

CHAPTER 20
BUSINESS LICENSES AND REGULATIONS

SECTION 20.00 IN GENERAL

History: (Section 20.00 added 04-22-10;-)

A. Licensee Defined

As used in this Ordinance, except as otherwise specifically provided, the term licensee means and includes any person to whom a license has been issued under this Ordinance, and the employees or agents of such person.

B. 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 section of this Ordinance without first obtaining a license from the City in the manner provided for in this Ordinance.

C. Multiple Businesses

The granting of a license 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 Ordinance to be licensed shall not relieve the person to whom such license is granted from the necessity of securing individual licenses for each such trade, profession, business or privilege.

D. State Licensed Businesses

1. The fact that a license 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 from the City if such license is required by this Ordinance.
2. No license required by any provision of this Ordinance shall be issued to a person who is required to have a license or permit from the state until such person submits evidence that such license has been secured.

E. Fees

1. No license shall be issued until the required fees have been paid according to the City of Lapeer Fee Schedule, as amended by the City Commission.
2. No license fee shall be required from any person who is exempt from such fee by provisions of state or federal law. Such a person shall comply with all other provisions of this Ordinance. The City Clerk shall, in all cases, issue to such a person a license which clearly states such exemption and the reason therefore.

3. No license shall be prorated, unless otherwise specifically provided.

F. License Application

1. Unless otherwise provided in this Ordinance, every person required to obtain a license from the City to engage in operation, conduct or carrying on of any trade, profession, business or privilege shall make application for such license to the City Clerk, on 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.
2. The City Clerk shall examine each application filed under this ordinance for a permit and shall make, or cause to be made, such further investigation of the application and the applicant as the City Clerk shall deem necessary. The permit will be issued when the City Clerk determines the following facts:
 - a) That all of the statements made in the application are true.
 - b) That the applicant has not engaged in any fraudulent transaction or enterprise.
 - c) Nothing in the applicant's proposed activity will violate any provision of the Zoning Ordinance of the City or any other law or ordinance.
3. All applications for any license shall be referred to the Police Chief or designate for an investigation and recommendation on matters pertaining to the public safety, health or welfare which are or may be involved in the exercise of the license applied for unless otherwise specifically provided. Where the Police Chief's investigation requires the determination of good moral character of the applicant, the definition of good moral character shall be in accordance with Act 381 of 1974 (MCL 338.41, et seq., MSA 18.1208(1) et seq.) as amended.

G. Authorized Issuing Officer and Approval of City Officers or Department Heads.

1. The Authorized Issuing Officer shall be the City Clerk unless otherwise specifically provided.
2. Whenever the approval of a license is required by any City Officer or Department Head, the criteria for approval shall be the applicant's compliance with federal, state and local laws concerning the field in which such Officer or Department Head is involved.

H. Use of Buildings and Premises

No license shall be issued for the conduct of any business, and no permit shall be issued for any thing, or act, if the premises and building to be used for the purpose do not fully comply with the requirements of the City Ordinances. No such license or permit shall be issued for the conduct of any business or performance of any act which would involve a violation of the Zoning Ordinance of the City.

I. Change of Location

The location of any licensed business or occupation, or of any permitted act, may be changed, provided, ten (10) days' notice thereof is given to the City Clerk, in the absence of any provision to the contrary; provided, that the building and zoning requirements of the Ordinances are complied with.

J. Nuisances

No business, licensed or not, shall be so conducted or operated as to amount to a nuisance in fact.

K. Inspections

Whenever inspections of the premises used for or in connection with the operation of a licensed business or occupation are provided for or required by Ordinance, or are reasonably necessary to secure compliance with any Ordinance provision or to detect violations thereof, it shall be the duty of the licensee, or the person in charge of the premises to be inspected, to admit thereto for the purpose of making the inspection any officer or employee of the City who is authorized or directed to make such inspection at any reasonable time that admission is requested.

L. Bonds or Insurance

1. Where the provisions of this Ordinance require that the applicant for any license 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 the City of Lapeer Fee Schedule, 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 may furnish one or more policies of insurance in the same amounts and providing the same protection as called for in any such bond. Any such insurance policies shall be approved as to substance by the City Official issuing such license and as to form by the City Attorney.
2. No license shall be issued to any applicant unless the required bond or insurance has been posted.

M. License Year

1. Except as otherwise specifically provided, all licenses by the City shall be annual licenses. The license year shall begin January 1 of each year and shall terminate at 12:00 midnight on December 31 of that year.
2. An annual license issued between December 1 and December 31 of any year shall expire on December 31 of the calendar year next following issuance thereof.
3. Unless as otherwise specifically provided in this Ordinance, an application for renewal of a license shall be considered in the same manner as an original application.

N. Issuance

1. If the application for any license is approved by the authorizing issuing officer of the City, as provided in this Ordinance, and all other applicable sections of this Ordinance have been complied with, the license shall be issued by the City Clerk or other such officer as is designated to issue such license.
2. The City Clerk shall keep a full record in the Clerk's office of all licenses issued. Such records shall contain the number of the license, the date the same is issued, the nature of the business authorized to be carried on, the amount of the license fee paid, the expiration date of the license, the place where the business may be carried on under the license, and the name of the person authorized to conduct same.
3. Acceptance of any person of a license granted by the City under this Ordinance shall constitute permission to any officer of the City, within the authority granted by this Ordinance under which license was granted, to enter upon and inspect the licensed premises at all reasonable times.

