows.

(1) Buildings containing one or more dwelling units shall have at least 60-amp, 115- and 230-volt service or feeder per dwelling unit. Main service to multi-family buildings shall have sufficient capacity to carry the load as computed in accordance with village ordinances.

(2) Internal wiring and outlets in single- or multi-family dwellings shall conform to the following:

(a) At least one 15- or 20-amp branch circuit for each 600 square feet of dwelling unit floor area;

(b) At least one duplex receptacle on a separate 20-amp appliance circuit in the kitchen. If there is a kitchen counter, such receptacle shall be accessible to the counter;

(c) At least one duplex receptacle on a separate 20-amp circuit for the laundry. Multi-family buildings may have a common laundry area with duplex receptacles on separate 20-amp circuits that are not overloaded;

(d) Bathrooms shall have at least one receptacle. This receptacle may be in a wall light, if readily accessible;

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(e) Every habitable room with 120 square feet of habitable floor space or less shall be provided with two separate floor or wall type electric convenience outlets and an additional 80 square feet or fraction thereof of habitable floor space. Required outlets shall insofar as possible, spaced equal distances apart. One ceiling type or wall type light fixture controlled by a remote switch may be supplied in lieu of one required electric convenience outlet in each habitable room. Every public hall, water closet compartment, bathroom, laundry room and furnace room shall contain at least one supplied electric light fixture controlled by at least one switch; and

(f) All hazardous wiring shall be removed. This includes wiring to and in garages and other accessory buildings. The Director of Inspections may order hazardous electrical installations removed.

(3) Every public hall and stairway in a multiple-family dwelling shall be adequately lighted by natural or electric lights at all times, so as to provide effective illumination in all parts thereof.

(4) Alternate methods may be used where the equivalent objectives can be achieved while maintaining effective safety.

(S) *Minimum thermal standards.* No person shall occupy as owner or occupant or let to another for occupancy, any dwelling or dwelling unit, for the purpose of living therein, which does not have heating facilities which are properly installed, and which are maintained in safe condition, and which are capable of adequately heating all habitable rooms in every dwelling unit at a temperature of at least 68°F at a distance of three feet above floor level and three feet from any exterior wall at an outside temperature of 25°F. Gas or electric appliances previously designed for cooking or water heating purposes shall not be considered as heating facilities under this section. Portable heating equipment using flame and liquid fuel does not meet the requirements of this section and is prohibited. No owner or occupant shall operate or use any space heater or wood burning stove or fireplace that does not comply with all applicable village ordinances.

(T) *Exterior foundations, exterior walls and roofs.* The foundation, exterior walls and exterior roof shall be substantially water-tight and protected against vermin and rodents and shall be kept in sound condition and repair. The foundation shall adequately support the building at all points. Every exterior wall shall be free of deterioration holes, breaks, loose or rotting boards or timbers and any other thing that might admit rain or dampness to the interior portion of the walls. The roof shall be tight and have no defects which might admit rain. Roof drainage shall be adequate to prevent rain water from causing dampness to interior walls. All exterior wood surfaces, other than decay, by paint or other protective coverings or treatment. If 25% or more of the exterior surface of such a wood structure is unpainted or unprotected or is determined by the Building Inspector to be paint blistered and in need of protection, it shall be painted and protected.

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(U) *Windows, doors, screens.* Every window and exterior door shall be substantially tight and shall be kept in sound condition and repair. Every window other than a fixed window shall be capable of being easily opened. Every window, door and frame shall be constructed and maintained in such relation to the adjacent wall as to completely exclude rain, wind, vermin and rodents from entering the building. Every window or other device with openings to the outside which is used or intended to be used for ventilation shall be supplied with 16-mesh screen during the insect season.

(V) *Floors, interior walls, ceilings.* Every floor, interior wall and ceiling shall be adequately protected against the passage and harborage of vermin and rodents, and shall be kept in sound condition and good repair. Every floor shall be free of loose, warped, protruding or rotted flooring materials. Every interior wall and ceiling shall be free of holes, large cracks and loose plaster and shall be maintained in a tight weather-proof condition. Paints or materials that remain toxic after being applied and, after drying or hardening, shall not be used. Every toilet room and bathroom floor surface shall be capable of being easily maintained in a clear and sanitary manner.

(W) *Rodent-proof.* Every dwelling and accessory structure and the premises upon which it is located shall be maintained in a rodent-free and rodent-proof condition. All openings in the exterior walls, foundation, basement, ground or first floors and roofs which have one-half inch or larger opening shall be rodent-proofed. Interior floors in basements, cellars and other areas in contact with the soil shall be paved with concrete or other rodent impervious materials.

