



**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 SECONDHAND DEALER CHECKLIST

When submitting application materials to the Clerk's Office, include the following:

- Copy of a current government-issued photo ID
- Fee required under the adopted City of Marquette Fee Schedule

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.

R. BLAKE RIEBOLDT
Chief of Police



300 W BARAGA AVENUE
MARQUETTE MI 49855
(906) 228-0400

MICHAEL LAURILA
Captain of Patrol Operations

GREG KINONEN
Captain of Detectives

When submitting application materials to the Clerk's Office, include the following: ♦ Copy of a current government-issued photo ID ♦ Fee required under the adopted City of Marquette Fee Schedule.

Additionally, under State law (MCL 445.404:406), secondhand dealers must work with the Marquette Police Department in order to meet recording and reporting requirements. If you have any questions, please contact the Detective Captain at 906-228-0400.

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.

SECONDHAND DEALERS AND JUNK DEALERS
Act 350 of 1917

AN ACT to regulate and license second hand dealers and junk dealers; and to prescribe penalties for the violation of the provisions of this act.

History: 1917, Act 350, Imd. Eff. May 10, 1917;—Am. 1939, Act 15, Eff. Sept. 29, 1939.

The People of the State of Michigan enact:

445.401 Second hand or junk dealer; license required; internet drop-off store exempt from licensure; articles of nonferrous metals; compliance required.

Sec. 1. (1) A person, corporation, copartnership, or firm shall not carry on the business of dealer in second hand goods or junk dealer in any of the counties, cities, or villages of this state without having first obtained, from the mayor of the city or the chief executive officer of the county or village where the business is to be carried on, a license under this act authorizing that person, corporation, copartnership, or firm to carry on that business.

(2) This section does not require an internet drop-off store complying with subsection (3), or a person engaged in the sale, purchase, consignment, or trade of personal property or other valuable thing for himself or herself, to obtain a license under this act.

(3) An internet drop-off store in compliance with the following conditions is exempt from licensure as a second hand dealer or junk dealer under this act:

(a) Has a fixed place of business within this state except that he or she exclusively transacts all purchases or sales by means of the internet and the purchases and sales are not physically transacted on the premises of that fixed place of business.

(b) Has the personal property or other valuable thing available on a website for viewing by photograph, if available, by the general public at no charge, which website shall be searchable by zip code or state, or both. The website viewing shall include, as applicable, serial number, make, model, and other unique identifying marks, numbers, names, or letters appearing on the personal property or other valuable thing.

(c) Maintains records of the sale, purchase, consignment, or trade of the personal property or other valuable thing for at least 2 years, which records shall contain a description, including a photograph, if available, and, if applicable, serial number, make, model, and other unique identifying marks, numbers, names, or letters appearing on the personal property or other valuable thing.

(d) Provide the local law enforcement agency with any name under which it conducts business on the website and access to the business premises at any time during normal business hours for purposes of inspection.

(e) Within 24 hours after a request from a local law enforcement agency, provide an electronic copy of the seller's or consignor's name, address, telephone number, driver license number and issuing state, the buyer's name and address if applicable, and a description of the personal property or other valuable thing as described in subdivision (c). The provision of information shall be in a format acceptable to the local law enforcement agency but shall at least be in a legible format and in the English language.

(f) Provide that payment for the personal property or other valuable thing is executed by means of check or other electronic payment system, so long as the payment is not made in cash. No payment shall be provided to the seller until the item is sold.

(g) Immediately remove the personal property or other valuable thing from the website if the local law enforcement agency determines that the personal property or other valuable thing is stolen.

(4) This section does not exempt a person purchasing or selling articles of nonferrous metals from compliance with the nonferrous metal regulatory act.

History: 1917, Act 350, Imd. Eff. May 10, 1917;—CL 1929, 9758;—Am. 1931, Act 127, Imd. Eff. May 19, 1931;—CL 1948, 445.401;—Am. 2006, Act 294, Imd. Eff. July 20, 2006;—Am. 2006, Act 675, Eff. Mar. 30, 2007;—Am. 2008, Act 432, Eff. Apr. 1, 2009

445.402 Second hand or junk dealer; license, issuance; terms; transferability; fee; inspection.

Sec. 2. (1) The mayor of a city or chief executive officer of a county or village may grant to any person, corporation, copartnership, or firm, a license authorizing that person, corporation, copartnership, or firm to carry on the business of a second hand dealer or junk dealer subject to the provisions of this act.