O. Exhibition of License

1. No licensee shall fail to carry any license issued in accordance with the provisions of this Ordinance upon his/her person at all times when engaged in the operation, conduct or maintenance of any business for which the license was granted. However, where such trade, profession, business or privilege is operated, conducted or carried on at a fixed place or establishment, such license shall be exhibited at all times in some conspicuous place in the licensee's place of business. Every licensee shall produce his/her license for examination when requested to do so by any police officer or by any person representing the issuing authority.
2. Any person holding a license under this Ordinance may obtain from the issuing authority a duplicate copy of such license in case the original has been lost, destroyed or so worn or soiled as to be partially or wholly

illegible. No such duplicate copy shall be issued unless the licensee returns the original to the City Clerk or files an affidavit with the City Clerk to the effect that such license has been destroyed or lost. A duplicate license issued shall be plainly marked on its face "Duplicate".

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

P. Transfer of License

1. No licensed issued under the provisions of this Ordinance shall be transferable unless specifically authorized by the provisions of this Ordinance, and then only in accordance with such provision.
2. Except as otherwise provided in this Ordinance, no person shall permit another person to use or employ any license issued to him/her by the City.

Q. Denial, Suspension or Revocation Procedures

1. The issuance of licenses applied for under this Ordinance may be denied, suspended or revoked by the authorized issuing officer of the City for good cause.
2. The term "cause" as used in this Ordinance, shall include means an act or omission or the permitting of a condition to exist, with respect to the license in question; contrary to the health, safety or welfare of the public; unlawful or fraudulent in nature; violation of the provision under which the license was granted; beyond the scope of the license issued; or is forbidden by this Ordinance or any duly established rule or regulation of the City applicable to the trade, profession, business or privilege for which the license has been granted. The term "cause", as used in this Ordinance, shall also include the arrest and conviction of the licensee for any crime involving moral turpitude.
3. Any denial, suspension or revocation of a license by the authorized issuing officer shall be provided written notice, stating the cause or causes therefore, and be delivered to the licensee personally or mailed to the licensee's address, by certified mail, as shown in the application for a license within ten (10) days of such denial, suspension or revocation.
4. Any person whose license has been denied, suspended or revoked, shall have the right to appeal to the City Manager, or designate, provided a written request is filed with the City Clerk within ten (10) days of receipt of such notice of denial, suspension or revocation.
5. The City Manager, or designate, shall conduct a hearing not less than ten (10) days after the receipt of such written request to appeal a denied, suspended or revoked license, at which time and place the licensee shall

have an opportunity to present a defense to such denial, suspension or revocation.

6. The City Manager, or designate, shall either overturn the action of the authorized issuing officer and issue or reinstate any denied, suspended or revoked license, or confirm the action of the authorized issuing officer and sustain the issuance, or suspension and revocation of any license.
7. The City Manager, or designate, shall provide written notification within five (5) days of determination to either overturn or confirm the action of the authorized issuing officer regarding the denial, suspension or revocation.
8. Any person whose license has been confirmed by the City Manager to be denied, suspended or revoked, shall have the right to appeal to the City Commission, provided a written request is filed with the City Clerk within ten (10) days of receipt of such confirmation.
9. Upon a request to appeal to the City Commission, the City Commission shall conduct a hearing and give notice by regular mail to the licensee or his/her attorney, at his/her last known address, of the time and place of the hearing. The City Commission shall by vote of a majority of its membership either overturn the action of the City Manager and issue or reinstate any denied, suspended or revoked license, or conform the action of the City Manager and sustain the issuance, or suspension and revocation of any license. The decision of the City Commission shall be final and conclusive.
10. If a licensee whose license has been denied, suspended or revoked fails to request a hearing, as provided within this Ordinance, or in the event the City Commission after a hearing confirms the action of the City Manager, the license shall be deemed to be fully and completely revoked for the balance of the license year.
11. Upon denial, suspension or revocation of any license as provided in this Ordinance, any fees paid shall not be refunded.
12. No person whose license has been denied, suspended or revoked shall operate any business during any time when a license has been denied, suspended or revoked.

R. Provisions Complementary and Supplemental

The provisions of this Ordinance, together with other relevant provisions of any other section of this Ordinance, or the provisions hereafter authorized or required by state law, and any and all thereof relative to licenses, permits, businesses, trades, occupations, premises or anything connected therewith, shall each be construed to be complementary and supplemental to each other so far as

relevant, and unless otherwise prescribed or inconsistent herewith, shall constitute a part of the regulations and conditions applicable generally to any particular license in the same manner as though these provisions were fully written into each separate sections of this Ordinance.

S. Penalties

The penalty for a violation of this Ordinance shall not exceed a fine of \$500 or imprisonment for 90 days, or both, unless otherwise specified.

SECTION 20.01 GOING OUT OF BUSINESS OR REMOVAL SALE

History: (Section 20.01 Billiards and Pool Rooms and Bowling Alleys deleted 04-22-10; Going Out Of Business Or Removal Sale added 04-22-10;-)

A. License Required.

Unless otherwise prescribed by statute, no person shall advertise or conduct a Going out of Business, Insurance, Bankruptcy, Mortgage, Insolvent, Assignee's, Executor's, Administrator's, Receiver's, Trustee's Removal, Closing Out, and sales of goods, wares and merchandise damaged by fire, smoke, water or otherwise without first having obtained a license under this Ordinance in accordance with the provisions of Regulation of Certain Sales, Public Act 39 of 1961, et seq., (MCL 442.211, et seq.) as amended.