(X) *Safe buildings.* Every foundation, roof, floor, exterior wall, interior wall, ceiling inside and outside stairways, every porch, balcony and every appurtenance thereto shall be safe to use and capable of supporting loads that may be anticipated to be placed on them in normal use.

(Y) *Facilities to function.* Every supplied facility and every piece of equipment or utility and every chimney and flue shall be installed and shall be maintained so that it functions effectively in a safe and working condition.

(Z) *Discontinuance of services or facilities.* No owner, operator or occupant shall cause any service, facility, equipment or utility which is required under this chapter to be removed from or shut off from or discontinued for any occupied dwelling or dwelling unit let or occupied by him or her, except for temporary interruption as may be needed to make repairs or alterations or temporary emergencies.

(AA) *One family per dwelling unit.* Not more than one family, except for temporary guests, shall occupy a dwelling unit.

(BB) *Ceiling heights.* In order to qualify as habitable, rooms shall have a clear ceiling height of at least seven feet, six inches calculated on the square feet floor area of the room.

(CC) *Occupancy of sleeping rooms.* In every dwelling unit, every room occupied for sleeping purposes shall have a minimum floor area of 70 square feet. Each sleeping room must have a window usable for escape, with a minimum of 5.7 square feet in size and have a minimum moveable sash opening of 24 inches high and 20 inches wide and the bottom of the window sash shall be no

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higher than 48 inches above the floor. This section shall not be interpreted as requiring a fire escape for each window.

(DD) *Fire prevention.*

(1) *Smoke detectors.* Every rental unit shall be provided with not less than one functional battery-operated smoke detector on each floor, close to sleeping areas or as required by Building Code.

(2) *Fire extinguishers.* At least one fully charged fire extinguisher shall be installed in each of the following areas of each rooming unit:

(a) The kitchen or cooking area; and

(b) In the location of the heating unit (i.e., furnace).

(1989 Code, § 22.05.00) Penalty, see § 110.99

§ 110.06 ENFORCEMENT AND INSPECTION AUTHORITY

(A) *Authorization.* The Building Inspector shall enforce the provisions of this chapter and is thereby authorized to make inspections on a scheduled basis or when reason exists to believe that violation of this chapter has been or is being committed.

(B) *Inspection access.* If any owner, occupant or other person in charge of a dwelling or dwelling unit fails or refuses to permit free access and entry to the structure or premises under his, her or their control for any inspection pursuant to this chapter, the official may seek a search warrant or other appropriate court order authorizing such inspections.

(C) *Inspection schedule.* All units must be registered and inspected prior to rental occupancy. All renewal inspections shall be completed between January 1 and May 30 of every even year. Inspections of newly registered units shall take place as necessary. Intermittent rental units shall be inspected as per renewal schedule unless a waiver of this schedule is issued by enforcement officer.
(1989 Code, § 22.06.00)

§ 110.07 NOTICE OF VIOLATION

(A) *General.* Whenever the Building Inspector determines that any dwelling, dwelling unit or rooming unit, or the premises surrounding any of these fails to meet the requirements set forth in this chapter, he or she shall issue a notice setting forth the alleged failure and advising the owner, occupant, operator or agent that such failure must be corrected. This notice shall:

(1) Be in writing;

(2) Set forth the alleged violations of this chapter;

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(3) Describe the dwelling, dwelling unit or rooming unit or other premises where the violations are alleged to exist or to have been committed;

(4) Provide a reasonable time, not to exceed 60 days, for the correction of any alleged violations; and

(5) Be served on the owner, occupant, operator or agent of the dwelling, dwelling unit or rooming unit personally, or by certified mail, addressed to the last known place of residence of the owner, occupant, operator or agent. If upon a diligent effort to locate the owner, occupant, operator or agent, none can be found, notice may be posted on or near the dwelling, dwelling unit or rooming unit, or premises described in the notice.

(B) *Repairs and corrective action.* Whenever an owner, operator, agent of a dwelling, dwelling unit or rooming unit, neglects or refuses to make repairs or take other corrective action called for by order or notice of violation issued by a compliance official, the village may undertake such repairs or action, when, in its judgment, the failure to do so will substantially endanger the public health, safety or welfare. The cost of such repairs and actions shall be charged against the property in which the violations exist.

(1989 Code, § 22.07.00)

§ 110.08 SECURING AND VACATING DWELLINGS

The owner, operator or agent of a dwelling, dwelling unit or rooming unit, which has been declared unfit for human habitation or which is otherwise vacant for a period of 30 days or more, shall make it safe and secure so that it is not hazardous to the health, safety or welfare of the public and does not constitute a public nuisance. Any vacant dwelling, dwelling unit or rooming unit with open and unguarded doors or windows shall be deemed to be a hazard to the health, safety or welfare of the public and a public nuisance within the meaning of this section.

