

Chapter 18 BUSINESSES*

***Cross reference(s)**--Alcoholic liquors, ch. 6; housing for rental property, ' 14-146 et seq.; community development, ch. 26; peddlers and solicitors, ch. 58; taxation, ch. 78; utilities, ch. 86; vehicles for hire, ch. 94; B-1 local business district, ' 98-376 et seq.; B-2 community business district, ' 98-411 et seq.; B-3 general business districts, ' 98-446 et seq.; I-1 industrial district, ' 98-481 et seq.; fee schedule, app. A.

State law reference(s)--Regulation of trades, occupations, and amusements within city boundaries, MCL 117.4i, MSA 5.2082.

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ARTICLE I. IN GENERAL

Sec. 18-1. Definitions.

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

Cause. The term "cause" as used in this chapter shall include 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 Code, or upon any premises or facilities used in connection with such premises or facilities, which act, 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.
- (4) Forbidden by the provisions of this Code 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 1971, ' 7.18)

Cross reference(s)--Definitions generally, ' 1-2.

Secs. 18-2--18-30. Reserved.

ARTICLE II. LICENSES AND PERMITS*

***Charter reference(s)**--Licenses, ' 11.15.

Sec. 18-31. Required.

No person shall engage or be engaged in the operation, conduct or carrying on of any trade, profession, business or privilege for which any 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 1971, ' 7.1)

Sec. 18-32. Multiple businesses.

The granting of a license or permit to any person operating, conducting or carrying on any trade, profession, business or privilege which contains within itself, or is composed of, trades, professions, businesses or privileges which are required by this Code to be licensed shall not relieve the person to whom such license or permit is granted from the necessity of securing individual licenses or permits for each such trade, profession, business or privilege, except as specifically provided elsewhere in this Code.

(Code 1971, ' 7.2)

Sec. 18-33. Schedule established.

The fee required to be paid and the amount of any bond required to be posted to obtain any license to engage in the operation, conduct or carrying on of any trade, profession, business or privilege for which a license is required by the provisions of this Code shall be as provided in this chapter. No license shall be issued to any applicant unless he first pays to the city clerk the fee and posts a bond in the amount required for the type of license desired.

(Code 1971, ' 7.29)

Sec. 18-34. Fees for licenses.

Fees for licenses and bonds, where required, shall be as prescribed in appendix A to this Code.

(Code 1971, ' 7.30)

State law reference(s)--Residential building contractor's license, MCL 339.2401 et seq., MSA 18.425(2401) et seq.; Forbes Mechanical Contractors Act, local licensing of mechanical trades preempted, MCL 338.979, MSA 18.86(9).

Sec. 18-35. State licensed businesses.

The fact that a license or permit has been granted to any person by the state to engage in the operation, conduct or carrying on of any trade, profession, business or privilege shall not exempt such person from the necessity of securing a license or permit from the city if such license or permit is required by this Code.

(Code 1971, ' 7.3)

Sec. 18-36. Application.

Unless otherwise provided in this Code, 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 a license to the city clerk upon forms provided by the city clerk and shall state under oath or affirmation such facts as may be required for or applicable to the granting of such license. No person shall make any false statement or representation in connection with any application for a license under this Code.

(Code 1971, ' 7.4)

Sec. 18-37. License year.

Except as otherwise provided as to certain licenses, the license year shall begin July 1 of each year and shall terminate at midnight on June 30 of the following year. Original licenses shall be issued for the balance of the license year at the full license fee. License applications for license renewals shall be accepted and licenses issued for a period of 15 days prior to the annual expiration date. In all cases where the provisions of this Code permit the issuance of licenses for periods of less than one year, the effective date of such licenses shall commence with the date of issuance of the license.

(Code 1971, ' 7.5)

Sec. 18-38. Conditions for issuance.

No license or permit required by this Code shall be issued to any person who is required to have a license or permit from the state until such person shall submit evidence of such state license or permit and proof that all pertinent fees have been paid. No license shall be granted to any applicant until such applicant has complied with all provisions of this Code applicable to the trade, profession, business or privilege for which application for license is made, nor unless the applicant agrees in writing to permit inspection of the licensed premises at reasonable hours by authorized officers of the city.

(Code 1971, ' 7.6)

Sec. 18-39. Where certification required.

No license shall be granted where the certification of any officer of the city is required prior to its issuance until such certification is made.

(Code 1971, ' 7.7)

Sec. 18-40. Health officer's certificate.

In all cases where the certification of the health officer is required prior to the issuance of any license by the city clerk, such certification shall be based upon an actual inspection and a finding that the person making application and the premises in which he proposes to conduct or is conducting the trade, profession, business or privilege comply with all the sanitary requirements of the state and of the city.

(Code 1971, ' 7.8)

Sec. 18-41. Fire marshal's certificate.

