

CITY OF MARQUETTE OUTDOOR MERCHANDISE DISPLAY 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)
- ☐ Fee required under the adopted City of Marquette Fee Schedule
- ☐ Site plan drawn to scale and depicting:
 - General layout, including dimensions of shelving, racks or tables
 - A pedestrian walkway that meets the ADA's minimum width requirements
 - Miscellaneous features that could encumber the walkway

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.

City of Marquette Business Licenses (2023)

Type	Annual Fee	State/City reference	Notes
Auctioneer	\$125	City Code: Ch. 12, Art. III	
Hotel/Motel		City Code: Ch. 12, Art. V	
<i>0-49 Rooms</i>	\$255		
<i>50-99 Rooms</i>	\$320		
<i>100+ Rooms</i>	\$375		
Lodginghouse/Roominghouse	\$185	City Code: Ch. 12, Art. V	Fee increases by \$15 for each room
Bed and Breakfast		City Code: Ch. 12, Art. V	
<i>Fewer than 4 bedrooms</i>	\$185		
<i>4 or more bedrooms</i>	\$225		
Sidewalk Café		City Code: Ch. 12, Art. VI	
<i>Serving alcohol</i>	\$195		
<i>Without alcohol</i>	\$140		
Second Hand	\$185	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	
Food Cart:			
<i>Per Year</i>	\$105		
<i>Additional Unit</i>	\$55		
<i>Manufactured/Prepackaged Products</i>	\$105		
Food Truck/Trailer:			
<i>Per Year</i>	\$470		
<i>Additional Unit</i>	\$235		
<i>Non-Compliance Fines</i>	\$500		
Hawker/peddler		City Code: Ch. 34, Art. II	
All Other Merchandise:			
<i>Annual</i>	\$140		
<i>Daily</i>	\$55		
Transient Merchant	\$140	City Code: Ch. 34, Art. III	
Farm Produce Vendor	\$140	City Code: Ch. 12, Art. IV	
Outdoor Merchandise Display	\$65		

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

Adopted Fees Fiscal Year 2023



**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.

Outdoor Temporary Retail Sales

- Location of Temporary Structures -

The following information must be shown on a plot graphic for each location of intended sales:

Show approximate property lines and dimensions on the plot graph below, or on an aerial photograph of the property. Also show the following features on the same sheet:

- Show and label abutting streets and sidewalks.
- Show and label all permanent and temporary structures - including any intended for your use in the business for which you are seeking a license.
- Show approximate distances between the temporary structures and property lines.
- Show driveway location and all marked and unmarked (known) parking spaces.

- All temporary structures for retail sales must comply with Section 54.637 of the City's *Land Development Code*. See: https://www.marquettemi.gov/wp-content/uploads/2019/09/Land-Development-Code-Effective-090519_-Approved-082619.pdf
- For use with Business License Requests. Revision date 7-21-20

ARTICLE I. IN GENERAL

Secs. 12-1—12-24. Reserved.

ARTICLE II. LICENSES¹

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

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

¹Editor's note(s)—Ord. No. 665, § 3, adopted May 14, 2018, repealed art. II in its entirety and enacted new provisions to read as herein set out. Former art. II, §§ 12-25—12-47, pertained to similar subject matter, and derived from the 1999 Code, §§ 6.5.01—6.5.10, 6.5.14—6.5.26, 6.6.01, 6.6.02.

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.

(Ord. No. 665, § 3, 5-14-2018; Ord. No. 719 , § 1, 3-13-2023)

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.

(Ord. No. 665, § 3, 5-14-2018)

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.

(Ord. No. 665, § 3, 5-14-2018)

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.

(Ord. No. 665, § 3, 5-14-2018)

Sec. 12-31. License year.

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

(Ord. No. 665, § 3, 5-14-2018; Ord. No. 719 , § 1, 3-13-2023)

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.

(Ord. No. 665, § 3, 5-14-2018)

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.

(Ord. No. 665, § 3, 5-14-2018)

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.

(Ord. No. 665, § 3, 5-14-2018)

Sec. 12-35. Fees and bonds.

- (a) The fee and any bond required to be paid to obtain any license to engage in the operation, conduct, or carrying on of any trade, profession, business or privilege for which a license is required by the provisions of either this Code or of state law shall be as currently established or as hereafter adopted by resolution of the city commission from time to time. No license shall be issued to any applicant unless he first pays to the city clerk the fee and posts a bond in the amount required for the type of license desired.
- (b) Where the provisions of this Code require that the applicant for any license or permit furnish a bond, such bond shall be furnished in an amount as currently established or as hereafter adopted by resolution of the city commission from time to time; and the form of such bond shall be acceptable to the city attorney. In lieu of a bond, an applicant for a license or permit may furnish one or more policies of insurance in the same amounts and providing the same protection as called for in any such bond; any such policies of insurance shall be approved as to substance by the city official issuing said license or permit and as to form by the city attorney.

(Ord. No. 665, § 3, 5-14-2018; Ord. No. 719, § 1, 3-13-2023)

Sec. 12-36. License renewals.

Unless otherwise provided in this Code, an application for renewal of a license shall be considered in the same manner as an original application. However, completed applications, and associated fees, for license renewal shall be submitted to the office of the issuing authority prescribed in this Code at least 30 days prior to the expiration of the existing license. Any person seeking a license renewal who fails to submit a completed application and associated fees by this deadline shall be guilty of a municipal civil infraction.

(Ord. No. 665, § 3, 5-14-2018; Ord. No. 719, § 1, 3-13-2023)

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.

