



2018-19 CITY OF MARQUETTE BUSINESS LICENSE APPLICATION

Upon submission, attach a copy of a current Government-issued ID to this application.

TYPE OF LICENSE: _____

APPLICANT/ OWNER NAME: _____

APPLICANT/OWNER ADDRESS: _____

PHONE NUMBER: _____ DATE OF BIRTH: _____

EMAIL ADDRESS: _____

BUSINESS NAME: _____

BUSINESS ADDRESS: _____

By signing below, applicant attests that they have read this application packet, including relevant sections of the Marquette City Code, and agrees to abide by the requirements detailed therein.

APPLICANT SIGNATURE

DATE

This application will be reviewed by the Police Chief, the Fire Chief, the Treasurer and the Planner/Zoning Official of the City of Marquette, and must receive their endorsement prior to any license being issued by this office. Allow up to 10 business days for this process to conclude.

City of Marquette Business Licenses

Type	Annual Fee	State/City reference	Notes
Auctioneer	\$115	City Code: Ch. 12, Art. III	
Hotel/Motel		City Code: Ch. 12, Art. V	
<i>0-49 Rooms</i>	\$235		
<i>50-99 Rooms</i>	\$295		
<i>100+ Rooms</i>	\$350		
Lodginghouse/Roominghouse	\$170+	City Code: Ch. 12, Art. V	Fee increases by \$13 for each room
Bed and Breakfast		City Code: Ch. 12, Art. V	
<i>Fewer than 4 bedrooms</i>	\$170		
<i>4 or more bedrooms</i>	\$210		
Sidewalk Café		City Code: Ch. 12, Art. VI	
<i>Serving alcohol</i>	\$185		
<i>Without alcohol</i>	\$130		
Second Hand	\$175	Mich. PA 350 of 1917 MCL 445.401:408	
Gem/precious metals	\$50	Mich. PA 95 of 1981 MCL 445.481:492	
Mobile Food Vending		City Code: Ch. 35	
<i>Motorized units</i>	\$430		
<i>Each additional motorized unit</i>	\$215		
<i>Motorized units selling only manufactured/prepackaged products</i>	\$100		
<i>Non-motorized units</i>	\$100		
<i>Each additional non-motorized unit</i>	\$50		
Hawker/peddler		City Code: Ch. 34, Art. II	
<i>Annual</i>	\$130		
<i>Daily</i>	\$50		
Theater	\$150+	City Code: Ch. 6, Art. I	Fee increases by \$13 per screen
Transient Merchant	\$130	City Code: Ch. 34, Art. III	
Farm Produce Vendor	\$130	City Code: Ch. 12, Art. IV	

In addition to the specific sections cited above, Chapter 12, Article II of the Marquette City Code covers general regulations for business licenses

The Marquette City Code can be viewed online at https://library.municode.com/mi/marquette/codes/code_of_ordinances

State laws can be viewed online at www.legislature.mi.gov



2018-19 CITY OF MARQUETTE ADDITIONAL INFORMATION FOR AUCTIONEER

Description of merchandise to be sold: _____

Does all merchandise proposed to be sold meet the definition of “Household Goods” detailed in Marquette City Code Section 12-80?

Yes

No

If the question above is answered “No”, City Code Sections 12-78 and 12-79 apply. Please review the attached documentation and meet all requirements therein.



2018-19 CITY OF MARQUETTE AUCTIONEER CHECKLIST

When submitting an application to the Clerk's Office, the following must be included:

- Copy of a current government-issued photo ID
- Fee required under the adopted City of Marquette Fee Schedule
- Corporate surety bond in the amount of \$500, with expiration date clearly noted upon it

For your information, prior to a license being granted, the application materials will be reviewed and must be approved by the City of Marquette's Treasury and Police Departments. The City Fire Inspector will also review the information, and will contact the applicant to schedule a fire inspection, if necessary.

ARTICLE II. - LICENSES

Sec. 12-25. - Business registration.

No person shall hereafter enter into the operation, conducting or carrying on of any trade, business or profession in the city unless he first registers the same with the city clerk on forms provided by the clerk. No fee shall be charged for such registration.

(Code 1999, § 6.5.01)

Sec. 12-26. - Registration card.

The city clerk shall issue a registration card to each registrant. No registrant shall fail to produce said card when requested to do so by any city police officer, the city clerk or authorized representative of the city clerk.

(Code 1999, § 6.5.02)

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 this Code without first obtaining a license from the city in the manner provided for in this article. An application for license may be reviewed as follows:

- (1) The city police chief, if required, 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 upon the application. 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 by the city clerk, 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, if required, shall determine if the applicant, or the owner of the property where the applicant proposes to do business, owes to the city any taxes or other indebtedness, and if no such indebtedness exists, shall so indicate his findings in writing on the application form. A license shall not be issued where indebtedness is reported.
- (3) The city planner or zoning official, if required, shall determine if the property to be used is appropriately zoned for such business and shall indicate his approval in writing upon the application. A license shall not be issued without such approval.
- (4) The city attorney, if required, shall review the application and supporting materials as required in section 34-54 and shall indicate his approval in writing on the application. A license may not be issued without such approval.
- (5) The fire chief/fire inspector, if required, shall determine as to habitability/safety concerns if necessary, and all fireworks sales. 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 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.