(2) The license shall designate the particular place where that person, corporation, copartnership, or firm shall carry on that business. The business shall be conducted only in the place designated in the license.

(3) The license shall be for the period of 1 year from date of issuance unless sooner revoked for cause and is not transferable. The legislative body of any city, or the trustees and chief executive officer of any county or village, shall establish the fee for the processing and issuance of the license in accordance with its charter or local ordinance, based upon the cost of issuance and administration of that license.

(4) The city, village, or county may inspect the premises of a licensed second hand or junk dealer during normal business hours.

History: 1917, Act 350, Imd. Eff. May 10, 1917;—CL 1929, 9759;—CL 1948, 445.402;—Am. 2006, Act 675, Eff. Mar. 30, 2007;—Am. 2008, Act 432, Eff. Apr. 1, 2009.

445.403 Definitions.

Sec. 3. As used in this act:

(a) "Automotive recycler" means a person who engages in business primarily for the purpose of selling retail salvage vehicle parts and secondarily for the purpose of selling retail salvage motor vehicles or manufacturing or selling a product of gradable scrap metal or a person employed as a salvage vehicle agent as that term is defined in section 56c of the Michigan vehicle code, 1949 PA 300, MCL 257.56c.

(b) "Industrial scrap" means materials that are a direct product or by-product of any form of manufacturing, shaping, or cutting process from a person, company, corporation, copartnership, or firm whose principal business is the manufacturing, shaping, or cutting of materials at a fixed place of business.

(c) "Internet drop-off store" means a person, corporation, or firm that contracts with other persons, corporations, or firms to offer its personal property or other valuable thing for sale, purchase, consignment, or trade through means of an internet website and meets the conditions described in section 1(3).

(d) "Local law enforcement agency" means the police agency of the city, village, or township, or if none, the county sheriff of the county in which the internet drop-off store conducts business.

(e) "Scrap processor" means a person, utilizing machinery and equipment and operating from a fixed location, whose principal business is the processing and manufacturing of iron, steel, nonferrous metals, paper, plastic, or glass, into prepared grades of products suitable for consumption by recycling mills, foundries, and other scrap processors.

(f) "Second hand dealer" or "junk dealer" means any person, corporation, or member or members of a copartnership or firm whose principal business is that of purchasing, selling, exchanging, storing, or receiving second hand articles of any kind, scrap metals, cast iron, old iron, old steel, tool steel, aluminum, copper, brass, lead pipe or tools, or lighting and plumbing fixtures. Second hand dealer or junk dealer does not include a scrap processor, an automotive recycler, or a junkyard that deals principally in industrial scrap and is licensed by a city, village, or county.

History: 1917, Act 350, Imd. Eff. May 10, 1917;—CL 1929, 9760;—Am. 1939, Act 15, Eff. Sept. 29, 1939;—CL 1948, 445.403;—Am. 2006, Act 294, Imd. Eff. July 20, 2006;—Am. 2006, Act 675, Eff. Mar. 30, 2007.

445.404 Second hand or junk dealer; sign; prerequisites; record; inspection.

Sec. 4. (1) A second hand dealer or junk dealer shall post in a conspicuous place in or upon its place of business a sign having its name and occupation.

(2) A second hand or junk dealer shall make and maintain a separate book or other written or electronic record, numbered consecutively, and open to inspection by a member of a local law enforcement agency and the Michigan state police, in which shall be written or entered in the English language at the time of the purchase or exchange of any article a description of the article, and all of the following:

(a) The name, description, fingerprint, operator's or chauffeur's license or state identification number, registration plate number, and address of the person from whom the article was purchased and received. The second hand dealer or junk dealer shall make a copy of the operator's license, chauffeur's license, or state identification card as part of the book or record.

(b) The day and hour the purchase or exchange was made.

(c) The location from which the item was obtained.

(d) Payment for an item shall be made only by check or by an electronic payment system. The record shall indicate the method of payment.

History: 1917, Act 350, Imd. Eff. May 10, 1917;—CL 1929, 9761;—CL 1948, 445.404;—Am. 2006, Act 675, Eff. Mar. 30, 2007;—Am. 2008, Act 428, Eff. Apr. 1, 2009.

