

ARTICLE I. - IN GENERAL

Sec. 10-1. - Registration. Determine whether separate registration requirement is still necessary or if it should be consolidated with licensing procedures.

- (a) It shall be unlawful for any person to enter into the operation, conduct or carrying on of any trade, profession or business within the city unless such person first registers with the city clerk on forms provided by the city clerk. No fee shall be charged for such registration.
- (b) The city clerk shall issue a registration card to each trade, profession or business registering within the city. No registrant shall fail to produce the registration card when requested to do so by any public safety officer, the city clerk or his authorized representative.

(Code 1976, §§ 110.01, 110.02)

Secs. 10-2—10-30. - Reserved.

ARTICLE II. - BUSINESS LICENSES

Sec. 10-31. - 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:

Cause means and includes the doing or omitting of any act or permitting any condition to exist in connection with any trade, profession, business or privilege for which a license or permit is granted under the provisions of this article, or upon any premises or facilities used in connection therewith, which act of omission or condition is:

- (1) Contrary to the health, morals, safety or welfare of the public;
- (2) Unlawful, irregular or fraudulent in nature;
- (3) Unauthorized or beyond the scope of the license or permit granted; or
- (4) Forbidden by this chapter or any duly established rule or regulation of the city applicable to the trade, profession, business or privilege for which the license or permit has been granted.

(Code 1976, § 110.12)

Cross reference— Definitions generally, § 1-2.

Sec. 10-32. - Required.

It shall be unlawful for any person within the city to engage, or be engaged in, the operation, conduct or carrying on of any trade, profession, business or privilege for which a license is required by any provision of this Code without first obtaining a license from the city in the manner provided for in this article.

(Code 1976, § 110.03)

Sec. 10-33. - Application.

Unless otherwise provided in this chapter, every person required to obtain a license from the city to engage in the operation, conduct or carrying on of any trade, profession, business or privilege shall make application for such license to the city clerk upon forms provided by the city clerk and shall state under oath, or affirm in such a way as may be required for, or applicable to, the granting of the license.

(Code 1976, § 110.05)

Sec. 10-34. - Conditions of issuance.

No business license shall be granted to any applicant within the city until the applicant has complied with all of the provisions of this chapter applicable to the trade, profession, business or privilege for which application for a license is made.

(Code 1976, § 110.04)

Sec. 10-35. - State or federal license.

It shall be unlawful for a license to be issued within the city where a state or federal license is also required, unless the state or federal license is obtained first.

(Code 1976, § 110.06)

Sec. 10-36. - Moral character.

- (a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Good moral character means the propensity of a person to serve the public in the licensed area in a fair, honest and open manner.

- (b) *Judgment of guilt.* A judgment of guilt in a criminal prosecution or civil action shall not be used in and of itself as proof of a person's lack of good moral character. Such judgment may be used as evidence in the determination and, when so used, the person shall be notified and shall be permitted to rebut the evidence by showing that:

- (1) At the current time, he has the ability to, and is likely to, serve the public in a fair, honest and open manner; and
- (2) He is rehabilitated, or the substance of the former offense is not reasonable related to the occupation or profession for which he seeks a business license or permit.

- (c) *Criminal records.* The following criminal records shall not be used, examined or requested by the city in a determination of good moral character when used as a requirement to obtain a business license or permit:

- (1) Records of an arrest not followed by a conviction.
- (2) Records of a conviction which has been reversed or vacated, including the arrest records relevant to that conviction.
- (3) Records of an arrest or conviction for a misdemeanor or a felony unrelated to the person's likelihood to serve the public in a fair, honest and open manner.
- (4) Records of an arrest or conviction for a misdemeanor for the conviction of which a person may not be incarcerated in a jail or prison.

State Law reference— Moral character, MCL 338.41 et seq.

Sec. 10-37. - License year.

Unless otherwise provided in this Code, a business license shall commence on May 1 each year and terminate on April 30 of the following year. Annual business licenses issued after May 1 in any year shall terminate on April 30 of the following year. In all cases where the provisions of this chapter permit the issuance of licenses for a period of less than one year, such license shall become effective on the date of issuance and shall terminate at the end of the period for which such license is issued.

(Code 1976, § 110.07)

Sec. 10-38. - Exemption from fee.

A business license shall not be issued by the clerk under this Code except upon the payment of the fee provided for such license in this chapter. A license fee shall not be required to be paid by any person who is exempt from the payment of the fee by state or federal law, and such person shall comply with all other provisions of this chapter.

(Code 1976, § 110.09)

Sec. 10-39. - Appeals.