(1989 Code, § 22.08.00)

§ 110.09 APPEALS

(A) *Appeals to ordinance enforcement officer.*

(1) Any person aggrieved by any decision of any employee of the ordinance enforcement officer may appeal the decision to the ordinance enforcement officer within 14 days of the action.

(2) No formalities shall be required, but a written note or letter shall be provided by the person taking the appeal, informing the ordinance enforcement officer of the action taken by the village employee and the change requested from the ordinance enforcement officer.

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(3) The ordinance enforcement officer shall respond to the appeal within 28 days of the incident or issue appealed 14 days.

(B) *Appeals to the Board of Appeals.*

(1) The Board of Zoning Appeals shall have authority to hear, consider and decide disputed issues arising under this chapter and shall have all powers granted under the Zoning Ordinance.

(2) An appeal may be taken to the Board of Appeals by:

(a) Any person seeking clarification or interpretation of this chapter;

(b) Any person affected by a decision of the Housing Inspector or enforcement officer pursuant to this chapter; or

(c) By any person seeking a variance.

(3) Appeals made from a determination of the Building or Housing Inspector or enforcement officer shall be made within 30 days following such determination. Appeals from any other determination shall be made within 60 days of such determination.

(4) All appeals shall be submitted in writing to the Village Clerk and accompanied by a non-refundable filing fee set annually by Council resolution.

(5) Upon receipt of a proper application, the Council, as Board of Appeals, shall set a reasonable time and place for a public hearing on the appeal and give proper notice thereof to the public and all affected parties.

(6) The Board of Appeals shall render a decision without unreasonable delay.
(1989 Code, § 22.09.00)

§ 110.99 PENALTY

(A) *Nuisance, injunction.* Any violation of this chapter is hereby declared to be a nuisance. In addition to any other relief provided by this chapter, the Village Attorney may apply to a court of competent jurisdiction for an injunction to prohibit the continuation of any violation of this chapter. Such application for relief may include seeking a temporary restraining order, temporary injunction or permanent injunction.
(1989 Code, § 22.10.01)

(B) *Penalty.* Any person, firm or corporation violating any provision of this chapter shall be responsible for a Grade C civil violation for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.
(1989 Code, 22.11.01)

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CHAPTER 111: FARMERS' MARKETS

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§ 111.01 DEFINITIONS

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

MARKET or **FARMERS' MARKET**. The location and activities located thereon designated by the Village Council as an open area where the buying and selling of agricultural products and crafts during specified days and hours.

PRODUCER. A person who offers for sale articles for human consumption such as fruits, vegetables, eatable grains, nuts, berries, apiary products, maple syrups, bakery products and fish and/or non-articles such as cut or potted flowers, crafts, which articles have been grown, produced or prepared by the grower or producer. **PRODUCERS** shall be limited to residents of Sanilac County, Tuscola County and Huron County.
(1989 Code, § 12.00.00) (Ord. passed 11-12-2002; Ord. 02-5, passed 11-17-2002; Ord. 10-02, passed 3-2-2010; Ord. 11-02, passed 5-3-2011)

§ 111.02 ESTABLISHMENT

(A) There is hereby established a public curb market, hereinafter called the Farmers' Market.

(B) No person may display, market or sell any produce on village streets, alleys, sidewalks or public property within the village, except as allowed under provisions of this chapter.

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(C) The time and days during which said farmers' market shall be in operation shall be determined by the Farmers' Market Committee.

(1989 Code, § 12.01.00) (Ord. passed 11-12-2002; Ord. 02-5, passed 11-17-2002; Ord. 10-02, passed 3-2-2010; Ord. 11-02, passed 5-3-2011) Penalty, see § 10.99

§ 111.03 REGULATIONS

(A) At the Farmers' Market, all food products shall be sold only pursuant to County Health Department regulations with necessary permits to be obtained and posted by the seller.

(B) A State Department of Agriculture license is required where applicable.

(C) The permittee is responsible for any and all necessary licenses and permits as are needed.

(D) The permittee shall keep the space clean and remove all debris and waste at the end of operation day.

(E) The seller may purchase, display and maintain his, her or their own patio style umbrella/shade covering. Said covering is not to be left on the premises overnight.

(1989 Code, § 12.02.00) (Ord. passed 11-12-2002; Ord. 02-5, passed 11-17-2002; Ord. 10-02, passed 3-2-2010; Ord. 11-02, passed 5-3-2011) Penalty, see § 10.99

§ 111.04 FEES

(A) Each producer shall pay a permit fee for the use of said space.

