



**CHESTERFIELD TOWNSHIP
BOARD OF TRUSTEES
Ordinance 189**

CHARTER TOWNSHIP OF CHESTERFIELD

MACOMB COUNTY, MICHIGAN

**AMENDMENT OF CHAPTER 18 (BUSINESSES) OF THE CHARTER
TOWNSHIP OF CHESTERFIELD CODE OF ORDINANCES**

TITLE

AN ORDINANCE amending Chapter 18 (Businesses) Article III (Soliciting and Vending) of the Charter Township of Chesterfield Code of Ordinances by revising provisions relating to the times for soliciting and vending, extending the duration of vending licenses, modifying the site requirements for vending activities and repealing any and all Ordinances and/or resolutions in conflict therewith.

**THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF
CHESTERFIELD, MACOMB COUNTY, MICHIGAN, ORDAINS:**

SECTION 1. AMENDMENT

Sections 18-136 and 18-137 of Article III (Soliciting and Vending), Chapter 18 (Businesses) of the Charter Township of Chesterfield Code of Ordinances are hereby repealed in their entirety and the following substituted therefor:

Sec. 18-136. (Time)

Soliciting shall be permitted solely between the hours of 9:00 a.m. and 8:00 p.m. Vending shall be permitted solely between the hours of 8:00 a.m. and 9:00 p.m.

Sec. 18-137. (Vending Activities and License Requirements)

- (a) It shall be unlawful for any person either as a principal or agent, to engage in vending anywhere in the township without having first secured a license issued by the township clerk. All licenses shall be valid for the intended period of vending, which shall not exceed 10 days. Only three vending licenses may be issued to any one person, either as principal or agent, during each calendar year.
- (b) An application for the issuance of a vendor's license shall be made on forms approved by the township board, which forms shall be made available in the office of the township clerk. Application for a license shall be made at least 72 hours prior to the requested effective date of the license. All statements of an applicant for a vending license shall be under oath. In addition to all requirements for licensing set forth in this article, any applicant desiring issuance of a vendor's license shall furnish the township clerk with a transient merchant's license as may be required by Act No. 51 of the Public Acts of Michigan of 1925 (MCL445.371 et seq.) as amended, and any and all state department of revenue, department of agriculture and department of public health licenses required by applicable state law. Additionally, an applicant for a vendor's license shall provide a lease or other document evidencing approval of the applicant's use of the property for vending purposes by the owner. Only one vending license shall be issued for each site at any one time, and not more than three vending licenses shall be issued for each site per year. For purposes of this Article, a site shall mean a parcel of land having not less than 150 feet of frontage on an improved public street, road or highway.
- (c) No license shall be issued to any person who has not attained the age of 18 years or has been convicted of a felony under the laws of this state or any other state or the federal government within five years of the date of the application. Further, no license shall be issued to any person who has been convicted of a violation of any of the provisions of this article. All licenses shall be furnished with an identification card signed by the clerk.
- (d) The township board may by resolution establish fees for vending permits licenses to defray the cost of administration and may require a financial guarantee of the applicant to ensure property restoration and/or clean up.
- (e) Any temporarily erected stand, booth or display structure shall first receive temporary use approval in accordance with Chapter 76, Section 5.45 of the Township Zoning Ordinance.
- (f) It shall be unlawful for any person to engage in vending within the public right-of-way of any state, county or private road. Further, it shall be unlawful for any person to conduct vending activities within 100 feet of any road intersection. All

parked or standing vehicles and any temporarily erected stand, booth, display, structure and signs utilized for vending shall be removed from the site immediately upon expiration of the vending license.

- (g) No person engaged in vending shall shout, cry, ring a bell or use any electronic or other sound device or amplifier for the purpose of attracting attention to the vending activities. No person engaged in vending shall use or cause to be employed any flashing lights from a motor vehicle or other device for the purpose of attracting attention to the vending activities. Every person engaged in vending shall provide off-street parking for all customers.

SECTION 2. REPEAL OF CONFLICTING PROVISIONS

All resolutions, ordinances, or parts thereof in conflict with the provisions of this Ordinance Amendment are, to the extent of such conflict, hereby repealed.

SECTION 3. SEVERABILITY

If any section, paragraph, clause or provision of this Ordinance Amendment is for any reason held to be invalid or unconstitutional, the invalidity or unconstitutionality of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Ordinance Amendment.

SECTION 4. PUBLICATION

This Ordinance Amendment shall be published twice in accordance with MCL 42.20. Publication shall be made by posting the Ordinance Amendment in the office of the Chesterfield Township Clerk and on the Chesterfield Township website. In addition, a notice of posting prescribing the purpose or nature of the Ordinance Amendment and location of the places where posted shall be published in a newspaper of general circulation within the Charter Township of Chesterfield within seven (7) days after posting pursuant to MCL 42.8(4).

SECTION 5. EFFECTIVE DATE

This Ordinance Amendment shall take effect thirty (30) days from and after the date of publication of a notice of posting as set forth in Section 4.

CERTIFICATE OF TOWNSHIP CLERK

I hereby certify that the foregoing constitutes a true and complete copy of an Ordinance Amendment duly adopted by the Township Board of the Charter Township of Chesterfield, Macomb County, Michigan, at a meeting held on the 27th day of April 2021.

I hereby further certify that the following Township Board Members were present at the meeting: **Acciavatti, Berry, Elliott, Anderson, DeMuyneck, Joseph and Vosburg** and the following Township Board members were absent: **None**

I further certify that **Member Berry** moved for the adoption of the Ordinance Amendment, and that motion was supported by **Member Elliott**.

I further certify that the following Township Board Members voted for the adoption of the Ordinance Amendment: **Berry, Elliott, Acciavatti, Anderson, DeMuyneck, Joseph and Vosburg.**

and that the following Township Board Members voted against adoption of the Ordinance Amendment: **None.**



Cindy Berry,
Chesterfield Township Clerk

CERTIFICATE OF POSTING AND PUBLICATION

I, Cindy Berry, the Township Clerk of the Charter Township of Chesterfield do hereby certify that on April 27, 2021, the foregoing Ordinance Amendment was posted in the office of the Township Clerk and on the Charter Township of Chesterfield's website as authorized by MCL 42.8(3)(b). In addition, the Notice of Adoption was published in the Voice newspaper on April 21, 2021 and May 05, 2021.



Cindy Berry,
Chesterfield Township Clerk

For Office Use Only:

Introduction Date: 04/13/21

First Publication Date: 04/21/2021

Adoption Date: 04/27/21

Second Publication Date: 05/05/21

Effective Date: 06/04/21