An applicant for a business license who has been refused a license, for any reason, by the authorized issuing officer may appeal the refusal to the city commission by setting forth all of the facts in a written petition and filing such petition with the city clerk. The commission may act on the petition upon the facts in such petition, or may grant a further hearing to the applicant. The decision of the commission on the petition or hearing shall be final.

(Code 1976, § 110.10)

Sec. 10-40. - Renewal.

Unless otherwise provided in this chapter, an application for the renewal of a business license shall be considered to be, and shall be treated in the same manner as, an original application for the license.

(Code 1976, § 110.08)

Sec. 10-41. - Transferability.

A business license or permit issued under this chapter shall not be transferable unless specifically authorized by the provisions of this chapter. A business licensee or permittee shall not, unless specifically authorized by the provisions of this chapter, transfer or attempt to transfer his license or permit to another person, nor shall he make or attempt to make any improper use of the such license or permit.

(Code 1976, § 110.15)

Sec. 10-42. - Exhibition.

It shall be unlawful for any person to whom a business license has been granted to fail to carry the license upon his person when engaged in the operation, conduct or carrying on of the trade, profession, business or privilege for which the license was granted. However, where the trade, profession, business or privilege is operated, conducted or carried on fixed place or establishment, the license shall be exhibited at all times in a conspicuous place in such place or establishment. Every person shall produce his business license for examination when applying for a renewal of such license or when requested to do so by any city public safety officer or any person representing the issuing authority.

(Code 1976, § 110.13)

Sec. 10-43. - Displaying expired, invalid or duplicate license.

It shall be unlawful for any person to display an expired or invalid business license or any license for which a duplicate has been issued.

(Code 1976, § 110.14)

Sec. 10-44. - Record of application.

The city shall keep a record of all applications for business licenses made under this chapter and shall indicate in the record whether the license applied for in each case has been granted or withheld, and if withheld, the reasons for such withholding.

(Code 1976, § 110.16)

Sec. 10-45. - Suspension or revocation.

Any business license issued by the city may be suspended by the city manager for cause, and any business permit issued by the city may be suspended or revoked by the issuing authority for cause. The licensee shall have the right to a hearing before the city commission on any action of the city manager, provided that a written request is filed with the city clerk within ten days after the receipt of notice of the suspension. The commission may confirm the suspension or revoke or reinstate any license, and the action taken by the commission shall be final. Upon suspension or revocation of any business license or permit, the fee shall not be refunded.

(Code 1976, § 110.11)

Secs. 10-46—10-80. - Reserved.

ARTICLE III. - MERRY-GO-ROUNDS OR SHOOTING GALLERIES

DIVISION 1. - GENERALLY

Secs. 10-81—10-100. - Reserved.

DIVISION 2. - LICENSE

Sec. 10-101. - Required.

It shall be unlawful for any person to keep or maintain any merry-go-round or shooting gallery within the city without first obtaining a license as provided in this division.

(Code 1976, § 110.60)

Sec. 10-102. - Application.

Applications for licenses under this division shall be made to the city clerk. All licenses issued shall be evidenced by a written certificate signed by the city clerk.

(Code 1976, § 110.61)

Sec. 10-103. - Rates.

The rates for licenses under this division shall be as follows:

- (1) For the first day \$2.00
- (2) For the second day 1.00
- (3) For each subsequent day 0.50

(Code 1976, § 110.62)

Secs. 10-104—10-130. - Reserved.

ARTICLE IV. - HAWKERS AND PEDDLERS

DIVISION 1. - GENERALLY

Sec. 10-131. - 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:

Hawk and peddle mean and include the going from place to place within the city to sell, offer for sale or solicit orders for goods, wares or merchandise.

(Code 1976, § 110.70)

Cross reference— Definitions generally, § 1-2.

Sec. 10-132. - Exemptions.

The provisions of this article shall not apply to any person selling goods, wares or merchandise of any description which are raised, produced or manufactured by the individual offering them for sale, nor to persons handling vegetables, fruits or perishable farm products which are raised or produced by the individual offering them for sale.

(Code 1976, § 110.73)

Secs. 10-133—10-160. - Reserved.

DIVISION 2. - LICENSE

Sec. 10-161. - Required.

It shall be unlawful for any person to hawk or peddle any goods, wares or merchandise within the city without first obtaining a license from the city manager.

(Code 1976, § 110.71)

Sec. 10-162. - Application; fees.