(B) The permit fee shall be established by the Farmers' Market Committee.

(1989 Code, § 12.03.00) (Ord. passed 11-12-2002; Ord. 02-5, passed 11-17-2002; Ord. 10-02, passed 3-2-2010; Ord. 11-02, passed 5-3-2011)

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The seller, and the person executing this permit on behalf of the seller, by execution of this permit accepts all liability for quality and quantity and marketability of their products and agrees to hold the village harmless from any liability or claim for damages or suits for or by reasons of any injury to any person or property resulting from acts or omissions by the seller, his or her agents or employees or third persons, from any cause whatsoever while in or upon the premises, and the seller covenants and agrees to indemnify and save harmless the village from all liabilities, by reason of any injury, liability, claim, suit or loss occurring or damages growing out of the same, and for the cost and attorney fees in defending such claims.

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(1989 Code, § 12.04.00) (Ord. passed 11-12-2002; Ord. 02-5, passed 11-17-2002; Ord. 10-02, passed 3-2-2010; Ord. 11-02, passed 5-3-2011)

§ 111.06 PROHIBITIONS

(A) No person shall set up to operate at the Farmers' Market without a permit as required by this chapter.

(B) No person shall set up or operate at the Farmers' Market at a location other than that indicated on his or her application for permit.

(C) No person shall set up or operate a Farmers' Market at a location other than that indicated on his or her application for permit.

(D) The seller must conform to public health, safety and welfare practices and shall refrain from conduct, which is fraudulent or deceptive in nature.

(1989 Code, § 12.05.00) (Ord. passed 11-12-2002; Ord. 02-5, passed 11-17-2002; Ord. 10-02, passed 3-2-2010; Ord. 11-02, passed 5-3-2011) Penalty, see § 10.99

§ 111.07 ADMINISTRATION

(A) The Farmers' Market shall be under the administration of the Farmers' Market Committee.

(B) All products offered for sale in the Farmers' Market shall be subject to inspection by any duly authorized village, county or state official.

(1989 Code, § 12.06.00) (Ord. passed 11-12-2002; Ord. 02-5, passed 11-17-2002; Ord. 10-02, passed 3-2-2010; Ord. 11-02, passed 5-3-2011)

§ 111.08 TERMINATION OF LICENSE

The seller recognizes that, due to the needs of the village to provide for the health, safety and welfare of its residents, and due the importance of its ability to control the market area for the benefit of the residents and the downtown shopping area, the village shall have the right to terminate this license with or without cause with ten days' notice to be delivered personally or mailed by first class mail to the address on permit. In the event of termination, the village shall refund a proportionate amount of the license fee equal to that portion of the license period remaining.

(1989 Code, § 12.08.00) (Ord. passed 11-12-2002; Ord. 02-5, passed 11-17-2002; Ord. 10-02, passed 3-2-2010; Ord. 11-02, passed 5-3-2011)

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CHAPTER 112: ALCOHOL

Section

General Provisions

- 112.01 Definitions
- 112.02 Dance and/or entertainment (on-premises) permit; questionnaire prerequisite to Council recommendation

Prohibitions and Restrictions

- 112.15 Consumption in public; possession prohibited in certain places
- 112.16 General prohibitions on sale premises
- 112.17 Sale during prohibited hours
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- 112.19 Sale or service by minors
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- 112.21 Purchase, consumption by minors on licensed premises; possession; false representation
- 112.22 Possession or transportation by minors in a motor vehicle
- 112.23 Premises licensed for on-premises consumption

- 112.99 Penalty

GENERAL PROVISIONS

§ 112.01 DEFINITIONS

The meaning of “alcoholic liquor”, “license” and other terms, as used in this chapter, shall be as defined in the Liquor Control Code, M.C.L. §§ 436.1101 et seq., as amended. (1989 Code, § 2.000) (Ord. passed 2-26-1985)

112.02 DANCE AND/OR ENTERTAINMENT (ON-PREMISES) PERMIT; QUESTIONNAIRE PREREQUISITE TO COUNCIL RECOMMENDATION

(A) *LCC forms to be provided to Council.* Any person who has applied to the State Liquor Control Commission for a license to serve alcoholic beverages on the premises within village limits shall concomitantly provide the Village Council with copies of all forms submitted to the LCC.

(B) *Required for recommendation.* The completed application (and any subsequent amendments)

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shall be filed with the Village Public Safety Department before the Village Council makes recommendation to the State Liquor Control Commission. Failure to comply with the section shall result in a negative recommendation.

(C) *Additional information.* The Council may require responses to additional inquiry prior, during or after the meeting at which the application is reviewed.

