



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 SIDEWALK CAFÉ LICENSE**

Manager Name: _____

Zoning District of Business: _____

Indicate which of the following you wish to place in City right-of-way:

- Tables and Chairs
- Planters
- Windscreens



2018-19 CITY OF MARQUETTE SIDEWALK CAFÉ CHECKLIST

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

- Copy of a current government-issued photo ID
- Proof of comprehensive general liability insurance (\$1M) w/ City listed as certificate holder
- Proof of notice to adjacent property owners or occupants, in compliance with City Code
- Fee required under the adopted City of Marquette Fee Schedule
- Site plan drawn to scale and depicting:
 - General layout, including dimensions of tables and chairs
 - Lateral and vertical clearances in area sought for permit
 - Tree grates of sidewalk in area sought for permit
 - Street amenities of the area sought for permit
 - Curb ramps of the area sought for permit
 - Pedestrian walkway of at least 60 inches
 - Miscellaneous features that could encumber the walkway

The following must be included if applying for a Sidewalk Café with Alcohol:

- Site plan should include a section drawing of the proposed barrier, including height and width, and should indicate the types of material and color that will be used
- A photo of the “no alcohol beyond this point” sign required by City Code

Also, if applying for a Sidewalk Café with Alcohol:

- (Within 45 days of submitting an application) A copy of the applicant's Michigan Liquor Control Commission Outdoor Service Permit

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 VI. - SIDEWALK CAFE PERMITS

Sec. 12-171. - Sidewalk cafe permit without alcohol.

- (a) *Permit conditions.* The city clerk may issue to an adjacent food service establishment a revocable sidewalk cafe permit to occupy a portion of adjacent city right-of-way to place tables and chairs, planters and windscreens adjacent to the tables and chairs in conjunction with selling and consuming food and beverages under the following terms and regulations:
- (1) *Regulations:*
- a. Sidewalk cafes shall not unreasonably interfere with the view, access to, or use of property adjacent to said street.
 - b. Sidewalk cafes shall not be permitted in or directly adjacent to property zoned exclusively for residential purposes.
 - c. Sidewalk cafes shall not unduly obstruct pedestrian movement nor diminish the safety of the general public.
 - d. Sidewalk cafes shall not be attached to or cause damage to the street or sidewalk or to trees, benches, landscaping, or other objects lawfully located in the right-of-way.
 - e. A clear path of not less than 60 inches shall be maintained along the full length of the sidewalk for general pedestrian use. The pedestrian travel area shall not include trees, bushes, walls, parking meters, fire hydrants, tree grates or any other fixtures permanently located in the right-of-way.
 - f. All signs must conform to the City of Marquette Sign Ordinance.
 - g. The immediate area of the cafe; shall be maintained free of litter and debris.
 - h. Tables, chairs, portable signs and other equipment used in the operation of the cafe shall be removed daily at the close of business.
 - i. Hours of operation of the sidewalk cafe shall not be later than 11:00 p.m.
 - j. Days of operation of the sidewalk cafe; shall not occur before May 1 or after October 31.
 - k. The sidewalk cafe; permit issued in accordance with this article shall be prominently displayed.
- (2) *[Notice.]* Notice to the adjacent property owners or occupants on both sides of the applicant's property shall be required before issuing a permit. Proof of this notice shall be provided to the city by the applicant prior to the issuance of a permit.
- (3) *Fee.* Prior to the issuance of a permit, a fee in an amount established by resolution of the city commission shall be paid to the city clerk. This fee shall be tripled if any such occupancy occurred prior to the issuance of a permit.
- (4) *Insurance.* The permittee shall show proof of and maintain comprehensive general liability insurance acceptable to the city, including naming the city as an additional named insured.
- (5) *Food service establishment.* Food service establishment shall be defined in accordance with its meaning in the Food Law of 2000, as amended, MCL 289.1101.
- (6) *Duration.* Permits shall be for the period of May 1 to October 31 for the year in which granted.
- (7) *Display.* A permit shall only be valid if displayed in a manner visible to the public.
- (8) *Permit revocation.* Any permit may be revoked by the city clerk upon a finding that the occupancy does not meet the standards of this Code, any other provisions of this Code, or other applicable law or regulation, or that the right-of-way is needed for other street or utility purposes. Upon such revocation, the fee paid for any period after termination of the street occupancy shall be refunded.
- (9) *Appeal.* Persons who are refused a permit or have had their permit revoked may request in writing a hearing on that determination before the city manager. The decision of the manager may be appealed to the city commission. Requests for a hearing or an appeal must be made within five days of the questioned decision.
- (10) *Violations.* Any person who operates a sidewalk cafe; without a permit or who shall violate any of the provisions of this section shall be guilty of a municipal civil infraction, punishable by a fine as set forth in the city's schedule of fines adopted by the city commission, as amended from time to time.

