

**SAGINAW CHARTER TOWNSHIP  
CODE OF ORDINANCES - TEMPORARY BUSINESSES  
CHAPTER 46**

**ARTICLE IV. TEMPORARY BUSINESSES**

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\*Cross references: Businesses, ch. 18.

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**DIVISION 1. GENERALLY**

**Sec. 46-151. Exemptions.**

(a) Excluded from regulation under this article are businesses or individuals displaying or selling inside a building for less than 21 days during a calendar year. Any business or individual operating indoors for more than 21 days in a calendar year must obtain a standard annual township business license.

(b) No temporary business shall be exempt from the provisions of this article by reason of associating himself temporarily with any merchant, tradesman, or other person doing business permanently within the township or by conducting his business in connection with or as a part of the business of, or in the name of, any merchant, tradesman or other person doing business permanently in the township.

(Code 1986, §§ 3-04.04.02, 3-04.06.01)

**Sec. 46-152. Hours of operation.**

A licensee under this article shall only be allowed to conduct the business of sales or service of his temporary business between 8:00 a.m. and 9:00 p.m.

(Code 1986, § 3-04.04.10(A))

**Sec. 46-153. Location restrictions.**

(a) Persons licensed under this article shall be allowed to operate only in community commercial and general commercial zoning areas on Bay Road, Midland Road, Gratiot Road, and State Street.

(b) Persons licensed under this article must meet all zoning ordinance regulations applicable to businesses operating within the township.

(c) Persons licensed under this article must operate completely within the setback requirements; 30 feet behind the township established right-of-way.

(d) Persons licensed under this article shall not sell products or provide services within 2,000 feet of a parcel on which those products or services are provided by a permanent business.

(Code 1986, § 3-04.04.10(B))

**Secs. 46-154--46-170. Reserved.**

**DIVISION 2. LICENSE**

### **Sec. 46-171. Required.**

No person, either as a principal or an agent, shall engage in business as a temporary business within the limits of the township without having first obtained a license in the manner provided in this division. All agents and employees must be listed on the application and license. (Code 1986, § 3-04.04.01)

### **Sec. 46-172. Application.**

(a) Any person desiring to engage in business as a temporary business within the limits of the township shall make and file with the township clerk, a written application for a license to engage in business as a temporary business. The application shall:

- (1) Be signed by and sworn to by the applicant and shall state his full name, his physical description, his local and permanent residential addresses.
- (2) Contain a sworn statement by the applicant to adhere to all zoning requirements in regard to setback areas on the roads involved, and acknowledge a limitation of one sign, not to exceed 35 square feet, and that the sign will be no closer to the roadway than the established right-of-way line for the period of time that the license is issued.
- (3) List the names of the last three cities in which the applicant has worked and shall further state the nature of the business proposed to be conducted.
- (4) State the name and address of the owner of such business.

(b) At the time of filing an application for a license under this article, the applicant shall furnish the township with two photographs of himself.

(c) Application for a license under this article must be filed with the township clerk 14 consecutive days prior to the start of any such sale.

(d) The applicant is to provide written permission of the property owner or lessee of the property which shall be submitted when the application is filed. (Code 1986, § 3-04.04.03)

### **Sec. 46-173. Investigation and issuance.**

(a) The township clerk may withhold the granting of a license applied for under this article until such time as he may receive information on the applicant from the police department. Whenever the township clerk receives information from any source indicating that the applicant has violated any law or ordinance of any state or municipality, the township clerk shall refer the application to the township board, which shall determine whether the license shall be granted.

(b) If the circumstances do not require the township clerk to refer such application to the township board, the township clerk shall issue the license. (Code 1986, §§ 3-04.04.06, 3-04.04.07)

### **Sec. 46-174. Fee.**

(a) The nonrefundable fee for a license required by this article shall be as established by resolution and shall be paid to the township clerk at the time the application is filed.

