

TITLE XI: BUSINESS REGULATIONS

Chapter

110. TELECOMMUNICATIONS

111. LIQUOR CONTROL

112. BUSINESSES AND TRADES

CHAPTER 110: TELECOMMUNICATIONS

Section 110.01 Generally

§ 110.01 GENERALLY.

(A) The purposes of this section are to regulate access to and ongoing use of public rights-of-way by telecommunications providers for their telecommunications facilities while protecting the public health, safety, and welfare and exercising reasonable control of the public rights-of-way in compliance with the Metropolitan Extension Telecommunications Rights-of-Way Oversight Act (Public Act 48 of 2002 being MCL 484.3101 through 484.3120) (“Act”) and other applicable law, and to ensure that the City qualifies for distributions under the Act by modifying the fees charged to providers and complying with the Act.

(B) Nothing in this section shall be construed in such a manner as to conflict with the Act or other applicable law.

(C) For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ACT. The Metropolitan Extension Telecommunications Rights-of-Way Oversight Act (Public Act 48 of 2002 being MCL 484.3101 through 484.3120), as amended from time to time.

CITY. The City of Brown City.

CITY COUNCIL. The **CITY COUNCIL** of the City of Brown City, or its designee. This section does not authorize delegation of any decision or function that is required by law to be made by the **CITY COUNCIL**.

CITY MANAGER. The **CITY MANAGER** or his or her designee.
(1997 Code, § 1402) (Ord. passed 1-27-2003)

CHAPTER 111: LIQUOR CONTROL

Section

111.01 Definitions

§ 111.01 DEFINITIONS.

Words used in this chapter shall have their usual and customary meaning; provided, however, that all words defined in Public Act 58 of 1998 being MCL 436.1101 - 436.2303, as amended, and used in this section, shall have the meaning given in the Act and is adopted by reference.
(1997 Code, § 4501)

CHAPTER 112: BUSINESSES AND TRADES

Section

General License Provisions

- 112.01 License required
- 112.02 Conditions of issuance
- 112.03 Application
- 112.04 Termination
- 112.05 State license
- 112.06 Renewal
- 112.07 Exemption from fee
- 112.08 Nontransferability
- 112.09 Appeal to Council
- 112.10 Suspension and revocation
- 112.11 Notice of revocation of license;
hearing
- 112.12 Must carry license
- 112.13 Record of licenses
- 112.14 Appeal

License Fees

- 112.30 Schedule

Hawkers, Peddlers, and Solicitors

- 112.45 Definitions
- 112.46 License
- 112.47 Exhibition of license
- 112.48 Bond of solicitors
- 112.49 Invitation to premises

Transient Merchants

- 112.60 Definition
- 112.61 License

Public Show, Circus, or Exhibition

- 112.75 Bond

GENERAL LICENSE PROVISIONS**§ 112.01 LICENSE 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 ordinance of the City, without first obtaining a license from the City in the manner provided for in this subchapter and the subchapter of this code requiring the license, unless licensed by the state and are permitted to collect sales tax. However, no City license is required for temporary businesses registered with the Brown City Homecoming/Festival Commission during the time of those City events.
(1997 Code, § 7101) Penalty, see § 10.99

§ 112.02 CONDITIONS OF ISSUANCE.

No license shall be granted or delivered until the applicant therefor has complied with all the conditions precedent to its issue, as set forth in the subchapter of this code requiring the license.
(1997 Code, § 7102)

§ 112.03 APPLICATION.

(A) Unless otherwise provided in the subchapter requiring a license, the 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 the license to the Clerk, upon forms provided by the Clerk.

(B) All statements required to be made as to facts that are required for, or applicable to, the granting of any license required by the City, shall be made under oath or affirmation.
(1997 Code, § 7103)

§ 112.04 TERMINATION.

(A) (1) Unless otherwise provided in the subchapter requiring a license, the license shall begin on January 1 in each year and shall terminate on December 31 of the following year.

(2) Annual licenses issued after May 1 in any year shall terminate on December 31 of the following year.