(D) *Hearing.* Prior to any recommendation by the Village Council to the State Liquor Control Commission, the Village Council shall also afford the procedural safeguards of notice and hearing before the Village Council to the applicant.

(1989 Code, § 2.020) (Ord. passed 2-26-1985) (Ord. 08-6 passed 1-20-2009)

PROHIBITIONS AND RESTRICTIONS

§ 112.15 CONSUMPTION IN PUBLIC; POSSESSION PROHIBITED IN CERTAIN PLACES

(A) No alcoholic liquor shall be consumed on the public streets or in any other public places not appropriately licensed, included any store or establishment doing business with the public and not licensed to sell alcoholic liquor for consumption of the premises; nor shall anyone who owns, operated or controls and such public establishment or store permit the consumption of alcoholic liquor therein.

(B) No person shall possess or have under his or her control or custody in any public place any alcoholic liquor in a container of any kind which is open, uncapped or upon which the seal is broken unless such possession, control or custody has been authorized by lawful authority.

(1989 Code, § 2.011) (Ord. passed 2-26-1985) Penalty, see § 112.99

§ 112.16 GENERAL PROHIBITIONS ON SALE PREMISES

A person holding a license pursuant to the Liquor Control Code shall not permit on the licensed premises:

(A) Spirits to be consumed, if licensed to sell only beer and/or wine;

(B) Any disorderly conduct or action which disturbs the peace and good order of the neighborhood;

(C) Any consorting of thieves, prostitutes or other disorderly persons;

(D) Any gambling or placing or using of any gambling apparatus or paraphernalia therein, unless authorized by law;

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(E) Any lewd, obscene or immoral exhibition or entertainment, or other conduct likely to corrupt the public morals; and/or

(F) Any employee to fraternize or drink alcoholic liquor with any of the patrons during working hours

(1989 Code, § 2.012) (Ord. passed 2-26-1985; Ord. 08-6, passed 1-20-2009) Penalty, see § 112.99

§ 112.17 SALE DURING PROHIBITED HOURS

(A) No person licensed pursuant to the Liquor Control Code, either by himself, herself or another, shall sell, furnish, give or deliver any alcoholic liquor to any person on any day during the hours not permitted by state law or the State Liquor Control Commission.

(B) Any person, corporation or co-partnership who (or which) shall conduct, operate or maintain or cause to be conducted, operated or maintained any place or places where beer, wine and/or liquor is sold within the corporate limits of the village under a license from the State Liquor Control Commission shall close such place or places to the public not later than 2:00 a.m. In all cases, the premises shall be vacated and the public excluded therefrom not later than one-half hour after the closing time designated herein and shall remain closed until 6:00 a.m. the following morning.

(C) Except officers of the Village Police Department will not cite or violate the establishment for violations to division (B) above in the event that an intoxicated party is waiting inside for his, her or their transportation to arrive.

(1989 Code, § 2.013) (Ord. passed 2-26-1985; Ord. 13-01, passed 10-1-2013) Penalty, see § 112.99

§ 112.18 SALE OR FURNISHING TO MINORS AND INTOXICATED PERSONS

(A) *Minors.* No person, either directly or indirectly, by himself or herself or his or her clerk, agent, servant or employee, shall at any time sell, furnish, give or deliver any alcoholic liquor to any person shall have attained the legal age to buy or consume alcoholic beverage.

(B) *Intoxicated persons.* No person whether directly or indirectly, by himself or herself or his or her clerk, agent, servant or employee, shall at any time, sell, furnish, give or deliver any alcoholic liquor to any person who is so intoxicated as not to be in control of his or her faculties.

(C) *Exception.* Nothing herein contained shall prohibit the sale of any alcoholic beverage to a minor upon authority of and pursuant to a prescription of a duly licensed physician.

(1989 Code, § 2.014) (Ord. passed 2-26-1985) Penalty, see § 112.99

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§ 112.19 SALE OR SERVICE BY MINORS

A licensee shall not allow any person under the age authorized by M.C.L. §§ 436.1101 et seq., to sell or serve alcoholic liquor on this license's premises.
(1989 Code, § 2.015) (Ord. passed 2-26-1985) Penalty, see § 112.99

§ 112.20 MINORS IN ESTABLISHMENT LICENSED FOR ON-PREMISES CONSUMPTION; EXCEPTION

No person under the age of 18 years shall be permitted on the premises of a liquor establishment licensed for on-premises consumption unless accompanied by his or her parent or guardian.
(1989 Code, § 2.016) (Ord. passed 2-26-1985; Ord. 08-6, passed 1-20-2009) Penalty, see § 112.99

§ 112.21 PURCHASE, CONSUMPTION BY MINORS ON LICENSED PREMISES; POSSESSION; FALSE REPRESENTATION

(A) *Purchase, consumption or possession.* No person under the legal age to buy or consume alcoholic beverages shall at any time purchase alcoholic liquor, consume alcoholic liquor in licensed premises or possess alcoholic liquor, except as possession is authorized by this chapter.

