

To: Corey Trinklein  
From: Dave Meyer  
Re: Business License Questions  
Date: 6/23/2017

## MEMORANDUM

### Is a farmer, who is farming for profit, required to obtain a business license?

Birch Run's Business License Ordinance is codified within Ordinance No. 2001-01. That ordinance states:

- No person may commence, continue, or discontinue a business within the Township without having first obtained a Township license and without maintaining such license in current effect during any business operation, activity, continuation, or discontinuation.

Birch Run Business License Ordinance 2001-01 § IV-1. The ordinance defines the term "person" to include "any individual, partnership, association or corporation." *Id.* at § II. While the term "business" is defined as "any trade, occupation, profession, work, commerce or other activity owned or operated for profit by any person within the township excluding political, charitable or religious establishments." *Id.* The ordinance only exempts political, charitable or religious establishments. *Id.* at § VII.

Under the plain meaning of the ordinance, a farmer would obviously qualify as a person. Moreover, the act of farming would appear to qualify as a trade, occupation, profession, or work operated for profit. Also, as discussed above, agricultural work is not exempted from the business license requirement by the ordinance's exemption provision. Therefore, because farming is a business that is operated for profit by a person, a business license is likely required.

In short, the work of farming does appear to fall under the Ordinance's definition of "business," and it does not meet any exemption. Accordingly, under the plain language of the Ordinance, a farmer who is operating a farm for profit would be required to obtain a business license. Of course, if the Township Board determines that this was not the intent of the ordinance, it can always amend the ordinance so as to provide an exemption for farmers who are farming for profit.