The city clerk is authorized to license any person producing satisfactory evidence that he is of good moral character to hawk and peddle goods, wares and merchandise in the city upon such person executing a bond to the city in the penal sum of \$200.00, with two or more sufficient sureties to be approved by the city manager, conditioned that he will pay all license fees due or to become due from him and will pay any judgment, costs and damages that may be obtained by reason of any fraud, misrepresentation or unlawful conduct in the sale of goods, wares and merchandise and upon the payment to the city clerk by such person of the following license fees:

- (1) For each day \$ 10.00
- (2) For each week 30.00
- (3) For each month 50.00
- (4) For each year 100.00

(Code 1976, § 110.72)

Secs. 10-163—10-190. - Reserved.

ARTICLE V. - SALE OF PRODUCTS FROM TEMPORARY STRUCTURES

DIVISION 1. - GENERALLY

Sec. 10-191. - Movement of stand. Should this language apply to mobile food vendors?

After a license is issued for the sale of products from a temporary structure within the city, the stand or temporary structure shall not be moved from the location set forth as the licensee's business location as designated in his license application without the written consent of the city manager or his duly authorized agent.

(Code 1976, § 110.82)

Sec. 10-192. - Placement of stand. Approved on private property? Designated City property? Through a Special Event Permit.

A stand or temporary structure shall not be erected or maintained in any street, alley or other public place within the city except at the location specifically designated in writing by the city manager or his duly authorized agent.

(Code 1976, § 110.83)

Secs. 10-193—10-210. - Reserved.

DIVISION 2. - LICENSE

Sec. 10-211. - Required. Mobile food vendors should be added.

It shall be unlawful for any person to sell any confections, food, tobacco or tobacco products from a portable stand or temporary structure in the city without having first obtained a license for such sales.

(Code 1976, § 110.80)

Full rewrite - application requirements, insurance, health department approval, operating location, operating period, reference to current fee schedule instead of dollar amount.

Sec. 10-212. - Application; fees.

(a) Any person desiring to sell confections, food, tobacco or tobacco products from a portable stand or temporary structure in the city for profit shall make application in writing to the city clerk for a license for such sales, stating his name and legal residence, the location of the stand or temporary structure from which he proposes to sell such articles and the length of time he desires a license to operate the portable stand or temporary structure in the sale of such products. Such person shall pay the following license fee as a condition of the issuance of such license:

- (1) For one day \$ 2.00
- (2) For a period not exceeding one week 3.00
- (3) For a period not exceeding one month 10.00
- (4) For a period not exceeding six months 25.00
- (5) For a period not exceeding one year 35.00

(b) All licenses granted under this division shall expire May 1 of each year.

(Code 1976, § 110.81)

Sec. 10-213. - Exemption.

Any person complying with the provisions set forth in this division shall not be obliged to procure a license as a hawker, peddler, itinerant vendor or transient merchant if his business is confined to the sale of articles set forth in this division.

(Code 1976, § 110.84)

Secs. 10-214—10-240. - Reserved.

ARTICLE VI. - TRANSIENT MERCHANTS AND TRANSIENT PHOTOGRAPHERS

DIVISION 1. - GENERALLY

Sec. 10-241. - 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:

Operation of a temporary photographic gallery on a commercial basis means the operation of a temporary photographic gallery in a tent, temporary room or other place which is not a permanent place of business within the city, the products of which are to be sold or otherwise disposed of in the city for a lawful consideration.

Solicitation of photographic work or enlargement by transients means soliciting photographic work or enlargement of photographs within the city by persons not permanently residing in the city or not having a permanent established place of business in the city, for which a lawful consideration is to be paid.

Transient merchant means any person who, as principal or agent, conducts a temporary and transient business in the city selling goods, wares and merchandise and who, for the purpose of carrying on the business, hires, leases or occupies a lot, room, building, store, structure, railroad car, automobile or boat for the exhibiting or selling of goods, wares and merchandise.

Transient photographer means a person having no permanent place of business within the city who goes about the city taking photographs which are to be sold or otherwise disposed of in the city.

(Code 1976, § 110.30)

Cross reference— Definitions generally, § 1-2.

Sec. 10-242. - Exemptions.

The provisions of this article shall not apply to persons not selling at retail; to hawkers and peddlers as defined in section 10-131; to any person selling goods, wares or merchandise of any description, raised, produced or manufactured by the person offering them for sale; or to persons handling vegetables, fruit or perishable farm products that are raised or produced by the individual offering them for sale.

(Code 1976, § 110.35)

Sec. 10-243. - Interstate commerce.

The provisions of this article shall not apply to any activity which would render such activity interstate commerce.

(Code 1976, § 110.33)

Secs. 10-244—10-260. - Reserved.

DIVISION 2. - TRANSIENT PHOTOGRAPHERS' LICENSE

Sec. 10-261. - Required.