(B) *False representation as to age.*

(1) No person, in order to procure the sale and furnishing of alcoholic beverages, shall at any time purchase alcoholic liquor, consume alcoholic liquor in licensed premises, or possess alcoholic liquor, except as possession is authorized by this chapter.

(2) Nor shall any person under the legal age to buy or consume alcoholic beverages furnish any false information regarding his or her age or make any false representations to his or her age to any law enforcement officer, or to any person in charge of or employed in a place of business where alcoholic liquor is sold, for the purpose of obtaining the sale of any alcoholic liquor to himself or herself.

(3) Nothing herein contained shall prohibit the purchase of an alcoholic beverage by a minor under authority of and pursuant to a prescription of a duly licensed physician.
(1989 Code, § 2.017) (Ord. passed 2-26-1985) Penalty, see § 112.99

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§ 112.22 POSSESSION OR TRANSPORTATION BY MINORS IN A MOTOR VEHICLE

No person under the legal age to buy or consume alcoholic beverages shall knowingly possess or transport any alcoholic liquor, or knowingly possess, transport or have under his or her control any alcoholic liquor in any motor vehicle, unless such person is employed by a license under the Liquor Control Code and is possessing, transporting or having such alcoholic liquor in a motor vehicle under his or her control during regular working hours and in the course of his or her employment.

(1989 Code, § 2.018) (Ord. passed 2-26-1985) Penalty, see § 112.99

§ 112.23 PREMISES LICENSED FOR ON-PREMISES CONSUMPTION

No person holding a license pursuant to Liquor Control Code for on-premises consumption shall engage in or permit on the licensed premises any of the following conduct:

(A) The performance of acts, or stimulated acts of sexual intercourse, fellatio, cunnilingus, masturbation, sodomy, bestiality, flagellation or any other act by the person involving the touching or contacting of the genitals;

(B) The erotic caressing or fondling of the breast, buttocks, pubic region or genitals;

(C) The actual or simulated displaying or exposure of the pubic hair, pubic region, anus, vulva or genitals; and

(D) The exposure of the post-pubertal female breast by any person. For the purpose of this division (D), a female breast is considered exposed if any portion of the areola is exposed.

(1989 Code, § 2.019) (Ord. passed 2-26-1985) Penalty, see § 112.99

§ 112.99 PENALTY

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99 of this code of ordinances.

(B) Any minor in violation of § 112.20 of this chapter, any parent or guardian who is notified of a child's presence on such premises and fails to timely accompany and supervise or remove such minor and any bartender, owner, licensee, manager or other person or agent in charge of the licensed premises at the time of such occurrence shall be guilty of a misdemeanor and subject to the penalty provisions of § 10.99(A) of this code of ordinances.

(1989 Code, § 2.016) (Ord. passed 2-26-1985; Ord. 08-6, passed 1-20-2009)

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CHAPTER 113: PEDDLERS AND AUCTIONEERS

Section

- 113.01 Permit required
- 113.02 Definitions
- 113.03 Application
- 113.04 Investigation and issuance
- 113.05 Fees
- 113.06 Bond
- 113.07 Badges or tags
- 113.08 Revocation of permit
- 113.09 Appeal
- 113.10 Exceptions

§ 113.01 PERMIT REQUIRED

It shall be unlawful for a peddler, solicitor, canvasser or auctioneer, as defined in § 113.02 of this chapter, to engage in such business within the corporate limits of the village without first obtaining a permit therefor in compliance with the provisions of this chapter.
(1989 Code, § 20.000) Penalty, see § 10.99

§ 113.02 DEFINITIONS

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

AUCTIONEER. A person who sells land or goods of another at a sale where any and all persons who choose to are permitted to attend and offer bids.

CANVASSER or SOLICITOR. Any individual, whether resident of the village or not, traveling either by foot, wagon, automobile, motor truck or any other type of conveyance, from place to place, from house to house or from street to street, taking or attempting to take orders for sale of goods, wares and merchandise, personal property of any nature whatsoever for future delivery, or for services to be furnished or performed in the future, whether or not such individual has, carries or exposes for sale a sample of the subject of such sale or whether he or she is collecting advance payments on such sales or not.

