



**CITY OF MARQUETTE
BUSINESS LICENSE APPLICATION**

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

TYPE OF BUSINESS 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 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.



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.

Chapter 12 – BUSINESSES

ARTICLE I. – IN GENERAL

Secs. 12-1—12-24. - Reserved

ARTICLE II. - LICENSES

Sec. 12-25 – 12-26 - Reserved

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 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 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 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 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. 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.

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.

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. However, each application shall include, at minimum: name, address, birth date and contact information for the business owner, as well as a photocopy of a current Government-issued identification.

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 dates as indicated on the license.

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.

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.

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.

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 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) 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.

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, complete applications, and associated fees, for license renewal shall be submitted to the office of the issuing authority prescribed in this code at least 10 business days prior to the start of the business license year. 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.

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.

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.

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.

Sec. 12-40. - Suspension or revocation.

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

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.

Sec. 12-42. - Reserved.

Sec. 12-43. - Exhibition of license.

No licensee 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 requested to do so by any city law enforcement officer or by any person representing the issuing authority.

Sec. 12-44. - Reserved.

Sec. 12-45. - Displaying invalid license.

No person shall display any expired or otherwise invalid license.

Sec. 12-46. - Misuse—Transferability.

No license or permit issued under the provisions of this Code shall be transferable. No licensee or permittee shall transfer or attempt to transfer his license or permit to another nor shall he make any improper use of the same.

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, or use the same improperly, shall be void and result in the automatic revocation of such license or permit.

Sec. 12-48. - Civil infraction.

An individual who violates any portion of this article is responsible for a municipal civil infraction.

Sec. 12-49. - Applicability.

All processes and penalties detailed in this article apply to business licenses issued under any section of this code, including but not limited to those licenses required by Chapters 6, 12, 34 and 35.

Secs. 12-50—12-74. - Reserved.

ARTICLE III. – AUCTIONEERS

Sec. 12-75. - License required.

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

Sec. 12-76. - Prohibited activity.

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ARTICLE III. – AUCTIONEERS

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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.

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 law enforcement officer at any reasonable time. No auctioneer shall fail to make such account accessible to any law enforcement officer upon demand.

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.

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.

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.

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.

Sec. 12-82. - Civil infraction.

An individual who violates any portion of this article is responsible for a municipal civil infraction.

Secs. 12-83—12-107. - Reserved.

ARTICLE IV. - FARMER'S MARKETS AND FARM PRODUCE VENDORS

Sec. 12-108. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Farm produce means fresh produce, fresh or frozen meat, seafood, or poultry, or prepared food products produced by a licensed farm produce vendor or the members of his immediate family.

Farm produce vendor means a person licensed to sell farm produce by the city.

Farmer's market means an area designated by resolution of the city commission where farm produce vendors may sell their produce.

Farmer's market organization means an organization officially authorized by action of the city commission to operate a farmer's market.

Market master means the person designated by a farmer's market organization who has authority to enforce the rules of the farmer's market and to perform such other functions as the organization shall determine, or, if there is no organization, the individual designated by the commission as having responsibility for that farmer's market.

Outdoor sale means any retail sale not taking place in a permanent building.

Sec. 12-109. - Locations.

The city commission may, by resolution, designate one or more specific locations as farmer's markets for the sale of farm produce in the city. In establishing such locations, the commission shall give consideration of the character of the neighborhood, the effect of the farmer's market on the neighborhood, the zoning of the area, especially the site for the farmer's market, other businesses located on the same site, the need for farmer's markets in the city, and the proposed organization which will be responsible for operation of the farmer's market.

Sec. 12-110. - Responsible parties.

In designating a farmer's market location, the city commission shall also designate the person or organization responsible for operation of said farmer's market. Said person or organization shall, at the time designation of the farmer's market is requested, present the commission with the proposed operating rules for the farmer's market, and the bylaws of the organization if there is one. Said rules shall, at a minimum, demonstrate that the proposed farmer's market will comply with all pertinent portions of the city Code and shall indicate what specific actions will be taken to protect the interests of the consumer.

Sec. 12-111. - Outdoor sales prohibited; exceptions.

No person, group, business, or other organization shall engage in the outdoor sale of farm produce in the city with the following exceptions:

- (1) Grocery stores or other retail businesses which operate out of permanent buildings and which normally sell farm produce on a daily basis may hold temporary outdoor sales of farm produce as regulated by this Code.