SECTION 20.02 TAXICAB LICENSE.

A. License Required

It shall be unlawful to engage in the business of operating a taxicab in the City of Lapeer without having secured a license therefore. Applications for such licenses shall be made in writing to the Clerk, and shall state thereon the name of the applicant, the intended place of business and the number of cabs to be operated. If the application is a corporation, the names and addresses of the president and secretary thereof shall be given.

History: (Amended 04-22-10;-)

B. Definitions

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

PERSON. Includes an individual, corporation, partnership, unincorporated association who either owns, or is the lessee of, or is the purchaser under contract of a motor vehicle used as a taxicab.

History: (Amended 04-22-10;-)

TAXICAB. A motor vehicle regularly engaged in the business of carrying passengers for hire, a seating capacity of less than nine (9) persons, and not operated on a fixed route. Hearses, ambulances, hotel or motel courtesy cars or busses, school busses, chartered busses, vehicles providing individual or group transportation, vehicles owned and operated by governmental agencies, or limousines shall not be considered to be taxicabs.

History: (Amended 04-22-10;-)

VEHICLE FOR HIRE. Any motor-driven vehicle used for the transportation for hire of passengers and shall include taxicabs and van service vehicles.

History: (Amended 04-22-10;-)

C. Applications

1. A taxicab license shall be in writing, and contain the business name, address of business, telephone number, owner's name, address, telephone number, number, age, and kind of vehicles to be operated together with a statement of the applicant that he will faithfully perform the duties imposed upon him by this Ordinance, and that he will observe all the Ordinances and Charter of the City of Lapeer, and each application shall be numbered consecutively in each year, and such number shall be the license number under which the licensee shall do business during the year.

History: (Amended 04-22-10;-)

2. A list of the taxicab drivers to be used under the Taxicab License shall be filed with the application and include a copy of the valid drivers license for each individual. Any changes to such list shall be reported to the City Clerk within ten (10) days.

History: (Amended 04-22-10;-)

3. Statement by a licensed physician, dated not more than ten (10) days prior to submission of the application and/or the addition of new taxicab driver(s), certifying each driver to be free of contagious, infection or communicable disease.

History: (Amended 04-22-10;-)

D. Character of Applicant

No such license shall be issued to or held by any person who is not a person of good character or who has been convicted of a felony; or shall such license be issued to or held by any corporation if any officer thereof would be ineligible for a license under the foregoing conditions.

History: (Amended 04-22-10;-)

E. Authorized Issuing Officer

All taxicab licenses shall be approved by the City Commission and it shall be the duty of the City Clerk to issue a license.

History: (Amended 04-22-10;-)

F. Bonds or Insurance

1. Each application for a taxicab license shall be accompanied by a certificate of liability insurance policy issued by an insurance company authorized to do business in the state for each licensed vehicle and shall be in full force in the amount of five hundred thousand dollars (\$500,000) for bodily injury to any one (1) person; in the amount of five hundred thousand dollars (\$500,000) for bodily injury to more than one (1) person which were sustained in the same accident, and five hundred thousand dollars (\$500,000) for property damage resulting from one (1) accident.

History: (Amended 04-22-10;-)

2. Each liability insurance policy shall contain a clause obligating the insurer to give the City Clerk, by certified mail, at least ten (10) days written notification before the cancellation or termination of such insurance by other than the expiration of the original term of the policy. Upon termination of any such policy of insurance, however caused, the taxicab license in connection with which it was furnished shall immediately be suspended, and such suspension shall continue until the required insurance policy has been furnished and approved by the City Commission.

History: (Amended 04-22-10;-)

G. Display of Rates

The rate schedule for fares shall be prominently posted in the taxicab so as to be immediately visible to any passenger. The driver shall also, if requested by the passenger, advise the passenger of the rate schedule and how the fares are computed.

History: (Amended 03-28-01; Amended 04-22-10-)

H. Identification

An identification, including the name of the driver, a photograph of the driver and the City issued license number, shall be prominently displayed in view of passengers.

History: (Amended 03-28-01; Amended 04-22-10-)

I. Taximeters.

1. Each taxicab that utilizes a taximeter shall have the taximeter affixed thereto in such manner that the fare determined shall be plainly visible to the passengers, and after sundown, shall be illuminated by a suitable light. Taximeters shall be maintained in good working condition by the owner of the taxicab to which attached and the case of the taximeter shall be sealed and the motor and gears thereof intact. The Taximeters may be inspected at any time by the City Police Department.

History: (Amended 04-22-10;-)

J. Driver's Manifests.

1. Every driver shall maintain a daily manifest upon which recorded all trips made each day, showing time and place of origin and destination of each trip and amount of fare and all such manifests shall be returned to the licensed owner by the driver at the conclusion of his or her tour of duty. Forms for each manifest shall be furnished to the driver by the owner. Driver's manifests shall be retained and preserved for a period of one year and shall be made available to the Police Department or authorized officer of the City of Lapeer upon request.

History: (Amended 04-22-10;-)

K. Disposition of Property Left In Vehicles.

1. Every driver of a taxicab shall search the interior of such taxicab at the termination of each trip for any article or property which may have been left in the taxicab by a passenger. Any article found shall immediately be returned to the passenger owning such article, otherwise it shall be deposited with the owner of the taxicab at the conclusion of the driver's tour of duty.