PEDDLER. Any person, whether a resident of the village or not, traveling by foot, wagon, automotive vehicle or any other type of conveyance, from place to place, from house to house or from street to street, carrying, conveying or transporting goods, wares, merchandise, meats, fish, vegetables, fruits, garden truck, farm products or provisions, offering and exposing the same for sale, or making sales and delivering articles to purchasers, or who, without traveling from place to place, shall sell or offer the same for sale from a wagon, automotive vehicle, boat or other vehicle or conveyance. A person who solicits orders and, as a separate transaction, makes deliveries to purchasers as a part of a scheme or design to evade the provisions of this chapter shall be deemed a **PEDDLER** subject to the provisions of this chapter. The word **PEDDLER** shall include the words **HAWKER** and **HUCKSTER**.

PERSON. Includes the singular and the plural and shall also mean and include any person, partnership, firm, corporation or any other organization.
(1989 Code, § 20.010)

§ 113.03 APPLICATION

(A) Thirty days prior to the conducting of any business controlled by this chapter, applicants for permit under this chapter must file with the Village Clerk a sworn application in writing (in duplicate) on a form to be furnished by the Village Clerk, which shall give the following information:

- (1) Name and description of the applicant;
- (2) Address (permanent residence, business and local);
- (3) A brief description of the nature of the business and the goods to be sold and, in the case of products of farm or orchard, whether produced or grown by the applicant;
- (4) If employed, the name and address of the employer, together with credentials establishing the exact relationship;
- (5) The length of time for which the right to do business is desired;
- (6) If a vehicle is to be used, a description of the same, together with VIN, license number or other means of identification;
- (7) A clear two-inch by two-inch head and shoulder photograph of the applicant, taken within 60 days immediately prior to the date of the filing of the application;
- (8) The fingerprints of the applicant and the names of at least two reliable property owners of the county who will certify as to the applicant's good character and business responsibility, or, in lieu of the names of references, any other available evidence as to the good character and business responsibility of the applicant as will enable an investigator to properly evaluate such character and business responsibility; and

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(9) A statement as to whether or not, within the past ten years, the applicant has been convicted of any crime or violation of any municipal ordinance, the nature of the offense and the punishment or penalty assessed therefor.

(B) At the time of filing the application, an annually established fee shall be paid to the Village Clerk to cover the cost of investigation.
(1989 Code, 20.020)

§ 113.04 INVESTIGATION AND ISSUANCE

(A) Upon receipt of such application, the original shall be referred to the Chief of Police, who shall cause such investigation of the applicant's business and moral character to be made for the protection of the public good.

(B) If, as a result of such investigation, the applicant's character or business responsibility is found to be unsatisfactory, the Chief of Police shall endorse on such application his or her disapproval and his or her reasons for the same and return the said application to the Village Clerk for review at the Council's next regular meeting.

(C) If, as a result of each investigation, the character and business responsibility of the applicant are found to be satisfactory, the Chief of Police shall endorse on the application his or her approval, execute a permit addressed to the applicant for the carrying on of the business applied for and return said permit, along with the application to the Village Clerk, who shall present the application and permit to the Village Council for approval at its next regular meeting.

(D) The Village Clerk shall notify the applicant of the time, date and place of the Council meeting at which the application and police report shall be reviewed.

(1) The applicant shall appear before the Council at that time to respond to inquiries.

(2) If Council chooses to disapprove of the permit, it shall state its reasonable basis in the rejection motion.

(3) If Council chooses to approve the application and permit, as submitted or modified, it shall direct the Village Clerk to collect the prescribed fee and deliver to the applicant his or her duly authorized permit.

(E) Each permit shall contain:

(1) The signature and seal of the issuing officer;

(2) The name, address and photograph of said permittee;

(3) The class of permit issued and the kind of goods to be sold thereunder;

(4) The amount of fee paid;

(5) The date of issuance and the length of time the same shall be operative; and

(6) The license number and other identifying description of any vehicle used in such peddling.

(F) The Clerk shall keep a permanent record of all permits issued.

(G) Peddlers, auctioneers, solicitors and canvassers are required to exhibit their permits at the request of any citizen.

(H) All annual permits issued under the provisions of this chapter shall expire on December 31 in the year when issued. Other than annual permits shall expire on the date specified in the license. (1989 Code, § 20.030)

§ 113.05 FEES

(A) The application and daily, weekly, monthly or annual permit fee shall be set annually by the Village Council. (See the annual fee resolution.)

(B) None of the permit fees provided for by this chapter shall be so applied as to occasion an undue burden upon interstate commerce.

(1) In any case where a permit fee is believed by a permittee or applicant for permit to place an undue burden upon such commerce, he or she may apply to the Village President for an adjustment of the fee so that it shall not be discriminatory, unreasonable or unfair as to such commerce.

(2) Such application may be made before, at or within six months after payment of the prescribed permit fee.