(B) In all cases where the provisions of a subchapter permit the issuance of licenses for a period of less than 1 year, any license so issued shall become effective on its date of the issuance, and shall terminate at the end of the period for which it is issued.
(1997 Code, § 7105)

§ 112.05 STATE LICENSE.

No license required by this code shall be issued to any person who is required to have a license or permit from the state, until the person shall submit evidence that he or she has secured the state license or permit.
(1997 Code, § 7106)

§ 112.06 RENEWAL.

Applications for the renewal of any license shall be considered to be, and shall be treated in the same manner as, an original application for the license.
(1997 Code, § 7107)

§ 112.07 EXEMPTION FROM FEE.

No license shall be issued by the Clerk under this code, except upon payment of the fee or fees therefor provided in § 112.30.
(1997 Code, § 7108)

§ 112.08 NONTRANSFERABILITY.

Licenses issued by the City shall not be transferable, unless specifically authorized by the subchapter of this code requiring it, and then only in accordance with the provisions of that subchapter.
(1997 Code, § 7109)

§ 112.09 APPEAL TO COUNCIL.

(A) An applicant for any license, who has been refused the license for any reason by the authorized issuing officer, may appeal the refusal

to the Council, by setting forth all the facts in a written petition and filing the same with the Clerk.

(B) The Council may act on the petition, upon the facts set forth therein, or may grant a further hearing to the applicant.
(1997 Code, § 7110)

§ 112.10 SUSPENSION AND REVOCATION.

(A) Any license required by this code may be suspended or revoked, or the renewal thereof refused, for misrepresentation of any material fact in the application for the license, or for any good cause by the Council, or by the officer of the City to whom application was required to be made to secure the license.

(B) For the purpose of this section, the following definition shall apply unless the context clearly indicates or requires a different meaning.

GOOD CAUSE. Any act, omission, or the permitting of a condition to exist, with respect to the license in question, that is:

- (a) Contrary to the health, safety, or welfare of the public;
- (b) Unlawful or fraudulent in nature;
- (c) A violation of the subchapter under which the license was granted;
- (d) Beyond the scope of the license issued; and/or
- (e) A fact, circumstance, or condition that, had it existed or been known to the issuing authority at the time the license was granted, would have been sufficient grounds for refusal thereof.
(1997 Code, § 7111)

§ 112.11 NOTICE OF REVOCATION OF LICENSE; HEARING.

No license issued under this code shall be revoked, except after hearing before the Council,

following not less than 10-days' notice to the licensee, stating the time and place of the hearing and setting forth the reasons for revocation, which notice shall be given by the Clerk.
(1997 Code, § 7112)

§ 112.12 MUST CARRY LICENSE.

No person to whom a license has been granted shall fail to carry the license upon his or her person when engaged in the operation, conduct, or carrying on of the trade, profession, business, or privilege for which the license was granted; except where the trade, profession, business, or privilege is operated, conducted, or carried on at a fixed place or establishment. No person shall fail to produce any license granted by the City, when requested to do so by any City police or Health Officer, or by any person representing the issuing authority.
(1997 Code, § 7113)

§ 112.13 RECORD OF LICENSES.

The Clerk shall keep a record of all applications for licenses made under this chapter, indicating whether the license applied for in each case has been granted or withheld, and if withheld, the reasons therefor.
(1997 Code, § 7114)

§ 112.14 APPEAL.

No person shall file any appeal or action in any court, by reason of the Clerk of Council failing to grant him or her a license or revoking his or her license, until he or she has complied with all the provisions of this subchapter.
(1997 Code, § 7115)

LICENSE FEES

§ 112.30 SCHEDULE.

No license shall be issued to any applicant unless he or she first pays to the City the amount required for the type of license desired, in accordance with the City Council Fee Schedule.
(1997 Code, § 7201)

HAWKERS, PEDDLERS, AND SOLICITORS

§ 112.45 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

PEDDLER. Any individual, whether a resident of the City or not, traveling either by foot or vehicle from place to place, carrying goods, wares, or merchandise, offering and exposing the same for sale, or making sales and delivering articles to purchasers. The word **PEDDLER** shall include the words "hawker" and "huckster."