It shall be unlawful for any person within the city to act as a transient photographer, solicit photographic work or photograph enlargements as a transient, or operate a temporary photograph gallery, without having procured from the city clerk a license therefor.

(Code 1976, § 110.31)

Sec. 10-262. - Application; fees.

Any person desiring to procure a license from the city clerk for the purposes set forth in section 10-261 shall apply to the city clerk, giving his permanent residence and address and the name of his employer, if any, and shall pay to the following fees to the city clerk:

- (1) For a period of one day \$ 3.00
- (2) For each successive day, not exceeding a period of six months 2.00
- (3) For a period of six months 35.00
- (4) For a period of one year 60.00

(Code 1976, § 110.32)

Secs. 10-263—10-280. - Reserved.

DIVISION 3. - TRANSIENT MERCHANTS' LICENSE

Sec. 10-281. - Required.

It shall be unlawful for any person, either as principal or agent, to engage in the conduct of business as transient merchant in the city without first having obtained a license in the manner set forth in this division.

(Code 1976, § 110.34)

Sec. 10-282. - Application; bond.

Any person desiring to engage in business within the city as a transient merchant shall make and file with the city clerk a written application stating the applicant's name, residence and place where he intends to transact business and the nature of the business to be transacted. If the applicant is acting as an agent for another person, he shall cause to be filed with the city manager a power of attorney appointing the city manager as the agent of the principal on which service of process may be made in any suit that may be commenced against him. The applicant shall, at the same time, file with the city manager a bond to the city in the sum of \$2,000.00 with two sufficient sureties or a surety company bond, to be approved by the city manager, conditioned that he will pay all license fees due, or which become due, to the city and will pay any judgment that may be obtained against the person conducting the business or his duly authorized agents.

(Code 1976, § 110.36)

Sec. 10-283. - Fees.

When an applicant for a license under this division shall produce satisfactory evidence to the city manager that he is a person of good moral character and intends to conduct a legitimate transient merchant's business, the city manager shall be authorized to grant such person a transient merchant's license upon the payment of a license fee of \$15.00 for the first day, and the license shall continue in force and effect as long as the person shall pay \$15.00 per day, in advance, for each additional day he desires to continue the business.

(Code 1976, § 110.37)

Sec. 10-284. - Prima facie evidence of business.

Transaction of a transient merchant's business by a person within the city for a period of less than three consecutive months shall be prima facie evidence that such person was conducting business as a transient merchant within the intent and meaning of this article.

(Code 1976, § 110.38)

Secs. 10-285—10-310. - Reserved.

ARTICLE VII. - CIRCUSES, MENAGERIES, CARNIVALS AND MEDICINE SHOWS

DIVISION 1. - GENERALLY

Secs. 10-311—10-330. - Reserved.

DIVISION 2. - LICENSE

Sec. 10-331. - Required.

It shall be unlawful for any person to exhibit or maintain in the city any circus, menagerie, carnival or medicine show without first obtaining a license from the city clerk.

(Code 1976, § 110.40)

Sec. 10-332. - Application.

(a) Any person desiring to obtain a license to exhibit or maintain any circus, menagerie, carnival or medicine show within the city shall file with the city commission through the city clerk an application stating the dates and location where the exhibition is proposed to be held. If the city commission shall approve the application, the city clerk shall be authorized to issue a written license upon deposit with the city clerk the following fees for such license for the period the exhibition is proposed to be held:

(1) Circus and/or menagerie, per day \$75.00

(2) Carnival and/or medicine show, per day 25.00

(b) All persons licensed under this division shall be exempt from obtaining a license as a hawker, peddler, itinerant vendor or itinerant merchant.

(Code 1976, § 110.41)

Secs. 10-333—10-360. - Reserved.

ARTICLE VIII. - TAXICABS AND BUSES

DIVISION 1. - GENERALLY

Sec. 10-361. - 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:

City bus means any motor vehicle, except taxicabs and intermunicipal buses, engaged in the business of transporting persons by accepting or discharging passengers as they may offer themselves for transportation along an established route and upon an established time schedule as provided for in this article, and for which service fares are charged, received or permitted to be donated.

Intermunicipal bus means a vehicle operated by any person carrying passengers for hire under any license to operate issued by the state public utilities commission.

Scheduled route means a route over designated streets in the city where the vehicle will be operated upon a fixed time schedule.

(Code 1976, § 110.20)

Cross reference— Definitions generally, § 1-2.

Sec. 10-362. - Duty of licensee to report accident.

It shall be the duty of a licensee under this article or any employee of the licensee having knowledge of an accident resulting in injury to any person or property to promptly report such accident to the director of public safety, giving full information as to the accident and personal injury or damage to property.