(3) The applicant shall, by affidavit, and supporting testimony, show his or her method of business and the gross volume or estimated gross volume of business and such other information as the President may deem necessary in order to determine the extent, if any, of such undue burden on such commerce.

(4) The President shall then conduct an investigation, comparing applicant's business with other businesses of like nature and shall make findings of fact from which he or she shall determine whether the fee fixed by this chapter is unfair, unreasonable or discriminatory as to applicant's business and shall fix as the permit fee for the applicant, an amount that is non-discriminatory, reasonable and fair. If the fee has already been paid, the President shall order a refund of the amount over and above the fee so fixed.

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(5) In fixing the fee to be charged, the President shall have the power to base the fee upon a percentage of gross sales, or any other method which will assure that the fee assessed shall be uniform with that assessed on businesses of like nature, so long as the amount assessed does not exceed the fees as prescribed by division (A) above.

(6) Should the President determine the gross sales measure of the fee to be the fair basis, he or she may require the applicant to submit, either at the time of termination of applicant's business in the village or, at the end of each three-month period, a sworn statement of the gross sales and pay the amount of fee therefor; provided that, no additional fee during any one calendar year shall be required after the permittee shall have paid an amount equal to the annual permit as prescribed in division (A) above.

(1989 Code, § 20.040)

§ 113.06 BOND

(A) Every applicant, not a resident of the village or who, being a resident of the village represents a firm whose principal place of business is located outside the state, shall file with the Village Clerk a surety bond, running to the village in the amount of \$1,000, with surety acceptable to and approved by the President.

(B) The purpose of the bond shall be to ensure compliance with all the provisions of the ordinances of the village and the statutes of the state regulating and concerning the business of solicitor and guaranteeing to any citizen of the village that all money paid as a down payment will be accounted for and applied according to the representations of the solicitor and further guaranteeing to any citizen of the village doing business with said solicitor, that the property purchased will be delivered according to the representations of said solicitor.

(C) Action on such bond may be brought in the name of the village to the use or benefit of the aggrieved person(s).

(1989 Code, § 20.050)

§ 113.07 BADGES OR TAGS

(A) The Council may direct the Village Clerk to issue to each permittee at the time of delivery of his or her license a badge or tag which shall contain:

(1) The words "Licensed Peddler" or "Licensed Auctioneer", as the case may be;

(2) The period for which the permit is issued; and

(3) The number of the permit in letters and figures easily discernible from a distance of ten feet.

(B) Such badge shall, during the time such permittee is engaged in peddling or soliciting, be

worn constantly by the permittee on the front of his or her outer garment in such a way as to be conspicuous.

(1989 Code, § 20.060) Penalty, see § 10.99

§ 113.08 REVOCATION OF PERMIT

(A) Permits issued under the provisions of this chapter may be revoked by the President of the village after notice and hearing, for any of the following causes:

(1) Fraud, misrepresentation or false statement contained in the application for license;

(2) Fraud, misrepresentation or false statement in the course of carrying on his or her business as solicitor or as canvasser;

(3) Any violation of this chapter;

(4) Conviction of any crime or misdemeanor involving moral turpitude; or

(5) Conducting the business of soliciting, or of canvassing in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety or general welfare of the public.

(B) Notice of the hearing for revocation of a permit shall be given in writing, setting forth specifically the grounds of complaint and the time and place of hearing. Such notice shall be mailed, postage prepaid, to the permittee at his or her last known address or served personally upon him or her at least five days prior to the date of hearing. Upon service of said notice, the license of said licensee shall be temporarily suspended, pending such hearing.

(1989 Code, § 20.070)

§ 113.09 APPEAL

Any person aggrieved by the action of the Chief of Police or the Village Clerk in the denial of a permit as provided in § 113.04 of this chapter or the action of the President in the assessing of the fee as provided in § 113.05 of this chapter shall have the right of appeal to the Council of the village. Such appeal shall be taken by filing with the Council, within 14 days after notice of the action complained of has been mailed to such person's last known address, a written statement setting forth fully the grounds for the appeal. The Council shall set a time and place for a hearing on such appeal and notice of such hearing shall be given to the applicant in the same manner as provided in § 113.08(B) of this chapter for notice of hearing on revocation. The decision and order of the Council on such appeal shall be final and conclusive.

(1989 Code, § 20.080)

§ 113.10 EXCEPTIONS

Peddlers and Auctioneers

Any resident of the village or honorably discharged veteran of a United States military unit may apply directly to the Village President for a permit as peddler, auctioneer or solicitor. The President, on his or her own initiative or with the advice and consent of the Council, may direct the Village Clerk to issue such permit without delay, investigation, charge or fee.

(1989 Code, § 20.090)