- (6) The city engineer and/or public works superintendent, if required, shall determine in all cases where the carrying on of the trade, profession, businesses or privilege involves the use of any structure or land, a license therefor shall not be issued until the city engineer and/or public works superintendent shall certify that the proposed use is not prohibited by this Code or any zoning regulation of the city.

(Code 1999, § 6.5.03)

Sec. 12-28. - 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.

(Code 1999, § 6.5.04)

Sec. 12-29. - State-licensed businesses.

The fact that a license or permit has been granted to any person by the state to engage in the operation, conduct or carrying on of any trade, profession, business or privilege shall not exempt such person from the necessity of securing a license or permit from the city if such license or permit is required by this Code.

(Code 1999, § 6.5.05)

Sec. 12-30. - 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 said 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.

(Code 1999, § 6.5.06)

Sec. 12-31. - License year.

The license year shall begin May 1 of each year and shall terminate at 12:00 midnight on April 30 of the following year. In all cases where the provisions of this article permit the issuance of licenses for periods of less than one year, the effective date of such licenses shall commence with the date of issuance thereof.

(Code 1999, § 6.5.07)

Sec. 12-32. - 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.

(Code 1999, § 6.5.08)

Sec. 12-33. - Where certification required.

No license shall be granted where the certification of any officer of the city is required prior to the issuance thereof, until such certification is made.

(Code 1999, § 6.5.09)

Sec. 12-34. - County health officer's certificate.

In all cases where the certification of the county health officer 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 person making application and the premises in which he proposes to conduct or is conducting the trade, profession, business or privilege comply with all the sanitary requirements of the state and of the city.

(Code 1999, § 6.5.10)

Sec. 12-35. - Fees and bonds.

- (a) The fee 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 this Code 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) Fees for licenses shall be established each year in the fee schedule adopted by the city commission as part of the city's annual budget. Bonds, where required, shall be in the amounts listed in the fee schedule.
- (c) 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.

(Code 1999, §§ 6.5.14, 6.6.01, 6.6.02)

Sec. 12-36. - Late renewals.

All fees for the renewal of any license which are not paid at the time said fees are due shall be paid as late fees at the rate of 110 percent of the license fee required for such license under the provisions of this chapter.

(Code 1999, § 6.5.15)

Sec. 12-37. - Right to issuance.

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

(Code 1999, § 6.5.16)

Sec. 12-38. - Fees—Payment.

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 said license or permit.

(Code 1999, § 6.5.17)

Sec. 12-39. - Same—Exempt persons.

No license fee shall be required from any person exempt from such fee by state or federal law. Such persons shall comply with all other provisions of this article. The city clerk shall, in all such cases, issue to such persons licenses which are clearly marked as to said exemption and the reason therefor.

(Code 1999, § 6.5.18)

Sec. 12-40. - Suspension or revocation.

Any license issued by the city may be suspended by the city manager for cause, and any permit issued by the city may be suspended or revoked by the issuing authority for cause. The licensee shall have the right to a hearing before the commission on any such action of the city manager, provided a written request therefor is filed with the city clerk within five days after receipt of said notice of suspension. The commission may confirm such suspension or revoke 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.

(Code 1999, § 6.5.19)

Sec. 12-41. - "Cause" defined.

The term "cause," as used in this article, shall include the doing or omitting of any act or permitting any condition to exist in connection with any trade, profession, business or privilege for which a license or permit is granted under the provisions of this Code, or upon any premises or facilities used in connection therewith, which act, omission or condition is:

- (1) Contrary to health, morals, safety or welfare of the public;
- (2) Unlawful, irregular or fraudulent in nature;

- (3) Unauthorized or beyond the scope of the license or permit granted; or
- (4) Forbidden by the provisions of this Code or any duly established rule or regulation of the city applicable to the trade, profession, business or privilege for which the license or permit has been granted.

(Code 1999, § 6.5.20)

Sec. 12-42. - License renewal.

Unless otherwise provided in this Code, an application for renewal of a license shall be considered in the same manner as an original application.

(Code 1999, § 6.5.21)

Sec. 12-43. - Exhibition of license.

No licensee, except taxicab drivers who shall conform to the provisions of chapter 50, article II, shall fail to carry any license issued in accordance with the provisions of this article 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, said 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.

(Code 1999, § 6.5.22)

Sec. 12-44. - Exhibition on vehicle and machine.

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

(Code 1999, § 6.5.23)

Sec. 12-45. - Displaying invalid license.

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

(Code 1999, § 6.5.24)

Sec. 12-46. - Misuse—Transferability.

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.

(Code 1999, § 6.5.25)

Sec. 12-47. - Same—Automatic revocation.