In all cases where the certification of the fire marshal is required prior to the issuance of any license by the city clerk, such certification shall be based upon an actual inspection and a finding that the premises in which the person making application for such license proposes to conduct or is conducting the trade, profession, business or privilege comply with all the fire regulations of the state and of the city.

(Code 1971, ' 7.9)

Sec. 18-42. Police chief's certification.

In all cases where the certification of the chief of police is required prior to the issuance of any license by the city clerk, such certification shall be based upon a finding that the person making application for such license is of good moral character.

(Code 1971, ' 7.10)

State law reference(s)--Good moral character, police chief certification, similar provisions, MCL 338.41 et seq., MSA 18.1208(1) et seq.

Sec. 18-43. Building inspector's certificate.

In all cases where the carrying on of the trade, profession, business or privilege involves the use of any structure or land, a license shall not be issued until the building inspector shall certify that the proposed use is not prohibited by chapter 98, or other zoning regulations of the city.

(Code 1971, ' 7.11)

Sec. 18-44. Bonds.

Where the provisions of this Code require that the applicant for any license or permit furnish a bond, such bond shall be furnished in an amount deemed adequate by the proper city officer or, where the amount is specified in the schedule of fees and

bonds set out in appendix A in the amount so required; the form of such bond shall be acceptable to the city attorney. In lieu of a bond, an applicant for a license or permit may furnish one or more policies of insurance in the same amounts and providing the same protection as called for in any such bond, and any such policies of insurance shall be approved as to substance by the city official issuing the license or permit and as to form by the city attorney.

(Code 1971, ' 7.12)

Sec. 18-45. Late renewals.

All fees for the renewal of any license which are not paid at the time the fees shall be due shall be paid as late fees with an additional 25 percent of the license fee required for such license under the provisions of appendix A to this Code, for the first 15 days that such license fee remains unpaid; and thereafter the license fee shall be that stipulated for such license under appendix A to this Code, plus 50 percent of such fee.

(Code 1971, ' 7.13)

Sec. 18-46. Right to issuance.

If the application for any license is approved by the proper officers of the city, as provided in this Code, the license shall be granted and shall serve as a receipt for payment of the fee prescribed for such license.

(Code 1971, ' 7.14)

Sec. 18-47. Fees; when paid.

The fee required by this Code for any license or permit shall be paid at the office of the city clerk upon or before the granting of the license or permit.

(Code 1971, ' 7.15)

Sec. 18-48. Exempt persons.

No license fee shall be required from any person exempt from such fee by state or federal law. Such persons shall comply with all other provisions of this chapter. The city clerk shall, in all such cases, issue to such persons licenses which are clearly marked as to such exemption and the reasons for the exemption.

(Code 1971, ' 7.16)

State law reference(s)--Charitable Organizations and Solicitations Act, MCL 400.271 et seq., MSA 3.240(1) et seq.

Sec. 18-49. Suspension or revocation.

Any license issued by the city may be suspended by the city manager for cause, and any 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 council on any such

action of the city manager, provided a written request is filed with the city clerk within five days after receipt of the notice of such suspension. The council may confirm such suspension or revoke or reinstate any such license. The action taken by the council shall be final. Upon suspension or revocation of any license or permit, the fee shall not be refunded.

(Code 1971, ' 7.17)

Sec. 18-50. Renewal.

Unless otherwise provided in this Code, an application for renewal of a license shall be considered in the same manner as an original application.

(Code 1971, ' 7.19)

Sec. 18-51. Exhibition.

No licensee shall fail to carry any license issued in accordance with the provisions of this chapter upon his person at all times when engaged in the operation, conduct or carrying on of any trade, profession, business or privilege for which the license was granted; except that where such trade, profession, business or privilege is operated, conducted or carried on at a fixed place or establishment, the license shall be exhibited at all times in some conspicuous place in his place of business. Every licensee shall produce his license for examination when applying for a renewal or when requested to do so by any city police officer or by any person representing the issuing authority.

(Code 1971, ' 7.20)

Sec. 18-52. Exhibition on vehicle and machine.

No licensee shall fail to display conspicuously on each vehicle or mechanical device or machine required to be licensed by this Code such tags or stickers as are furnished by the city clerk.

(Code 1971, ' 7.21)

Sec. 18-53. Displaying invalid license.

No person shall display any expired license or any license for which a duplicate has been issued.

(Code 1971, ' 7.22)

Sec. 18-54. Transferability; misuse.

No license or permit issued under the provisions of this Code shall be transferable unless specifically authorized by the provisions of this Code. No licensee or permittee shall, unless specifically authorized by the provisions of this Code, transfer or attempt to transfer his license or permit to another, nor shall he make any improper use of the license or permit.

(Code 1971, ' 7.23)

Sec. 18-55. Misuse; automatic revocation.

In addition to the general penalty provision for violation of this Code, any attempt by a licensee or permittee to transfer his license or permit to another, unless specifically authorized by the provisions of this Code, or to use the license or permit improperly shall be void and result in the automatic revocation of such license or permit.
(Code 1971, ' 7.24)