

ORDINANCE #719
AN ORDINANCE TO AMEND MARQUETTE CITY CODE
CHAPTER 12 – BUSINESSES, IN ORDER TO UPDATE
LICENSING PROCESSES

INTENT

The purpose of this ordinance is to amend several sections of Chapter 12, Article II of the Marquette City Code in order to change the timeline for annual licenses and renewals, refine the process for appealing license suspension and revocation and to make minor clerical and formatting changes.

The City of Marquette Ordains:

SECTION 1. That Section 12-27 be hereby amended in its entirety to read as follows:

Sec. 12-27. 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 provision of either this Code or of state law without first obtaining a license from the city in the manner provided for in this article. An application for license shall be reviewed as follows:

- (1) The city police chief or designee shall investigate the applicant as necessary to satisfy himself that there are no outstanding criminal charges against the applicant and that the business to be conducted is not intended to cheat or defraud the public. Upon making such determination to his satisfaction, he shall indicate his approval in writing. A license shall not be issued unless such approval has been obtained. In all cases where the certification of the chief of police is required prior to the issuance of any license, such certification shall be based upon a finding that the person making application for such license has the propensity on the part of the person to serve the public in the licensed area in a fair, honest, and open manner.
- (2) The city treasurer or designee shall determine if the applicant owes to the city any taxes or other default, and if no such default exists, shall so indicate his findings in writing. A license shall not be issued where default is reported.
- (3) The city planner or zoning official shall determine if the property and structure to be used is appropriately zoned for such business and shall indicate his approval in writing. A license shall not be issued without such approval.
- (4) The city attorney, if required by this Code, shall review the application and supporting materials as required in section 34-54 and shall indicate his approval in writing. A license may not be issued without such approval.
- (5) The fire chief or designee shall make a determination as to the habitability and safety of the structure and property to be used for such business, and shall verify the safety and legality of all fireworks sales. Such approval shall be indicated in

writing. A license may not be issued without such approval. In all cases where the certification of the fire chief is required prior to the issuance of any license, 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.

SECTION 2. That Section 12-31 be hereby amended in its entirety to read as follows:

Sec. 12-31. License year.

Unless otherwise provided in this Code, all licenses shall be issued for a term of one year, commencing on the 1st day of the month in which the license is originally issued.

SECTION 3. That Section 12-35 be hereby amended in its entirety to read as follows:

Sec. 12-35. Fees and bonds.

- (a) The fee and any bond required to be paid 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 either this Code or of State law shall be as currently established or as hereafter adopted by resolution of the city commission from time to time. No license shall be issued to any applicant unless he first pays to the city clerk the fee and posts a bond in the amount required for the type of license desired.
- (b) 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 as currently established or as hereafter adopted by resolution of the city commission from time to time; 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 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 said license or permit and as to form by the city attorney.

SECTION 4. That Section 12-36 be hereby amended in its entirety to read as follows:

Sec. 12-36. License renewals.

Unless otherwise provided in this Code, an application for renewal of a license shall be considered in the same manner as an original application. However, completed applications, and associated fees, for license renewal shall be submitted to the office of the issuing authority prescribed in this Code at least thirty days prior to the expiration of

the existing license. Any person seeking a license renewal who fails to submit a completed application and associated fees by this deadline shall be guilty of a municipal civil infraction.

SECTION 5. That Section 12-40 be hereby amended in its entirety to read as follows:

Sec. 12-40. Suspension or revocation.

- (a) Any license or permit issued by the city pursuant to this chapter may be suspended or revoked by the city clerk or by the issuing authority for cause. Upon license revocation, the license holder shall have 14 days from the mailing of the written notice of revocation to appeal the decision to the city manager. The city manager may require additional information or act upon the appeal based upon the information previously supplied to the city. Should the city manager reverse the decision of the issuing authority, the city shall reinstate the license. Should the city manager affirm the decision, he/she shall mail by first class mail a written notice affirming the decision to the address for the license holder contained in the city's records.
- (b) Should the city manager affirm the revocation of a license, the license holder shall have 14 days from the mailing of the decision of the city manager to appeal the decision to the city commission, by filing with the city clerk a written notice of appeal. The city commission shall hear the appeal at its next regularly scheduled meeting, but no sooner than seven days from the receipt of the appeal. The commission may confirm such suspension or revocation or reinstate any such license. The action taken by the commission shall be final. Upon suspension or revocation of any license or permit, the fee therefor shall not be refunded.

SECTION 6. That Section 12-41(4) be hereby amended to read as follows:

- (4) Forbidden by the provisions of this Code or state law 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.

SECTION 7. That this ordinance shall take effect ten days after adoption but not before publication.

Cody O. Mayer, Mayor

Kyle Whitney, City Clerk

Date Adopted: _____

Date Published: _____