In addition to the penalty provision of section 1-13 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 use the same improperly, shall be void and result in the automatic revocation of such license or permit.

(Code 1999, § 6.5.26)

Secs. 12-48—12-74. - Reserved.

ARTICLE III. - AUCTIONEERS^[1]

Sec. 12-75. - License required.

No person shall engage in the trade or business of auctioneer without first obtaining a license therefor.

(Code 1999, § 6.7.01)

Sec. 12-76. - Prohibited activity.

- (a) No auctioneer shall knowingly misrepresent the quality of any goods sold by him. No auctioneer shall accept any goods from any minor for sale at auction.
- (b) No auctioneer shall conduct the auction at any other place other than that stated in the application for license as herein provided, and it shall be unlawful for either the auctioneer or owner to do, either themselves or through their agents or servants, any act or thing contrary to the statements made in such application, and any false statement therein, or any act done contrary to such statements, shall be deemed a violation of this Code.
- (c) No bell, musical instrument, buzzer, ballyhoo, or other mechanical or excessive vocal sound shall be used in any street, public place, or doorway to attract attention to sell at auction.
- (d) No new goods, wares, merchandise, or personal property shall be offered for sale at public auction when and where secondhand goods, wares, merchandise, or personal property are being sold at public auction.

(Code 1999, § 6.7.03)

Sec. 12-77. - Auction accounts.

Every auctioneer shall keep a full and accurate account of all goods sold by him, indicating the prior owner, the price at which sold, and to whom sold. Such account shall be open for inspection by any city police officer at any reasonable time. No auctioneer shall fail to make such account accessible to any police officer upon demand.

(Code 1999, § 6.7.04)

Sec. 12-78. - Sale restrictions.

No person shall sell, dispose of, advertise for sale, or offer for sale at public auction in the city any property of any kind except under the following conditions:

- (1) That such sale shall be conducted by an auctioneer duly licensed as herein provided.
- (2) That all taxes, plus penalties, which have become a lien under any law or ordinance, whether or not such taxes have been actually assessed, shall have first been paid.
- (3) That no property of any kind will be added to the stock sought to be sold after the inventory is filed, nor shall any property have been added within 60 days prior to the commencement of such sale in anticipation thereof.
- (4) That no property which has been struck off to the highest bidder during the course of such sale shall be again offered for sale during such auction.
- (5) That no auction sale of platinum, gold, silver, plated ware, precious or semiprecious stones, watches, or other jewelry shall be permitted, unless it is a closing-out auction and application therefor has been on file with the city clerk for a period of 60 days prior to the first day of such sale, and every such article sold shall have securely attached to it a tag or label upon which shall be plainly written or printed in English a true and correct statement of the kind and quality of the metal of which the article is made or with which it is plated, and the true names, weight, quality, and color of any precious or semiprecious stone or stones, together with the names of the manufacturer of such articles.
- (6) That a sales book shall be kept, showing every sale and each sale shall be signed by the purchaser of such article at the time of the purchase, opposite a description of the article, and, if no purchaser comes forward to sign such book,

then the next highest bidder shall have the right to sign such sales book and to demand and receive such article at the amount of his highest bid.

(Code 1999, § 6.7.05)

Sec. 12-79. - Statement of sale.

At least five full days before commencing any sale by auction, except as noted in section 12-78(5), the owner of the property sought to be sold shall file a sworn application with the city clerk which shall state the following:

- (1) Whether or not the auction sought to be conducted is a closing-out auction;
- (2) If it is a closing-out auction, that the application is made in good faith for the purpose of retiring from business and that all statutes governing closing-out sales have been complied with;
- (3) That the stock of goods, or other property sought to be sold, is a bona fide part of applicant's stock or has been on the tax rolls of the city for one year;
- (4) A complete description of the property sought to be sold, in duplicate, including, if it is personal property, a completely itemized inventory with identifying numbers, or other means of readily determining the identity of each and every article;
- (5) The place where the auction is to be conducted;
- (6) The name of the auctioneer who is to conduct the sale;
- (7) The name of the owner of the property for the preceding year;
- (8) The length of time the applicant has been in business in the city and the location of such business;
- (9) That all taxes on such property have been paid;
- (10) That no property other than that listed shall be sold or offered for sale on the premises where the auction is being conducted during the course of such auction sale;
- (11) That all of the property listed is actually on the premises where the auction is to be conducted.

(Code 1999, § 6.7.06)

Sec. 12-80. - Household goods.

Sections 12-78 and 12-79 shall not apply to the selling by auction of secondhand household goods. The term "secondhand household goods," as used in this section, shall mean household furniture and household goods actually used by the owner in keeping house.

(Code 1999, § 6.7.08)

Sec. 12-81. - Excepted sales.

The provisions of this article shall not apply to sheriffs, constables, or other public or court officers or to any person acting under the license, direction or authority of any state or federal court, selling goods, wares or merchandise in the course of their official duties, or to any person selling goods under and by virtue of any state or federal statutes.

(Code 1999, § 6.7.09)

Secs. 12-82—12-107. - Reserved.