History: (Amended 04-22-10;-)

L. General Provisions.

1. No person shall drive a taxicab, or be hired or permitted to do so, unless he/she is duly licensed by state law to carry passengers for hire. It shall be unlawful for any driver of a taxicab while on duty to drink any intoxicating liquor or to use any profane or obscene language, to shout or call to prospective passengers, or to disturb the peace in any way.

History: (Amended 04-22-10;-)

2. All persons holding a taxicab license and or a taxicab drivers license issued pursuant to the provisions of this section shall comply with all applicable Federal, State and local laws.

History: (Amended 04-22-10;-)

3. It shall be unlawful for any person owning or operating any taxicab to allow any person, except the driver, to ride in the front seat of any taxicab, unless all other seating space therein is fully occupied.

History: (Amended 04-22-10;-)

SECTION 20.03 SECONDHAND DEALER AND JUNK DEALER

A. License Required

No person shall carry on the business of a secondhand dealer or junk dealer without first obtaining a license under this Ordinance in accordance with the provisions of Public Act 350 of 1917, (MCL 445.401, et seq.) as amended.

History: (Amended 04-22-10;-)

B. Adoption by Reference

The City hereby adopts by reference the provisions of MCL 445.401 et seq., as amended, the Secondhand Dealers and Junk Dealers Act 350 of 1917.

History: (Amended 04-22-10;-)

C. Authorized Issuing Officer

All Secondhand Dealer and Junk Dealer licenses shall be approved by the Mayor, with confirmation by the Commission, and it shall be the duty of the City Clerk to issue a license.

History: (Amended 04-22-10;-)

D. License and Inspection

Any license issued under this Ordinance shall be for the period of 1 year from date of issuance unless sooner revoked for cause and is not transferable. Once issued, the City may inspect the premises of a licensed second hand or junk dealer during normal business hours.

History: (Amended 04-22-10;-)

E. Application.

1. Application for a Secondhand Dealer and Junk Dealers License shall be made in writing to the Mayor and filed in the office of the City Clerk. Said application shall contain the name and address of the applicant, the location where the business is to be carried on, owner of the real estate on which the business is to be conducted, previous experience as a Secondhand Dealer or Junk Dealer, listing of all agents/employees, and any other such information as may be deemed necessary for the proper enforcement of the provisions of this Ordinance.

History: (Amended 04-22-10;-)

2. A secondhand dealer and junk dealer shall provide to the City Clerk within twenty-four (24) hours after hiring a new employee, the name and address of the new employee.

History: (Amended 04-22-10;-)

F. Bonds or Insurance

1. Each application for a Secondhand Dealer and Junk Dealer shall be accompanied by a corporate surety bond in the sum of \$3,000 conditioned for the faithful performance of the duties and obligations pertaining to the

conduct of the business and for payment of all costs and damages incurred by any violation of this section.

History: (Amended 04-22-10;-)

G. General Provisions.

1. The Junk Yard, shop or place for the dismantling of automobiles, or other machinery, shall be so conducted as not to create a nuisance by reason of noise or disagreeable odors or fumes, that no loads of iron or other heavy materials may be unloaded nor break-up hammers used between the hours of 9:00 o'clock p.m. and 6:00 o'clock a.m. That said junk dealers shall not burn rubber or other substance so that the air may be polluted, nor shall said junk dealers cause to be lighted any fires in the closing hours, nor shall said junk dealers obstruct or cause to be obstructed the sidewalks, alleys, or right of way, nor place nor cause to be placed outside of the property lines any hides, second hand articles, used car parts, wheels, tin, iron, or metal of any kind or nature, and the City Commission shall impose such other regulations and restrictions as may be necessary to prevent the business of the licensee from being conducted in such manner as to be a nuisance or a noisome and offensive business within the City Limits of the City of Lapeer, Michigan, and the said City Commission may rescind such license upon complaint and said junk yard shall cease to operate until said evils are corrected or upon such terms and conditions as the said City Commission in its discretion may ordain; provided, that before rescinding such license, the licensee shall be informed of the complaint against him and shall be given a reasonable opportunity to be heard thereon.
2. It shall be unlawful and a violation of the provisions of this Ordinance for any person, firm or corporation to engage in the business of a Junk Dealer within the corporate limits of the City of Lapeer unless such property upon which said business is conducted shall be enclosed according to the Zoning Ordinances of the City of Lapeer.

History: (Amended 04-22-10;-)

3. No Junk Dealer shall receive or take junk or any other article named in this Ordinance, by purchase or otherwise, from any minor, except paper or rags, without said minor parent or guardians consent, nor from any intoxicated person or from any person known by reputation or suspected of being a thief.

History: (Amended 04-22-10;-)

H. Manifests.

Every Junk Dealer shall keep a record of all items, goods, and merchandise received, purchased and sold and such record and the premises of every Junk Dealer shall be open to the inspection of all Police and Health Officials at all reasonable hours.

History: (Amended 04-22-10;-)

SECTION 20.04 SHOOTING GALLERIES

A. Shooting Gallery Defined

The term "shooting gallery" as used in this Ordinance means any public place or range for shooting and discharging firearms at a target for which a fee is charged, except shooting galleries or ranges maintained or operated by any military organization, police department or school, the privileges of which are not available to the general public.