SOLICITOR. Any individual, whether a resident of the City or not, traveling either by foot or vehicle from place to place, taking or attempting to take orders for the sale of goods, wares, or merchandise for future delivery, or for services to be furnished or performed in the future. This definition shall include any person who uses or occupies any building, structure, or other place in the City for the sole purpose of taking orders for future delivery.
(1997 Code, § 7301)

§ 112.46 LICENSE.

It shall be unlawful for any peddler or solicitor to engage in the business within the City, except for the business district, without first obtaining a license as provided in this chapter; provided, however, that any individual selling or offering for sale only goods, wares, or merchandise that he or

she has grown, raised, or manufactured shall, after meeting all other requirements, be granted a license without payment of the fee required by § 112.30.

(1997 Code, § 7302) Penalty, see § 10.99

§ 112.47 EXHIBITION OF LICENSE.

Peddlers and solicitors are required to exhibit their licenses at the request of any citizen.

(1997 Code, § 7303) Penalty, see § 10.99

§ 112.48 BOND OF SOLICITORS.

Before being granted a license, every solicitor, who is not a resident of the City, or who is a resident of the City representing a firm whose principal place of business is located outside state, shall file with the Clerk a surety bond, approved as to form by the City Attorney, running to the City in the amount of \$500, conditioned that the solicitor shall fully comply with all provisions of City ordinances and state statutes regulating and concerning the solicitor’s business, and guaranteeing to any citizen of the City that all money paid as down payment will be accounted for and applied according to the representations of the solicitor, and that the property purchased will be delivered according to the representations of the solicitor. Action of the bond may be brought in the name of the City, to the use or benefit of the aggrieved person.

(1997 Code, § 7304)

§ 112.49 INVITATION TO PREMISES.

It shall be unlawful for any peddler or solicitor to enter a private residence or any premises upon which a private residence is located, for the purpose of engaging in his or her business, without first having been requested or invited to do so by the owner or occupant thereof.

(1997 Code, § 7305) Penalty, see § 10.99

TRANSIENT MERCHANTS

§ 112.60 DEFINITION.

For the purpose of this subchapter, the following definition shall apply unless the context clearly indicates or requires a different meaning.

TRANSIENT MERCHANT. Any person, whether a resident of the City or not, who engages in the temporary business of the retail sale and delivery of goods, wares, or merchandise within the City, and who, for the purpose of conducting the business, uses or occupies any lot, premises, building, room, or structure, including railroad cars; provided, however, that this definition shall not be construed to include merchants having regularly established places of business within the City, who make incidental sales or deliveries direct from railroad cars, or to persons making sales at any community fair, and; provided, further, that every person engaged in the retail sale and delivery of goods, wares, or merchandise shall be deemed to be engaged in carrying on a temporary business, until his or her inventory has been assessed for taxation in the City.

(1997 Code, § 7401)

§ 112.61 LICENSE.

(A) It shall be unlawful for any transient merchant to engage in the business, without first obtaining a license as provided in this chapter; provided, however, that any person selling or offering for sale any goods, wares, or merchandise on behalf of, and solely for the benefit of, any recognized charitable or religious purpose shall, after meeting all other requirements, be granted a license without payment of the fee required by § 112.30.

(B) The license fee shall be refunded to any licensee who continues in the same business, as soon as his or her inventory has been assessed for taxes in the City; provided, however, that the fee shall not be so refunded until at least an equal amount has been paid to the City by the licensee, in taxes on the licensee’s business property or in water charges for water furnished the licensee’s place of business.

(1997 Code, § 7402) Penalty, see § 10.99

PUBLIC SHOW, CIRCUS, OR EXHIBITION

§ 112.75 BOND.

Before being granted a license, the applicant shall file with the Clerk a bond, approved as to form by the City Attorney, running to the City in the amount of \$500, which shall become available for the payment of any damage to public or private property, or of any personal injuries resulting from the conduct, maintenance or operation of the business. It shall be further conditioned that the applicant shall have the premises he or she uses in a clean and sanitary condition.

(1997 Code, § 7504)