

Chapter 8

BUSINESSES*

* **Cross References:** Emergency services, ch. 10; utilities, ch. 28; CBD central business district, § 30-376 et seq.; C commercial district, § 30-401 et seq.; I industrial district, § 30-426 et seq.

State Law References: Authority to regulate certain businesses, MCL 67.1, MSA 5.1285; authority to prescribe the terms and conditions upon which licenses may be granted, MCL 67.2, MSA 5.1286.

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ARTICLE I.
IN GENERAL

Secs. 8-1--8-30. Reserved.

ARTICLE II.
HAWKERS, PEDDLERS AND SOLICITORS*

* **Cross References:** Streets, sidewalks and other public places, ch. 22.

State Law References: Transient merchants, MCL 445.371 et seq., MSA 19.691 et seq.; home solicitation sales, MCL 445.111 et seq., MSA 19.416(201) et seq.; exemptions for a veteran's license, MCL 35.441, MSA 4.1241.

Sec. 8-31. Going in or upon private residences without prior permission; declared nuisance and a civil infraction.

The practice of going in and upon private residences in the village by solicitors, peddlers, hawkers, itinerant merchants or transient vendors of merchandise not having been requested or invited to do so by the owners or occupants of such private residences for the purpose of soliciting orders for the sale of goods, wares, merchandise and services, and/or disposing of and/or peddling or hawking such goods, wares, merchandise and services, is declared to be a nuisance and punishable as such nuisance as a civil infraction.

(Comp. Ords. 1987, § 20.111)

Sec. 8-32. Application of article provisions.

The provisions of this article shall not apply to the sale, or soliciting of order for the sale, of milk, dairy products, vegetables, poultry, eggs and other farm and garden produce so far as the sale of the commodities named in this section is now authorized by law. Neither shall the provisions of this article apply to solicitations by the Boy Scouts of America, Girl Scouts of America, March of Dimes and similar nonprofit organizations, nor to students of the village community schools on behalf of school related projects authorized by the school administration.

(Comp. Ords. 1987, § 20.113)

Secs. 8-33--8-65. Reserved.

ARTICLE III.

GAME DEVICES AND ARCADES

DIVISION 1.

GENERALLY

Sec. 8-66. Regulation and licensing required.

The village council hereby determines that the business of operating game devices and arcades has such an effect upon the health, safety and welfare of the inhabitants of the village as to require the licensing and regulation of such game devices and arcades.
(Comp. Ords. 1987, § 20.451)

Sec. 8-67. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Arcade means any place open to the public in which three or more game devices are located for public use.

Game devices means any machine or device including, but not limited to, pinball machines, video and electronic games, operated by means of insertion of a token, coin or similar object or for a consideration paid to the owner or custodian of such machine or device for the purpose of a game or contest of skill or amusement.
(Comp. Ords. 1987, § 20.452)

Cross References: Definitions generally, § 1-2.

Sec. 8-68. Violation of article a civil infraction.

Any person who shall violate any of the provisions of this article shall be guilty of a civil infraction and shall be punished in accordance with section 1-12.
(Comp. Ords. 1987, § 20.460)

Sec. 8-69. Physical standards for arcades.

All arcades located in the village shall conform to the following standards:

- (1) Shall not be located within 500 feet in any direction from the boundaries of any public, private or parochial school building and school grounds;
- (2) Have at least two on-premises and separate public restrooms, one for female patrons and one for male patrons; be equipped with safety and convenience facilities to accommodate handicapped persons, consistent with applicable state and federal requirements;
- (3) Have fire exits as required by applicable village and/or state codes; and

- (4) Conform in all respects to the requirements of the applicable village building, plumbing, electrical and zoning codes.

(Comp. Ords. 1987, § 20.455)

Sec. 8-70. Operational standards for arcades.

No licensee or person in charge of an arcade or connected with the management of an arcade, or their servants or agents, shall:

- (1) Permit the operation of any game device by any person under the age of 16 years between the hours of 8:00 a.m. and 4:00 p.m., excluding Saturdays, Sundays, holidays and days when school is not in session;
- (2) Allow persons under the age of 14 years to operate any game device at any time unless accompanied by a parent or guardian;
- (3) Operate the arcade between the hours of 11:00 p.m. and 7:00 a.m.;
- (4) Permit gambling in any form on the premises;
- (5) Permit any persons under the influence of intoxicating liquor or controlled substances to be on the premises;
- (6) Permit any intoxicating liquor or any controlled substance to be brought into, sold, given away or consumed on the premises;
- (7) Permit disorderly or offensive conduct thereon as defined under the ordinances of the village;
- (8) Permit any conduct or condition to exist contributing to juvenile delinquency;
- (9) Permit loitering on the sidewalk in front of the arcade so as to obstruct the free and uninterrupted passage of the public; and
- (10) Operate the arcade unless the owner, operator or an employee or agent of the owner is present on the premises.