History: (Amended 04-22-10;-)

B. License Required

No person or persons, firm or corporation shall operate a shooting gallery in the City of Lapeer without first obtaining a license under this Ordinance from the City Commission.

History: (Amended 04-22-10;-)

C. Authorized Issuing Officer

All licenses for Shooting Galleries shall be approved by the City Commission and it shall be the duty of the City Clerk to issue a license.

History: (Amended 04-22-10;-)

D. Application

1. Application for a Shooting Gallery shall be made in writing to the City Commission and filed in the office of the City Clerk. Said application shall contain the name and address of the applicant, the location where the business is to be carried on, owner of the real estate on which the business is to be conducted, previous experience as an operator of a Shooting Gallery, listing of all agents/employees, and any other such information as may be deemed necessary for the proper enforcement of the provisions of this Ordinance.

History: (Amended 04-22-10;-)

2. Any applicant for a Shooting Gallery shall provide to the City Clerk within twenty-four (24) hours after hiring a new employee the name and address of the new employee.

History: (Amended 04-22-10;-)

D. Bonds or Insurance

1. Each application for a Shooting Gallery shall be accompanied by a certificate of liability insurance policy issued by an insurance company authorized to do business in the state and shall be in full force in the amount of five hundred thousand dollars (\$500,000) for bodily injury to any one (1) person; in the amount of five hundred thousand dollars (\$500,000) for bodily injury to more than one (1) person which were sustained in the same

accident, and five hundred thousand dollars (\$500,000) for property damage resulting from one (1) accident.

History: (Amended 04-22-10;-)

2. Each liability insurance policy shall contain a clause obligating the insurer to give the City Clerk, by certified mail, at least ten (10) days written notification before the cancellation or termination of such insurance by other than the expiration of the original term of the policy. Upon termination of any such policy of insurance, however caused, the shooting gallery in connection with which it was furnished shall immediately be suspended, and such suspension shall continue until the required insurance policy has been furnished and approved by the City Commission.

History: (Amended 04-22-10;-)

E. Location

No shooting gallery shall be located nearer than one thousand (1,000) feet to the entrance of any school, church or hospital, nor in any location which in the opinion of the City Commission will result in the annoyance of any nearby resident. However, a license may be issued for a shooting gallery in the convention center, notwithstanding this Section, if all of the other provisions of this article are complied with.

History: (Amended 04-22-10;-)

F. Hours of Operation

No shooting gallery shall be operated between the hours of 1:00 a.m. and 9:00 a.m.

History: (Amended 04-22-10;-)

G. Safety Rules

In the operation of any shooting gallery, the following safety rules shall at all times be observed:

- a) The backstop behind the target shall be of at least four-sixteenths inch steel boiler plate, shall extend the full width of the room and forward at such angle of 45 degrees from the floor and shall be made rigid. The top of such backstop shall extend forward not less than 24 inches. There shall be provided a six inch sand trap at the bottom and directly in front of the backstop the full width and depth of the same. The counter shall not be less than 12 feet from the backstop and so constructed that there shall be no interference between or among the persons shooting at different targets.

History: (Amended 04-22-10;-)

- b. No person under the influence of intoxicants or narcotics, nor any minor under the age of 16 years, shall be permitted to handle or discharge any firearms upon the premises.

History: (Amended 04-22-10;-)

- c. No pistols or revolvers shall be permitted, except where each pistol or revolver is chained down or so affixed to the counter that it cannot possibly

be aimed in any direction other than towards the target. Each pistol or revolver shall be housed or boxed in a separate compartment not less than 18 inches by 30 inches permanently affixed to the counter and made of steel boiler plate at least one-fourth inch in thickness.

History: (Amended 04-22-10;-)

- d. No rifle, pistol or revolver shall be used which discharges a cartridge or cartridges at a velocity in excess of 1,200 feet per second.

History: (Amended 04-22-10;-)

- e. All doors, gates and entrances leading into that part of the premises between the firing point and the backstop shall be securely locked, and no one shall be permitted therein at any time persons are engaged in shooting or have access to the rifles used.

History: (Amended 04-22-10;-)

- f. All rifles, pistols and revolvers, including the sights thereon, shall be at all times kept in first-class condition.

History: (Amended 04-22-10;-)

- g. The ammunition used shall be smokeless, and only .22 caliber short cartridges shall be permitted to be used.

History: (Amended 04-22-10;-)

- h. The shooting galleries shall be properly and adequately ventilated at all times.

History: (Amended 04-22-10;-)

- i. Attendant shall wear a uniform, brassard or other distinguishing mark to identify them as employees of the licensee.

History: (Amended 04-22-10;-)

SECTION 20.05 Circuses, Medicine Shows, Carnivals, Tent Shows

A. License Required

No circus, medicine show, carnival or tent show shall present or offer any exhibit, play or any form of entertainment whatsoever within the limits of the City of Lapeer without first obtaining a license under this Ordinance from the City Clerk.

History: (Amended 04-22-10;-)

B. Application.

- 1. Application for a Circus, Medicine Show, Carnival, and Tent Show shall be made in writing and filed in the office of the City Clerk. Said application shall

contain the name and address of the applicant, the location where the business is to be carried on, owner of the real estate on which the business is to be conducted, previous experience as a Circus, Medicine Show, Carnival, Tent Show, listing of all agents/employees, and any other such information as may be deemed necessary for the proper enforcement of the provisions of this Ordinance.

