

CHAPTER 6: LICENSING PROVISIONS

Article 1: GENERAL LICENSING PROVISIONS

Section 6101. Mandatory Compliance

No person shall conduct any business or non-profit enterprise within the City for which a license is required by this Chapter without first obtaining, and maintaining in effect, a license from the City, in the manner provided by this Article.

Section 6102. Application for License. Any person required to obtain a license from the City shall make application to the Superintendent. Each application shall contain:

- a) The name, address and telephone number of the applicant, and if the applicant is not a natural person, the name, address and telephone number of the person who will be in charge of the establishment;
- b) The address of the premises at which business will be conducted;
- c) A description of the type of business to be conducted;

Each application shall be accompanied by:

- d) The full amount of the fees chargeable for such license;
- e) A certificate of occupancy from the Zoning Administrator that the proposed use of any premises is in compliance with the City zoning regulations, provided that a certificate of occupancy is not required for door-to-door salespeople or street vendors;
- f) Evidence that any license or permit required by the State of Michigan has been obtained and that any inspection required by the State has been performed.

Section 6103. Forms. The Superintendent shall provide all license application and renewal forms, which shall include an affidavit, to be sworn to by the applicant before a Notary Public of this State.

Section 6104. Investigation. The Superintendent may conduct any investigation necessary to determine the eligibility of any applicant for an original or renewed license, or may refer the application to the appropriate public official for investigation. The Superintendent or other official may require additional information and/or documentation of any applicant when necessary to the administration and enforcement of this Chapter.

Section 6105. Issuance and Denial. Upon completion of the investigation, the Superintendent shall either issue the license to the applicant or shall give written notice to the applicant of the refusal to grant the license, setting forth the reasons for the denial. The Superintendent may limit the duration of a license, or impose any other restrictions or conditions upon it as are necessary to protect the public health, safety and welfare. No license, original or renewed, shall be granted to any person who is in violation of any provision of this Code.

Section 6106. No License for Mere Delivery. No license shall be required of any person for mere delivery within the City of any goods purchased or acquired in good faith from a business located outside the City, where there is no intent to evade the provisions of this Chapter.

Section 6107. Display of License. All licensees shall prominently post their effective license, original or renewed, on their licensed premises. If there are no licensed premises, the licensee shall carry the license on his/her person whenever he/she is conducting business within the City's jurisdiction.

Section 6108. Revocation

6117.1 Any license required by this Chapter may be suspended or revoked by the Superintendent for any of the following reasons:

- a) misrepresentation of any material fact in the application for a license;
- b) misrepresentation of any material fact in the conduct of the licensed business;
- c) engaging in business beyond the scope of the license;
- d) a violation of any applicable State or local law or regulation;
- e) a fact, circumstance, or condition, which, if it had existed or been know to the Superintendent at the time the license was granted, would have been grounds for denial of the license.

6108.2 Whenever the Superintendent determines that grounds for suspension or revocation exist, he/she shall issue a notice of revocation/suspension which shall be served in the manner provided by Section 1201. No person shall engage in the licensed activity after service of the notice.

6108.3 No portion of the license fee shall be refunded if the license is revoked or suspended.

6108.4 A licensee may appeal the decision to the City Council, by filing a written notice of the appeal with the Clerk/Treasurer within ten (10) working days from the date of service of the notice of revocation or suspension. Appeals shall be heard by the City Council within thirty (30) days after the filing of the appeal or at the next regular scheduled meeting of the Council.

ARTICLE 2. DOOR – TO – DOOR SALESPEOPLE

Section 6201. Definition. “Door-to-door salesperson” means any person, travelling either by foot or vehicle, from one private residence or place of business to another within the City carrying and offering goods for sale, or making sales and delivering articles to purchasers, or taking orders for sale of goods for future delivery.

Section 6202. License. No door-to-door salesperson shall engage in such business within the City’s jurisdiction without first obtaining a license as provided in this Chapter; provided that no license shall be required for door-to-door solicitations for contributions to charitable, educational or non-profit organizations. Door-to-door salespeople are required to exhibit their license at the request of any person.

Section 6203. Invitation to Premises. It shall be unlawful for any door-to-door salesperson to enter a private residence or any premises upon which a private residence is located for the purpose of engaging in his/her business without first being invited to do so by the owner or occupant thereof.

Article 3. PUBLIC SHOW, CIRCUS, OR EXHIBITION

Section 6301. License. No person shall conduct, maintain, or operate any carnival, public show, circus, or exhibition to which admission is obtained upon payment of money and which has no permanent location in the City without first obtaining a license as provided in this Chapter; provided that no license shall be required for any exhibitions by the pupils of any school or for any entertainment for the benefit of any school, church, or for any benevolent or charitable purpose.

Section 6302. Application for License

6302.1 Any person requesting a license under this Article shall state in his/her application:

- a) The proposed location of the business;
- b) The proposed dates the business will operate;
- c) The number of employees;
- d) A description of the sanitary facilities on the property;
- e) A sufficient description of the type of show or exhibit to apprise the Superintendent of its nature.

6302.2 The application shall be accompanied by:

- a) Written consent of the owner of the property upon which the business is to be located;
- b) Evidence of insurance required by State law, or if no insurance is required by State law, evidence of a general liability policy in the amount of \$100,000.00. Said policy shall remain in full force for the entire time for which the license is granted.

Section 6303. Granting of License. The Superintendent shall not grant such license except on certification of the appropriate officials that all requirements prescribed by this Code or by State law have been complied with and that the public peace, health, and safety are adequately safeguarded.

Section 6304. Bond. The applicant, before being granted a license, shall file with the Clerk a bond, approved as to form by the City Attorney, running to the City in the amount of \$10,000.00, conditioned upon saving harmless the City from any and all liabilities or causes of action, which might arise by virtue of the granting of a permit to the applicant and conditioned further that no damage will be done to the streets, sewers, trees or adjoining property and that no dirt, paper, litter or other debris will be permitted to remain upon the streets or upon any private property by such applicant. Such cash bond shall be returned to the applicant upon certification by the Superintendent that all conditions of the bond and of this Article have been satisfied.

ARTICLE 4. TRANSIENT MERCHANTS AND STREET VENDORS

Section 6401. Definitions. “Transient Merchant” means any person who engages in the temporary business of sale and delivery of goods within the City, and who, for the purpose of conducting such business, uses or occupies any premises or structure. “Street vendor” means any person who engages in the temporary business of sale and delivery of goods on the streets, sidewalks, or other public areas of the City; provided that these definitions shall not include persons making sales at any annual fair or other event exempted from the provisions of this Chapter by the City Council pursuant to Section 6.118; provided further that every person engaged in the sale and delivery of goods shall be deemed to be engaged in carrying on a temporary business until his/her personal property has been assessed for taxation in the City.

6402. License. No transient merchant or street vendor shall engage in such business without first obtaining a license as provided in this Chapter; provided, however, no license shall be required for any person selling or offering for sale any goods or merchandise on behalf of and solely for the benefit of any charitable, educational, or non-profit organization.

6403. Street Vendors. Street vendors are subject to the provisions of Section 4.111.

Article 5. LICENSE FEES

Section 6501.1 Fees to Be Set by City Council. The City Council shall, by resolution, determine the fees to be charged for the licenses required by this Chapter.