(b) No license fee shall be required under this section from any person exempt from such fee by state or federal law, but such person shall be issued a license without charge and shall comply with all other provisions of this article. Also exempted from such fee are licensed township businesses operating normally from a permanent location but conducting an off-premises sale within an area approved under subsection 46-153(a). (Code 1986, § 3-04.04.05)

### **Sec. 46-175. Cash or surety bond.**

(a) At the time of filing an application for a license under this article, the township clerk may require the applicant to deposit with the township clerk the sum of \$500.00 as a cash bond, or file a surety company bond in a like amount.

(b) Such cash bond or surety bond shall be conditioned for the faithful performance of his promises and contracts made during his course of business as a temporary business within the township and for compliance with this Code. Such bond shall be further conditioned that any person injured by the breach of any obligation which the bond is given to secure may sue upon such bond in his own name in any court of competent jurisdiction to recover any damages such person may have sustained by such breach.

(c) Such bond shall be for a term of not less than six months.

(d) Deposits of money or bonds to be deposited as may be required to be made with the township clerk according to the provisions of this section shall be subject to the claims of creditors in all cases where a judgment has been obtained against such temporary business and the date for the appeal of such judgment has expired. In such cases, garnishment proceedings may be commenced against the township clerk. It shall be the duty of the township clerk to remit to any court any balance of such cash deposit remaining in his hands not exceeding the amount of the judgment for the purpose of satisfying the judgment.

(e) Any balance of such cash deposit remaining in the hands of the township clerk for a period of six months after the expiration of the license shall be remitted to the temporary business.

(f) Any license issued under the provisions of this article shall expire and be void as soon as the amount of the bond filed with the township clerk shall have been diminished or used in whole or in part because of suits as provided for in subsection (d) of this section.

(Code 1986, § 3-04.04.04)

### **Sec. 46-176. Expiration and renewal.**

(a) All licenses issued under the provisions of this article shall not be issued for a period of less than seven days nor more than 30 days with a combined time for all licenses not to exceed a total of 30 days per one calendar year, per single temporary business use, from and after the date of issuance.

(b) All licenses may be renewed within the provisions set forth in this division and subsection (a) of this section. All licenses must be applied for at least 14 days in advance. A renewal fee in the amount established by resolution will be required whenever a license is renewed.

(Code 1986, §§ 3-04.04.11, 3-04.04.12)

### **Sec. 46-177. Nontransferable; return upon expiration.**

Any license issued under this article shall be nontransferable and shall be returned to the township clerk within two days after its date of expiration, together with all facsimile copies thereof.

(Code 1986, § 3-04.04.16)

### **Sec. 46-178. Form and content.**

All licenses granted under this article shall be in such form as to contain a true photograph of the licensee, his name, address, physical description, location to be licensed, type of product to be sold, location of sign and displays to be used, and the length of time the license will be issued for.

(Code 1986, § 3-04.04.08)

**Sec. 46-179. Carried by licensee.**

All licensees shall carry with them at all times the license described in this division.  
(Code 1986, § 3-04.04.09(A))

**Sec. 46-180. Alterations prohibited.**

No licensee under this article shall alter, remove or obliterate any entry made on such license.  
(Code 1986, § 3-04.04.09(B))

**Sec. 46-181. Suspension and revocation.**

(a) The township clerk shall have the power to suspend any license issued under this article for violation of a township ordinance or any condition or regulation under which the license was granted.

(b) The township clerk shall report all suspensions to the township board, which may for cause shown, revoke or reinstate the license after giving the licensee reasonable notice and an opportunity to be heard.

(c) In the event of revocation, the license fee shall not be refunded. No person whose license has been revoked shall receive another license for a period of one year thereafter.  
(Code 1986, §§ 3-04.04.13, 3-04.04.14)

**Sec. 46-182. Records of licenses.**

A full, complete record of each license issued under this article, including renewals or revocations thereof, and serious complaints and charges against the licensee, together with his photograph shall be kept on file in the office of the township clerk.  
(Code 1986, § 3-04.04.15)