History: (Amended 04-22-10;-)

C. Bonds or Insurance.

1. Each application for a circus, medicine show, carnival or tent show shall be accompanied by a certificate of liability insurance policy issued by an insurance company authorized to do business in the state and shall be in full force in the amount of five hundred thousand dollars (\$500,000) for bodily injury to any one (1) person; in the amount of five hundred thousand dollars (\$500,000) for bodily injury to more than one (1) person which were sustained in the same accident, and five hundred thousand dollars (\$500,000) for property damage resulting from one (1) accident.

History: (Amended 04-22-10;-)

2. Each liability insurance policy shall contain a clause obligating the insurer to give the City Clerk, by certified mail, at least ten (10) days written notification before the cancellation or termination of such insurance by other than the expiration of the original term of the policy. Upon termination of any such policy of insurance, however caused, the circus, medicine show, carnival or tent show in connection with which it was furnished shall immediately be suspended, and such suspension shall continue until the required insurance policy has been furnished and approved by the City Commission.

History: (Amended 04-22-10;-)

SECTION 20.06 PAWNBROKERS

History: (Section 20.06 Transient or Itinerant Photographers deleted 04-22-10; Pawnbrokers added 04-22-10;-)

A. Definition

Any person within the city who loans money on deposits of personal property or deals in the purchase or possession of personal property on condition of selling the same back again to the pledgor or depositor, or who loans or advances money on personal property by taking chattel mortgage security thereon, and takes or receives such personal property into his/her/its possession, is hereby declared to be a pawnbroker.

B. License Required

No person shall carry on the business of a pawnbroker without first having obtained a license under this Ordinance in accordance with the provisions of Pawnbrokers, Public Act 273 of 1917, (MCL446.201, et seq.) as amended.

C. Adoption by Reference

The City hereby adopts by reference the provisions of MCL 446.201 et seq., as amended.

D. Authorized Issuing Officer

All Pawnbrokers licenses shall be approved by the Mayor, with confirmation by the Commission, and it shall be the duty of the City Clerk to issue a license.

E. Application.

1. Application for a Pawnbroker License shall be made in writing to the Mayor and filed in the office of the City Clerk. Said application shall contain the name and address of the applicant, the location where the business is to be carried on, owner of the real estate on which the business is to be conducted, previous experience as a Pawnbroker, listing of all agents/employees, and any other such information as may be deemed necessary for the proper enforcement of the provisions of PA 273 of 1917, as amended, and this Ordinance.
2. A Pawnbroker shall provide to the City Clerk within twenty-four (24) hours after hiring a new employee the name and address of the new employee.

SECTION 20.07 SOLICITORS, CANVASSERS, PEDDLERS, TRANSIENT OR ITINERANT MERCHANTS

A. Permit and License Required

No person shall engage in the business of solicitor, canvasser, peddlers, transient or itinerant merchant without first obtaining a license under this Ordinance from the City Clerk.

History: (Amended 04-22-10;-)

B. Definitions.

1. "PERSON" as used herein shall include the singular and the plural and also mean and include any person, firm or corporation, association, club, co-partnership or society, or any other organization.

History: (Amended 04-22-10;-)

2. "CANVASSER" or "SOLICITOR" is defined as any individual, whether resident of the City of Lapeer or not, traveling either by foot, wagon, automobile, motor truck, or any other type of conveyance from place to

place, from house to house, or from street to street, taking or attempting to make orders for the sale of goods, wares and merchandise, personal property of any nature whatsoever for future delivery, or for services to be furnished or performed in the future, whether or not such individual has carries or exposes for sale a sample of the subject of such sale or whether he is collecting advance payments on such sales or not, provided that such definition shall include any person who, for himself, or for another person, firm, or corporation, hires, leases, uses, or occupies any building, structure, tent, railroad box car, boat, hotel room, lodging house, apartment, shop, or any other place within the City for the sole purpose of exhibiting samples and taking orders for future delivery.

History: (Amended 04-22-10;-)

3. "PEDDLER" as used herein shall include any person, whether a resident of the City of Lapeer or not, traveling by foot, wagon, automotive vehicle, or any other type of conveyance, from place to place, from house to house, or from street to street, carrying, conveying or transporting goods, wares, merchandise, meats, fish, vegetables, fruits, garden truck, farm products or provisions, offering and exposing the same for sale, or making sales and delivering articles to purchasers, or who, without traveling from place to place, shall sell or offer the same for sale from a wagon, automotive vehicle, railroad car, or other vehicle or conveyance, and further provided that one who solicits orders and as a separate transaction make delivers to purchasers as a part of a scheme or design to evade the provisions of this Ordinance shall be deemed a peddler subject to the provisions of this Ordinance. The word PEDDLER shall include the words HAWKER and HUCKSTER.

History: (Amended 04-22-10;-)

4. "TRANSIENT" or "ITINERANT" Merchant shall be deemed to mean and include all persons, both principals and agents who engage in and conduct within this City, either in one (1) locality, or traveling from house to house, and place to place a temporary or a transient or itinerant business, with the intention of continuing in such business in any one (1) place for a period of not more than ninety (90) days. Transient or Itinerant shall also include motor vehicles for sale that are not located on the premises of its property owner in the corporate limits of the City of Lapeer.