(Ord. No. 613, § I, 3-31-2014)

Sec. 12-172. - Sidewalk cafe permit with alcohol.

- (a) *Permit conditions.* The city clerk may issue to an adjacent food service establishment a revocable sidewalk cafe with alcohol permit to occupy a portion of adjacent city right-of-way to place tables and chairs, planters and windscreens adjacent to the tables and chairs in conjunction with selling and consuming food and alcoholic beverages, provided the following terms and regulations are met:
- (1) *Regulations:*
- a. Sidewalk cafes shall not unreasonably interfere with the view, access to, or use of property adjacent to said street.
 - b. Sidewalk cafes shall not be permitted in or directly adjacent to property zoned exclusively for residential purposes.
 - c. Sidewalk cafes shall not unduly obstruct pedestrian movement nor diminish the safety of the general public.
 - d. Sidewalk cafes shall not be attached to or cause damage to the street or sidewalk or to trees, benches, landscaping, or other objects lawfully located in the right-of-way.
 - e. A clear path of not less than 60 inches shall be maintained along the full length of the sidewalk for general pedestrian use. The pedestrian travel area shall not include trees, bushes, walls, parking meters, fire hydrants, tree grates or any other fixtures permanently located in the right-of-way.
 - f. All signs must conform to the City of Marquette Sign Ordinance.
 - g. The immediate area of the cafe shall be maintained free of litter and debris.
 - h. Tables, chairs, portable signs and other equipment used in the operation of the cafe shall be removed daily at the close of business.
 - i. Hours of operation of the sidewalk cafe shall not be later than 11:00 p.m.
 - j. Days of operation of the sidewalk cafe shall not occur before May 1 or after October 31.
 - k. The sidewalk cafe permit issued in accordance with this article shall be prominently displayed.
 - l. The operator of the sidewalk cafe shall take whatever steps are necessary to procure the appropriate license from the Michigan Liquor Control Commission if he or she intends to serve alcoholic beverages in the sidewalk cafe area and shall comply with all other laws and regulations concerning the serving of alcoholic beverages in the State of Michigan.
 - m. The sidewalk cafe area shall be separated from pedestrian traffic by an approved barrier, which can consist of planters, railings and other similar materials. The barrier shall be removed daily at the close of business. All barriers used for sidewalk cafes serving alcoholic beverages shall also conform to Michigan Liquor Control Commission Regulations.
 - n. A sign reading "No Food or Beverage Allowed Beyond Railing" shall be posted at a conspicuous location within the sidewalk cafe.
 - o. All alcoholic beverages to be served at sidewalk cafes shall be prepared within the adjacent indoor establishment that serves food and/or alcoholic beverages, and alcoholic beverages shall only be served to patrons seated at tables. The drinking of alcoholic beverages by a member of the public while a patron at a sidewalk cafe within the confines of the sidewalk cafe area shall not be construed as a violation of any ordinance controlling open containers in a public area.
 - p. Sidewalk cafes serving alcohol shall be continuously supervised by employees of the establishment.
 - q. To be eligible to apply for a sidewalk cafe, the adjoining restaurant or food service business from which the sidewalk cafe extends must provide a full-service menu for the on-site consumption of food.
- (2) *[Notice.]* Notice to the adjacent property owners or occupants on both sides of the applicant's property shall be required before issuing a permit. Proof of this notice shall be provided to the city by the applicant prior to the issuance of a permit.

- (3) *Fee.* Prior to the issuance of a permit, a fee in an amount established by resolution of the city commission shall be paid to the city. This fee shall be tripled if any such occupancy occurred prior to the issuance of a permit.
- (4) *Insurance.* The permittee shall show proof of and maintain comprehensive general liability insurance acceptable to the city, including naming the city as an additional named insured.
- (5) *Food service establishment.* Food service establishment shall be defined in accordance with its meaning in the Food Law of 2000, as amended, MCL 289.1101.
- (6) *Duration.* Permits shall be for the period of May 1 to October 31 for the year in which granted.
- (7) *Display.* A permit shall only be valid if displayed in a manner visible to the public.
- (8) *Permit revocation.* Any permit may be revoked by the city clerk upon a finding that the occupancy does not meet the standards of this Code, any other provisions of this Code, or other applicable law or regulation, or that the right-of-way is needed for other street or utility purposes. Upon such revocation, the fee paid for any period after termination of street occupancy fee shall be refunded.
- (9) *Appeal.* Persons who are refused a permit or have had their permit revoked may request in writing a hearing on that determination before the city manager. The decision of the manager may be appealed to the city commission. Requests for a hearing or an appeal must be made within five days of the questioned decision.
- (10) *Violations.* Any person who operates a sidewalk cafe without a permit or who shall violate any of the provisions of this section shall be guilty of a municipal civil infraction, punishable by a fine as set forth in the city's schedule of fines adopted by the city commission, as amended from time to time.

(Ord. No. 613, § II, 3-31-2014)