(Ord. No. 665, § 3, 5-14-2018)

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.

(Ord. No. 665, § 3, 5-14-2018)

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.

(Ord. No. 665, § 3, 5-14-2018)

Sec. 12-40. Suspension or revocation.

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

(Ord. No. 665, § 3, 5-14-2018; Ord. No. 719, § 1, 3-13-2023)

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 state law or any duly established rule or regulation of the city applicable to the trade, profession, business or privilege for which the license or permit has been granted.

(Ord. No. 665, § 3, 5-14-2018; Ord. No. 719, § 1, 3-13-2023)

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.

(Ord. No. 665, § 3, 5-14-2018)

Sec. 12-44. Reserved.

Sec. 12-45. Displaying invalid license.

No person shall display any expired or otherwise invalid license.

(Ord. No. 665, § 3, 5-14-2018)

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.

(Ord. No. 665, § 3, 5-14-2018)

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.

(Ord. No. 665, § 3, 5-14-2018)

Sec. 12-48. Civil infraction.

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

(Ord. No. 665, § 3, 5-14-2018)

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.

(Ord. No. 665, § 3, 5-14-2018)

Secs. 12-50—12-74. Reserved.

ARTICLE VII. OUTDOOR MERCHANDISE DISPLAY

Sec. 12-201. Sidewalk occupancy.

An outdoor merchandise display permit may be issued to allow the temporary placement of merchandise located on a public sidewalk for the purpose of displaying, exhibiting, or offering for sale merchandise sold by an adjacent business if the following conditions are met:

- (1) The applicant obtains an annual permit from the clerk and pays the fee set by resolution of the city commission for such permit.
- (2) Permits run from May 1 to October 31 each year.
- (3) The operation of the outdoor display area occurs only during the normal business hours of the retail business within the building owned or leased by the person operating the outdoor display area.
- (4) The applicant shall document ownership of, or the consent of the building owner for the site which the application is made.
- (5) Items displayed shall be limited to merchandise sold by the business.
- (6) All transactions shall occur only inside the retail establishment.

(Ord. No. 664, § 1, 4-9-2018)

Sec. 12-202. Outdoor display areas.

Outdoor displays are allowed in the downtown development authority (DDA) district area, subject to the following guidelines:

- (1) Merchandise and the fixtures or devices on which it is displayed shall be located so that they do not impede, endanger or interfere with pedestrian or vehicular traffic.
- (2) Outdoor displays shall be located within the business' frontage and immediately adjacent to the business unless it would result in inadequate handicap access, and are allowed the following maximum measurements provided that adequate handicap access is maintained:
 - a. Six feet in length.
 - b. Five feet in height.
 - c. Two feet in width.
 - d. Comprise of a total merchandise display area of no more than 12 square feet.
- (3) Outdoor displays that are located adjacent to a public street are allowed the following measurements, provided that adequate handicap access is provided and maintained:
 - a. Six feet in length.
 - b. Five feet in height.
 - c. Two feet in width.
 - d. Comprise of a total merchandise display area of no more than 12 square feet.

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- (4) Outdoor displays must maintain an orderly appearance and displayed only during hours of operation of the associated business and shall be removed by the close of the business day.
 - (5) No signs or other forms of advertising may be included as part of an outdoor display. This includes "sale" signs on boards, balloons, pinwheels, paper, clothing, streamers or merchandise affixed to the outdoor display.
 - (6) All material associated with outdoor display of merchandise, including goods, commodities, and display structures (i.e., tables, racks, etc.) shall be kept clean, attractive, safe, and in good repair. The permittee shall also be responsible for keeping the sidewalk area in front of the business clean, swept, and free of litter and debris.
 - (7) Outdoor displays shall be secured to prevent movement. However, they may not be permanently anchored to the right-of-way nor attached or affixed to any public tree, light post, sign, or similar fixture.
 - (8) The minimum height for the lower portion of any umbrella or shade structure of apparatus can be no less than 80 inches above the sidewalk. If vertical clearance of an area adjoining an accessible route is reduced to less than 80 inches (nominal dimension), a barrier to warn blind or visually impaired persons shall be provided.
 - (9) All outdoor displays shall be located as to provide and maintain unobstructed clearance for pedestrian traffic, of the minimum required by the Marquette County Building Code or the Americans with Disabilities Act, whichever requirement is more restrictive. Unobstructed access shall be provided to all building entrances, including at least a two-foot linear clearance on each side of a building entrance.

(Ord. No. 664, § 2, 4-9-2018)

Sec. 12-203. Violations.

In addition to any other provisions of this Code, no person shall violate any of the following provisions:

- (1) *Showing of permit.* All persons who are issued a permit under this section shall display their permit in a prominent manner so that it is visible to the public while conducting activities permitted by this section.
- (2) *Refuse.* The street or sidewalk occupancy permit holder shall provide refuse receptacles, which shall be used for all refuse generated by the sidewalk occupancy permit holder's activities conducted under this section. Such refuse shall not be deposited in city refuse containers. The sidewalk occupancy permit holder shall remove the refuse receptacles at the end of the permit holder's business day and leave the public right-of-way clean and free of all refuse.
- (3) *Pedestrian obstruction.* No person shall conduct business or any activities permitted by this section in such a manner as to obstruct the free and uninterrupted passage of the public along the sidewalk.
- (4) *Civil infraction.* A violation of this subsection shall be a civil infraction.

(Ord. No. 664, § 3, 4-9-2018)

Secs. 12-204—12-210. Reserved.