History: (Amended 04-22-10;-)

C. Application.

1. Applicants for permit and license under this Ordinance must file with the City Clerk, a sworn application in writing (in duplicate) on a form to be furnished by the City Clerk, which shall give the following information:
 - a. Name, description, date of birth, driver's license number, and telephone number of the applicant.

History: (Amended 04-22-10;-)

- b. Permanent home address and full local address of applicant.

History: (Amended 04-22-10;-)

- c. A brief description of the nature of the business and the goods to be sold.

History: (Amended 04-22-10;-)

- d. The name of the person, firm, partnership, corporation, or other business entity represented, if different than the applicant, together with the address of the registered office of the business and registered agent designated in Michigan for service of legal process, and the address of the nearest local or district office.

History: (Amended 04-22-10;-)

- e. The length of time for which the right to do business is desired.

History: (Amended 04-22-10;-)

- f. Two photographs of the applicant, taken within sixty (60) days immediately prior to the date of the filing of the application, which picture shall be 2"x2" showing the head and shoulders of the applicant in a clear and distinguishing manner.

History: (Amended 04-22-10;-)

- h. A statement as to whether or not the applicant has been convicted of any crime, misdemeanor, or violation of any municipal ordinance the nature of the offense, and the punishment or penalty assessed therefore.

History: (Amended 04-22-10;-)

- i. A statement by a reputable physician of the City of Lapeer, dated not more than ten (10) days prior to submission of the application, certifying the applicant to be free of contagious, infection or communicable disease.

History: (Amended 04-22-10;-)

- j. If a lot, room, building or structure is to be used, or if a cart, stand, booth, or other structure or fixture is to be placed on the property of another, evidence that the applicant has the legal consent of the legal owner of the property.

History: (Amended 04-22-10;-)

- k. If a motor vehicle is to be used, a description of the same, together with the license number, a statement that the applicant has a current valid operator's license and whether the applicant has had his or her driving privileges revoked, suspended, or restricted within three years immediately prior to the date of application, and the nature of any such revocation, suspension or restriction.

History: (Amended 04-22-10;-)

- i. A copy of a valid current Michigan sales tax license, or, if exempt, a copy of a current exemption certificate, if required for the goods, wares or merchandise sold.

History: (Amended 04-22-10;-)

- m. If food is to be sold, a health card or its equivalent issued by the State of Michigan regulatory agency.

History: (Amended 04-22-10;-)

- n. The name of the person having the management or supervision of the applicant's business during the time that it is proposed that it will be carried on in the City; the local address of such person while engaged in such business, the permanent address of such person; the capacity in which such person will act (that is, whether as proprietor, agent or otherwise); the name and address of the person, firm or corporation for whose account the business will be carried on, if any; and, if a corporation, under the laws of what state the same is incorporated.

History: (Amended 04-22-10;-)

D. Bonds and Insurance.

1. No solicitor, canvasser, peddler, transient or itinerate merchant shall engage in such business, and no license shall be issued by the City Clerk, unless there is on file an indemnity bond with the City Clerk in the penal amount of \$1,000.00 to indemnify the City for any and all damage to public property of any kind, and conditioned that the licensee will pay to the City all fines and penalties which may be assessed against the licensee for a breach of any ordinance relating to the business carried on by such person, and conditioned, further, that such licensee will fulfill any obligation to a resident of the State, which obligation is incurred as a result of the operation of such licensee in the City.

History: (Amended 04-22-10;-)

2. Every applicant for a license under this section shall provide evidence of proper public liability and personal injury insurance for each vehicle to be used in the amount of not less than the following.

History: (Amended 04-22-10;-)

- 1) On account of injury to, or death of, any person in any 1 accident...\$500,000.

History: (Amended 04-22-10;-)

- 2) On account of damage to property in any 1 accident...\$100,000.

Each liability insurance policy shall contain a clause obligating the insurance to give the City Clerk, by certified mail, at least ten (10) days written notification before the cancellation or termination of such

insurance by other than the expiration of the original term of the policy. Upon termination of any such policy of insurance, however caused, the license in connection with which it was furnished shall immediately be suspended, and such suspension shall continue until the required insurance policy has been furnished and approved by the City Commission.

History: (Amended 04-22-10;-)

E. Badges.

The City Clerk shall issue to each licensee at the time of delivery of his license a badge which shall contain the type of license for which applied (ie: Licensed Solicitor) the period for which the license is issued and the number of the license. Such badge shall, during the time such licensee is engaged in soliciting, be worn constantly by the licensee on the front of his outer garment in such a way as to be conspicuous.

History: (Amended 04-22-10;-)

F. Exhibition of License.

1. Any person issued a license under this section, are required to exhibit their licenses at the request of any citizen.

History: (Amended 04-22-10;-)

2. No person shall permit another person to use or employ a license issued to him/her by the City.

History: (Amended 04-22-10;-)

G. Duty of Police to Enforce.

It shall be the duty of any Police Officer of the City of Lapeer to require any person seen soliciting, canvassing, peddling, transient or itinerant merchant, and who is not known by such officer to be duly licensed, to produce such license and to enforce the provisions of this Ordinance against any person found to be violating the same.

History: (Amended 04-22-10;-)

H. Exemptions

History: (Exemptions added 04-22-10;-)

The following persons are exempt from the licensing requirement of Section 20.06.

