

Chapter 16

LICENSING*

* **Cross References:** License for mechanical and electrical amusement devices, § 4-171 et seq.; license for adult entertainment enterprises and establishments, § 4-206 et seq.; license for auctions, § 6-21 et seq.; license for bed and breakfast operations, § 7-31 et seq.; licensing of electricians, § 8-86 et seq.; license for outdoor assemblies, § 20-21 et seq.; license for peddlers and solicitors, § 22-36 et seq.; taxation, Ch. 32.

Sec. 16-1. Definition.

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 therewith, which act, omission or condition is:

- (1) Contrary to the health, 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 1977, § 7.18)

Cross References: Definitions and rules of construction generally, § 1-2.

Sec. 16-2. Licenses 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 chapter.

(Code 1977, § 7.1)

Sec. 16-3. 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 1977, § 7.2)

Sec. 16-4. 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 1977, § 7.3)

Sec. 16-5. License 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 such 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 1977, § 7.4)

Sec. 16-6. License year.

Except as otherwise herein provided as to certain licenses, the license year shall begin July first of each year and shall terminate at midnight on June thirtieth 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 fifteen (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 (1) year, the effective date of such licenses shall commence with the date of issuance thereof. (Code 1977, § 7.5)

Sec. 16-7. Payment of fee, bond.

No license shall be issued to any applicant unless he or she first pays to the city clerk the fee and posts a bond in the amount required for the type of license desired. Fees for licenses shall be as prescribed by resolution of the council. (Code 1977, §§ 7.31, 7.32)

Sec. 16-8. 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 fees appertaining thereto have been paid. No license shall be granted to any applicant therefor until such applicant has complied with all of the 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 1977, § 7.6)

Sec. 16-9. Where certification required.

No license shall be granted where the certification of any officer of the city is required prior to the

issuance thereof until such certification is made.
(Code 1977, § 7.7)

Sec. 16-10. Fire chief's certification.

In all cases where the certification of the fire chief 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 1977, § 7.9)

Cross References: Fire prevention and protection generally, Ch. 13.

Sec. 16-11. Police chief's certification.

In all cases where the certification of the police chief is required prior to the issuance of any license by the city clerk, such certification shall be based upon an investigation of the person's background and a finding that the person is of good moral character.
(Code 1977, § 7.10)

Cross References: Certification of license for auctions, § 6-23; offenses generally, Ch. 19; certification of police chief for license for peddlers and solicitors, § 22-39; certification of license for transient merchants, § 22-77.

Sec. 16-12. Licensing standards for good moral character.

(a) The phrase "good moral character," when used in this Code for the purpose of licensing, shall be construed to mean the propensity on the part of the person to serve the public in the licensed area in a fair, honest and open manner.

(b) A judgment of guilt in a criminal prosecution or a judgment in a civil action shall not be used, in and of itself, as proof of a person's lack of good moral character. It 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 at the current time he or she has the ability to, and is likely to serve the public in a fair, honest and open manner, that he or she is rehabilitated, or that the substance of the former offense is not reasonably related to the occupation or profession for which he or she seeks to be licensed.

(c) The following criminal records shall not be used, examined or requested by the city in a determination of good moral character:

- (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.

(d) When a person is found to be unqualified for a license because of a lack of good moral character, or similar criteria, the person shall be furnished by the city clerk with a statement to this effect. The statement shall contain a complete record of the evidence upon which the determination was based. The person shall be entitled, as of right, to a rehearing on the issue before the council if he or she has relevant evidence not previously considered regarding his or her qualifications.

State Law References: Similar provisions, MCL 338.41 et seq., MSA 18.1208(1) et seq.

Sec. 16-13. Building inspector's certification.

In all cases where the carrying on of the trade, profession, business or privilege involves the use of any structure or land, a license therefor shall not be issued until the building inspector shall certify that the proposed use is not prohibited by chapter 38, or other zoning regulations of the city.

(Code 1977, § 7.11)

Cross References: Buildings and building regulations, Ch. 8.

Sec. 16-14. 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 thereof is specified in this Code, 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 (1) or more policies of insurance in the same amounts and providing the same protection as called for in any such bond; 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 1977, § 7.12)

Sec. 16-15. Late renewals.

All fees for the renewal of any license which are not paid at the time said fees shall be due, shall be paid as "late fees" with an additional twenty-five (25) percent of the license fee required for such license for the first fifteen (15) days that such license fee remains unpaid and thereafter the license fee shall be that stipulated for such licenses, plus fifty (50) percent of such fee.

(Code 1977, § 7.13)

Sec. 16-16. 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 1977, § 7.14)

Sec. 16-17. When fees paid.

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

(Code 1977, § 7.15)

Sec. 16-18. 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 the exemption and the reason therefor.
(Code 1977, § 7.16)

Sec. 16-19. Suspension or revocation.

Any license issued by the city may be suspended by the mayor 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 mayor, provided a written request therefor is filed with the city clerk within five (5) days after receipt of said 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 therefor shall not be refunded.
(Code 1977, § 7.17)

Sec. 16-20. License 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 1977, § 7.19)

Sec. 16-21. Exhibition.

No licensee shall fail to carry any license issued in accordance with the provisions of this chapter upon his or her 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 or her place of business. Every licensee shall produce his or her license for examination when applying for a renewal thereof or when requested to do so by any city police officer or by any person representing the issuing authority.
(Code 1977, § 7.20)

Sec. 16-22. Display on vehicle, 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 1977, § 7.21)

Sec. 16-23. Displaying invalid license.

No person shall display any expired license or any license for which a duplicate has been issued.
(Code 1977, § 7.22)

Sec. 16-24. Transferability; improper use.

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 or her license or permit to another nor shall he or she make any improper use of the same.
(Code 1977, § 7.23)

Sec. 16-25. Misuse; automatic revocation.

In addition to the general penalty provision for violation thereof, any attempt by a licensee or permittee to transfer his or her license or permit to another, unless specifically authorized by the provisions of this Code, or to use the same improperly shall be void and result in the automatic revocation of such license or permit.
(Code 1977, § 7.24)