445.405 Second hand or junk dealer; articles purchased or exchanged; retention; tagging; record; requirements; exceptions.

Sec. 5. (1) The articles purchased or exchanged shall be retained by the purchaser for at least 15 days before disposing of them, in an accessible place in the building where the articles are purchased and received.

A tag shall be attached to the articles in some visible and convenient place, with the number written thereupon, to correspond with the entry number in the book or other record.

(2) The purchaser shall prepare and deliver on Monday of each week to the chief of police or chief law enforcement officer of the local unit of government in which that business is carried on, before 12 noon, a legible and correct paper or electronic copy, in the English language, from the book or other written or electronic record, containing a description of each article purchased or received during the preceding week, the hour and day when the purchase was made, the description of the person from whom it was purchased, and a copy of the documentation required under section 4 regarding the person from whom it was purchased. The statement shall be verified in a manner acceptable to the chief of police or chief law enforcement officer.

(3) This section does not apply to old rags, waste paper, and household goods except radios, televisions, record players, and electrical appliances and does not require the purchaser to retain articles purchased from individuals, firms, or corporations having a fixed place of business after those articles shall have been reported.

History: 1917, Act 350, Imd. Eff. May 10, 1917;—CL 1929, 9762;—CL 1948, 445.405;—Am. 1961, Act 35, Eff. Sept. 8, 1961;—Am. 2006, Act 675, Eff. Mar. 30, 2007;—Am. 2008, Act 428, Eff. Apr. 1, 2009.

445.406 Second hand or junk dealer; person without business place; retention of goods, record for police.

Sec. 6. If the purchaser or receiver, by exchange or otherwise, as described in section 3, is a peddler or goes about with a wagon to purchase or obtain by exchange or otherwise, any of such articles, and does not have a place of business in a building, he need not retain such articles for 15 days before selling them, provided on Monday of each week he files with the chief of police or chief police officer of the city or village in which he is located a report showing the place of business of the person to whom such sale was made; a copy of the record required by such section to be kept in a separate book of the articles purchased or received during the preceding week, including a description of such articles sold, to whom sold and his place of business.

History: 1917, Act 350, Imd. Eff. May 10, 1917;—CL 1929, 9763;—CL 1948, 445.406.

445.407 Second hand or junk dealer; unlawful purchases.

Sec. 7. No person shall purchase or receive by sale, barter or exchange or otherwise, any article mentioned in this act from any person between the hours of 9 p.m. and 7 a.m., nor from any person who is at the time intoxicated or from an habitual drunkard or from any person known by said second hand dealer or junk dealer to be a thief or any associate of thieves or receiver of stolen property or from any person he has reason to suspect of being such.

History: 1917, Act 350, Imd. Eff. May 10, 1917;—CL 1929, 9764;—CL 1948, 445.407.

445.408 Violation of act; penalties; remedies.

Sec. 8. (1) Except as otherwise provided for in this section, a person who violates this act is guilty of a misdemeanor and shall be imprisoned for not more than 6 months and shall be fined not less than \$500.00 or more than \$1,000.00.

(2) A second hand or junk dealer who buys or sells scrap metal, knowing that it is stolen, is guilty of a felony punishable by imprisonment for not more than 5 years or a fine of not more than \$5,000.00, or both. The penalties imposed under this subsection apply only to a first violation of this subsection.

(3) A second hand or junk dealer who buys or sells stolen scrap metal knowing that it was stolen is guilty of a felony punishable by imprisonment for not more than 5 years or a fine of not more than \$10,000.00, or both. The penalties imposed under this subsection apply to a second or subsequent violation.

(4) The license of a person, corporation, copartnership, or firm that is found guilty of violating any of the provisions of this act shall be considered to be revoked upon entry of a conviction and such person, corporation, copartnership, or firm shall not be permitted to carry on the business of being a second hand or junk dealer within this state for a period of 1 year after that conviction.

(5) The remedies under this act are independent and cumulative. The use of 1 remedy by a person does not bar the use of other lawful remedies by that person or the use of a lawful remedy by another person.

History: 1917, Act 350, Imd. Eff. May 10, 1917;—CL 1929, 9765;—CL 1948, 445.408;—Am. 2006, Act 675, Eff. Mar. 30, 2007;—Am. 2008, Act 428, Eff. Apr. 1, 2009.