1. Any person under the age of 16 years of age, except that persons under age 16 peddling or vending from a motor vehicle shall be requested to obtain a license.
2. Any person representing any established public or private school, provided that sales are under the sponsorship of the school.
3. Any person selling vegetables, fruits, or perishable farm products at any farmer's market approved by the City.

4. Any person operating any booth or concession during a City approved Special Event.
5. Any person exempt from the licensing requirement by virtue of state or federal law.

I. Additional Requirements

1. The hours for soliciting, canvassing, peddling, transient or itinerant merchant, shall be between the hours of 9:00 a.m. and 6:00 p.m. Monday through Saturday. No licensed solicitor, canvasser, peddler, transient or itinerant merchant will be allowed to conduct such business on Sundays.

History: (Amended 04-22-10;-)

2. No soliciting, canvassing, peddling, transient or itinerant merchant or any person on his behalf; shall shout, make any crate, blow a horn, ring a bell or use any sound device, including any loud speaking radio or sound amplifying system upon any of the streets, alleys, parks or other public places of said city or upon any private premises in the said city where sound of sufficient volume is emitted or produced therefrom to be capable of being plainly heard upon the streets, avenues, alleys, parks or other public places, for the purpose of attracting attention to any goods, wares or merchandize which such licensee proposes to sell.

History: (Amended 04-22-10;-)

3. No solicitor, canvasser, peddler, transient or itinerant merchant shall have any exclusive right to any location in the public streets, nor shall any be permitted a stationary location, nor shall he be permitted to operate in any congested area where its operations might impede or inconvenience the public. For the purpose of this ordinance, the judgment of a police officer, exercised in good faith, shall be deemed conclusive as to whether the area is congested or the public impeded or inconvenience.

History: (Amended 04-22-10;-)

4. It shall be unlawful for any peddler, canvasser, solicitor, transient or itinerant merchant whether licensed or not, to sell or expose for sale or offer for sale, in any place within the limits of the city any stale, rotten, fermented, nauseous or unwholesome vegetables, fruit, berries or any other articles or provisions by them sold, under licenses or otherwise, or any unwholesome bread, cake or other bakery products.

History: (Amended 04-22-10;-)

5. No solicitor, canvasser, peddler, transient or itinerant merchant shall sell or offer for sale any faulty, incomplete or deteriorated article of merchandise.

History: (Amended 04-22-10;-)

6. No solicitor, canvasser, peddler, transient or itinerant merchant shall, during school hours, sell or offer for sale any merchandise upon any public place of the city contiguous or adjacent to any property used for school purposes and within 200 feet of such property.

History: (Amended 04-22-10;-)

7. No solicitor, canvasser, peddler, transient or itinerant merchant shall call without an appointment at any dwelling or residence where a sign is displayed stating “no peddlers”, “no salesmen”, “no trespassing”, or words of similar meaning or import.

History: (Amended 04-22-10;-)

8. The issuing of a solicitor, canvasser, peddler, transient or itinerant merchant license from the City of Lapeer does not waive mandated licenses (ie: state, health inspection, etc.)

History: (Amended 04-22-10;-)

R. Effective Date.

This Ordinance shall take effect at 12:01 a.m., on December 14, 1967.

Amendments: Effective Date April 22, 2010.

SECTION 20.08 ERECTION AND POSTING OF SIGNS

- A. It shall be unlawful for any person, firm or corporation to erect, place, post, affix, nail or fasten by any means whatsoever any sign, poster, picture, writing or advertising to any pole, tree, lamp post, building or other object on any property of the City of Lapeer.
- B. Unless satisfactory evidence is produced to the contrary, the consent of the person, firm or corporation for whose benefit the sign, poster, picture, writing or advertising is erected, placed, posted, affixed, nailed, or fastened by any means whatsoever as aforesaid shall be presumed and such person, firm or corporation shall be liable as an accessory for the penalties as hereinafter set forth.
- C. The erecting, placing, posting, affixing, nailing, or fastening by any means whatsoever of each such sign, poster, picture, writing or advertising shall be deemed a separate offense.
- D. Nothing in this Ordinance shall prohibit the erecting, placing, posting, affixing, nailing or fastening by any means whatsoever of signs on any property of the City of Lapeer by governmental, non-profit, or charitable organizations, PROVIDED, that the consent of the Lapeer City Commission is first secured.
- E. Election signs shall not be erected, posted, affixed, or placed more than thirty (30) days prior to any scheduled election. Such election signs shall be removed ten (10)

days after any scheduled election.

History: (Amended 04-22-10;-)

SECTION 20.09 PRECIOUS METAL AND GEM DEALER

History: (Section 20.09 Peddlers deleted 04-22-10; Precious Metal and Gem Dealer added 04-22-10;-)

A. License Required

No person shall carry on the business of a precious metal and gem dealer without first having obtained a license under this Ordinance in accordance with the provisions of Public Act 95 of 1981, (MCL 445.481) as amended.

B. Adoption by Reference

The City hereby adopts by reference the provisions of The Precious Metal and Gem Dealer Act, Act 95 of 1981, as amended in accordance with the provisions of MCL 445.481 et. seq.

C. Authorized Issuing Officer

Application for a Precious Metal and Gem Dealer License shall be made in writing to the local police agency through the City Clerk's Office. All licenses under this section shall be approved by the Police Chief and it shall be the duty of the local police agency through the City Clerk's Office to issue a license.