

ORDINANCE 2013 - 18

An Ordinance amending Articles I through XVII of Chapter 16 of the City of Jackson Code of Ordinances to modernize the provisions for regulation of certain businesses, trades and occupations, to adjust or eliminate certain license fees, and to decrease regulations on certain businesses, trades and occupations for the health, safety and welfare of the Citizens of the City of Jackson.

THE PEOPLE OF THE CITY OF JACKSON ORDAIN:

Section 1. Purpose

The City Council adopts this ordinance to modernize the provisions for regulation of certain businesses, trades and occupations, to adjust or eliminate certain license fees, and to decrease regulations applicable to certain businesses, trades and occupation for the health, safety and welfare of the Citizens of the City of Jackson.

Section 2. That Articles I through XVII of Chapter 16 of the City of Jackson, Michigan Code of Ordinances, be amended to read as follows:

ARTICLE I. IN GENERAL

Sec. 16-1. 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.

Sec. 16-2. 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.

Sec. 16-3. 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.

Sec. 16-4. 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.

Sec. 16-5. License year.

The license year applicable to annual licenses shall begin on May first of each year and shall terminate at 12:00 midnight on April thirtieth the following year. Original licenses shall be issued for the balance of the license year at the full license fee until November first, on which date and for the balance of the license year, the annual fee shall be reduced by one-half for the balance of that license year. 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.

Sec. 16-6. 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.

Sec. 16-7. 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.

Sec. 16-8. Fire chief's certificate.

In all cases where the certification of the fire chief or director of police and fire services (or designee) 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.

Sec. 16-9. Police chief's certification.

In all cases where certification by the chief of police or director of police and fire services (or designee) is required prior to the issuance of any license by the city clerk, such certification shall

be based upon a finding by the director of police and fire services (or designee) that the applicant has met all public safety and criminal history prerequisites, if any, of any applicable licensing ordinance.

Sec. 16-10. Certification by the chief building official and zoning administrator.

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 chief building official and zoning administrator (or designees) shall certify that the proposed use is not prohibited by the building (see chapter 5) and zoning (see chapter 28) standards, respectively, of this Code, or other regulations of the city.

Sec. 16-11. Bonds.

Where the provisions of this Code require that a bond be furnished, such bond shall be furnished in an amount deemed adequate by the proper city officer, or, where the amount thereof is specified in a resolution of fees and bonds, in the amount so required, and 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 such license or permit and as to form by the city attorney.

Sec. 16-12. Late renewals.

All fees for the renewal of any license which are not paid at the time such fees shall be due, shall be paid as "late fees" with an additional twenty-five (25) percent of the license fee required for such licenses under the provisions of this chapter 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.

Sec. 16-13. Issuance.

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

Sec. 16-14. Fees; when paid.

The fee required by this Code for any license or permit shall be paid at the office of the issuing authority prescribed in this Code upon or before the granting of such license or permit. In addition to the fees required by this Code or by Resolution, additional fees may be charged by various city departments for inspections required by this Code. Additional fees may also be charged for responses or services by or from the police and fire services or the department of public works.

Sec. 16-15. Exempt persons.

No license fee shall be required from any person exempt from such fee by state or federal law. Such person 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 reason therefor.

Sec. 16-16. Suspension/revocation; hearing procedures.

- (1) Any license issued by the city may be suspended with the intent to revoke by the city clerk when it appears to the city clerk there is a reasonable basis to believe the licensee has engaged in conduct constituting cause for suspension as defined by section 16-17 or as otherwise provided in this Code.
- (2) Any suspension with the intent to revoke under this section shall be in written form stating the reasons for suspension and shall be effective upon mailing to the last known address of the licensee.
- (3) Any licensee whose license has been suspended with the intent to revoke under this section shall have the right to a hearing before the city council upon the appropriateness of such suspension, provided a written request for such hearing is filed with the city attorney within ten (10) business days after mailing of the notice of suspension by the city to the licensee.
- (4) Upon such request, the city council shall conduct a hearing, and based upon a preponderance of the evidence presented, shall by vote of a majority of its membership either (1) overturn the action of the city clerk and reinstate the license or (2) confirm the action of the city clerk.
- (5) If a licensee whose license has been suspended with the intent to revoke fails to request a hearing as provided herein, or if the city council after a hearing confirms the action of the city clerk, the license shall be deemed to be fully and completely revoked for the balance of the license year.
- (6) Upon revocation of any license hereunder, the fee therefor shall not be refunded. Any licensee whose license has been revoked shall not be eligible to apply for a new license for the same-trade, profession, business, or privilege for a period of one (1) year after such revocation.