(Code 1976, § 110.28)

Sec. 10-363. - Duty to maintain schedules, routes and accept suitable passengers.

It shall be unlawful and a violation of this article for a licensee under this article to:

(1) Fail, refuse and neglect to operate a city bus over any proposed route or maintain bus service according to the schedules set forth in the application for a license to operate the city bus, except for temporary deviations of the route due to street construction, repair or other causes beyond the control of the licensee.

(2) Fail to accommodate and carry any person presenting himself in a proper and suitable condition and tendering the necessary fare for service.

(Code 1976, § 110.29)

Secs. 10-364—10-390. - Reserved.

DIVISION 2. - TAXICAB LICENSE

Sec. 10-391. - Required.

It shall be unlawful for any person to operate a taxicab or bus on any street in the city without first obtaining a license for such operation as provided in this division.

(Code 1976, § 110.21)

Sec. 10-392. - Application; deposit; insurance; indemnity bond.

Any person desiring to operate a taxicab upon any public street within the city shall make application in writing to the city clerk for a license for such operation. The application shall state the name and business address of the applicant and the number of taxicabs to be operated under such license. The applicant shall deposit with the city clerk the sum of \$10.00 for each taxicab to be operated for which a license is desired, which sum shall be retained by the city if the license is granted. The applicant shall present to the city clerk evidence that a policy of insurance or indemnity bond has been issued to the applicant by a responsible company which is licensed to do insurance business in the state, which indemnity bond or insurance policy shall describe the vehicle to be licensed by motor number, factory number, if any, maker's name and number of passengers capable of being carried by such vehicle. Such bond or policy shall state that the issuing company shall be directly liable to pay all damages for injury to persons carried in the vehicle and shall be in the amounts of not exceeding \$100,000.00 to any one person or \$500,000.00 for any one accident, which may be recovered against the licensee of the vehicle described in such bond or policy by reason of the negligent or wrongful use or operation of the vehicle. The bond or policy shall continue in effect during the period for which the vehicles are licensed. If such person shall desire to put into service any other taxicab he shall comply with the same requirements.

(Code 1976, § 110.22)

Sec. 10-393. - Issuance; expiration.

The city commission, within a reasonable time after the filing of an application for a license to operate a taxicab within the city, shall act upon such application, and if the commission is satisfied that the person applying for a license under this article is responsible, the vehicle proposed to be operated is safe and suitable for such purpose and the applicant has procured suitable and proper insurance or indemnity with a proper and responsible company, the commission shall direct the city clerk, upon the payment of the fees required in this division, to issue a license to the applicant, which license shall expire May 1 next ensuing.

(Code 1976, § 110.23)

Secs. 10-394—10-410. - Reserved.

DIVISION 3. - BUS LICENSES

Sec. 10-411. - Application.

Any person desiring to operate a city bus over any scheduled route within the city shall comply with the provisions of this article with respect to the licensing and the operation of taxicabs and shall make written application to the city clerk, designating the proposed route over which the licensee desires to operate the bus, the time schedules upon which the bus is proposed to be operated and the rates of fare to be charged by the licensee to passengers.

(Code 1976, § 110.24)

Sec. 10-412. - Issuance; denial.

- (a) The city commission, within a reasonable length of time after the filing of an application to operate a city bus, shall act upon the application and, if it shall approve of the proposed routes, time schedules and rates of fare to be charged, and if the commission shall be satisfied, further, that the applicant is financially responsible and has sufficient and proper equipment to maintain the proposed bus service, that the proposed service will be adequate to meet the needs of the public, and that the proposed bus service is necessary and desirable, it shall approve the application.
- (b) The city commission may make such application approval conditioned upon any change in the proposed routes, schedule and rates as the commission may deem necessary and reasonable under the circumstances. If the commission shall approve of the application, it shall direct the city clerk to issue a license to the applicant which shall expire May 1 next ensuing, and if the commission is not satisfied with respect to the conditions set forth in this section, it shall deny the application.

(Code 1976, § 110.25)

Sec. 10-413. - Preference for established licensee.

With respect to applications to operate city buses over a previously established route within the city, preference shall be given to any licensee having maintained a city bus service over a particular route in a satisfactory manner.

(Code 1976, § 110.26)

Sec. 10-414. - Intermunicipal bus exempt.

Nothing in this article shall be construed to prevent the operation of an intermunicipal bus under any license from the state. Intermunicipal buses shall not be allowed to carry passengers from place to place within the city without having obtained a license to operate a city bus.

(Code 1976, § 110.27)