(Comp. Ords. 1987, § 20.456)

Sec. 8-71. Registration of game devices.

No game device shall be operated in the village in any location open to the public unless the owner, licensee or custodian of such device shall have registered the device with the village clerk and obtained the registration seal required by this article. The clerk shall maintain a record of registered game devices which shall include the name and address of the owner or lessee, the manufacturer of the device and its serial number. Registration seals shall expire on December 31 of each year.

(Comp. Ords. 1987, § 20.458)

DIVISION 2.

ARCADE LICENSE

Sec. 8-72. Required.

No person shall establish or operate an arcade in the village unless the license required by this article has been issued and is conspicuously displayed at all times on the premises and unless a valid registration seal required by this article is conspicuously attached to each game device.

(Comp. Ords. 1987, § 20.453)

Sec. 8-73. Fees.

The fee for each license for an arcade shall be \$75.00 annually. The fee for each game device registration seal shall be set from time to time by the village council and a schedule of such fees is on file and available in the offices.

(Comp. Ords. 1987, § 20.454)

Sec. 8-74. Issuance procedures.

(a) *Form and contents of application.* Application for arcade license shall be made to the village clerk upon forms provided by the clerk which shall include the following information:

- (1) The name, address and telephone number of the applicant. If the applicant is a corporation, partnership or other organization, the names, addresses and telephone numbers of the officers and the owners of more than a ten percent interest therein shall be given.
- (2) Whether any person named or required to be named on the application has ever been convicted of a crime and, if so, the nature of the offense.

(b) *Inspection of premises.* Upon receipt of the completed application and the license fee, the clerk shall cause an inspection of the premises to be made by the village building official to ensure that it conforms to all applicable village codes and the standards set forth in this article.

(c) *Disqualification of applicants.* No license shall be issued to any applicant when a person named or required to be named on the application is under the age of 18 years or has been convicted of an offense involving gambling, controlled substances, criminal sexual conduct involving a minor, accosting or soliciting, or contributing to the delinquency of a minor.

(d) *Issuance; expiration date.* Upon receipt of a satisfactory report from the building official, and upon the determination that the applicant is eligible for a license, the clerk shall issue the license which shall expire on the following December 31, regardless of the date the license was issued.

(e) *Renewal of licenses.* Licenses shall be renewed on December 31 of each year upon payment of the annual license fee.

(f) *Insurance.* Each applicant for a license shall file with the village clerk a public liability and property damage insurance policy in the amount of \$100,000.00 for injury to or death of any one person and in the amount of \$300,000.00 for injury to or death of more than one person and in the amount of \$50,000.00 for damages to property. Such insurance shall be written by an insurance carrier duly licensed to conduct business in the state and shall be kept and maintained in continuous force and effect as long as the applicant shall be licensed under this article. Such policy shall contain an endorsement that any cancellation shall not take effect until ten days' notice in writing has been given to the village clerk.
(Comp. Ords. 1987, § 20.457)

Sec. 8-75. Revocation.

The village council may, after notice to licensee and an opportunity to be heard before the village council, revoke any license issued under this article if it shall determine the license to be in violation of any of the requirements or prohibitions of this article.
(Comp. Ords. 1987, § 20.459)

SECTION 2. Chapter 8, Article IV of the Village of Capac Code of Ordinances is hereby amended as follows:

Sec.8-76. Prohibition of Marihuana Establishments.

The Michigan Regulation and Taxation of Marihuana Act was initiated by the voters of the State of Michigan pursuant to Proposal 1, the Marijuana Legalization Initiative, on November 6, 2018. The Act authorizes cities, villages, and townships to completely prohibit marihuana establishments, as such are defined with the Act, within their boundaries. Pursuant to that authority, all marihuana establishments as defined in the Act are hereby prohibited within the Village of Capac.

SECTION 2. Severability

The provisions of this Ordinance are hereby declared to be severable. If any clause, sentence, paragraph, rule, regulation, section or subsection is declared void or inoperable for any reason by any court, it shall not affect any other part or portion thereof other than the part declared void or inoperable.