Sec. 16-17. Cause for suspension defined.

The term "cause for suspension," 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 is granted under the provisions of this chapter, or upon any premises or facilities used in connection therewith, which act, omission, or condition is any of the following:

- (1) Contrary to the health, safety, or welfare of the public.
- (2) Unlawful or fraudulent in nature.
- (3) Unauthorized or beyond the scope of the license granted.
- (4) Forbidden by the provisions of this Code or any other duly established rule or regulation of the city applicable to the trade, profession, business or privilege for which the license was granted, regardless if a conviction results.
- (5) Forbidden by any state statute or rule governing the same trade, profession, business, or privilege for which the city license was granted, regardless if a conviction results.
- (6) A conviction for a crime involving theft, dishonesty, receipt of stolen property, or embezzlement arising out of the trade, profession, business, or privilege for which the license was granted.
- (7) The licensee has ceased to operate or otherwise abandoned the trade, profession, business, or privilege for which the city license was granted.
- (8) Statements on the application were false or misleading.

Sec. 16-18. 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.

Sec. 16-19. Exhibition of license.

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, such 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 thereof or when requested to do so by any city police officer or by any person representing the issuing authority.

Sec. 16-20. Exhibition of tags or stickers on vehicle or machine.

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

Sec. 16-21. Displaying invalid license.

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

Sec. 16-22. 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 same.

Sec. 16-23. Misuse; automatic revocation.

In addition to the general penalty provision for violation thereof, 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 same improperly shall be void and result in the automatic revocation of such license or permit.

Sec. 16-24. Penalty.

Any person violating any section of this chapter shall be, upon conviction, punished as provided by section 1-18 of this Code.

Secs. 16-25 - 16-50. Reserved.

ARTICLE II. FEES AND BONDS

Sec. 16-51. 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 by resolution of the city council. No license shall be issued to any applicant unless he 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 by resolution of the city council.

Secs. 16-53 - 16-70. Reserved.

RESOLUTION

BY THE CITY COUNCIL:

WHEREAS, the City of Jackson has experienced an increase in the costs associated with the licensing of certain businesses, trades, and occupations, and a decrease in costs with others; and

WHEREAS, the City of Jackson wishes to establish fees for certain licenses by Resolution rather than by Ordinance to allow for flexibility in the establishment of license fees; and

NOW, THEREFORE, BE IT RESOLVED that the City of Jackson establishes the following license fees and insurance requirements for licenses as prescribed in the following entries of this Resolution:

- Arcade owner's or coin operated amusement device license200.00
- Auction:
 - Annual License Fee50.00
 - Inventory fee (required each time an inventory
List is filed for an auction sale)25.00
- Bicycles (See Uniform Traffic Code)
- Building contractors:
 - Annual state residential builder or residential maintenance
and alteration contractor license registration fee15.00
- Carnivals, amusement rides and other shows300.00
- Concessionaires.....190.00
- Dances:
 - Public dance hall, one (1) year.....100.00
 - Dance license, public dance hall, and
Special dance license, per day15.00
- Donation boxes175.00
- Garage or yard sales.....5.00
- Heating contractors:
 - Annual state license registration fee15.00
- Junk, scrap, and automobile salvage dealer:
 - Annual fee.....250.00
- Outdoor sales and displays.....100.00
- Pawnbroker:
 - Annual fee250.00
- Peddlers215.00
- Plumbers (see Chapter 5 of the Jackson Code of Ordinances).
- Refuse collection licenses, per vehicle utilized or to be
utilized in businessby resolution per Section 12.4.1
- Sidewalk cafes85.00

- Special events (circuses, festivals, fairs, events, bazaars or other specially scheduled activity).....345.00
- Taxicab:
 - Each taxicab, annual fee50.00
 - Insurance:
 - Personal injury (one (1) or more persons)50,000.00/100,000.00
 - Property damage (one (1) accident)\$10,000.00
 - Taxicab driver, annual fee.....20.00
- Temporary outdoor sales175.00
- Transient merchant indoor sales335.00
- Transient merchant outdoor sales335.00
- Used motor vehicle dealer:
 - annual fee200.00

State of Michigan)
 County of Jackson) ss
 City of Jackson)

I, Andrew J. Wrozek Jr., City Treasurer/Clerk in and for the City of Jackson, County and State of Michigan, do hereby certify that the foregoing is a true and complete copy of a Resolution adopted by the Jackson City Council on the 13th day of August, 2013.

IN WITNESS WHEREOF, I have hereto affixed my signature and the seal of the City of Jackson, Michigan, on this 14th day of August, 2013.

Andrew J. Wrozek Jr. City Treasurer/Clerk