



CITY OF MARQUETTE TRANSIENT MERCHANT 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
- ☐ Outdoor Retail Grid Map
- ☐ Plot Plan
- ☐ Where applicable, proof of the following kinds of insurance coverage:
 - Product Liability
 - Worker's Compensation
 - Premises Liability

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.



CITY OF MARQUETTE
ADDITIONAL INFORMATION FOR TRANSIENT MERCHANT

Place of residence in the last year (if different than current address): _____

Federal Employer ID # (if any): _____

State Sales Tax License # (if any): _____

Place of residence in the last year (if different than current address): _____

Location and dates of intended business: _____

Description of merchandise to be sold: _____

Is this application for an individual merchant or an organization?

☐ Individual

☐ Organization: _____

Outdoor Temporary Retail Sales Plot Plan

- 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.

[illegible]

- 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*

Chapter 12 BUSINESSES

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

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.

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 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 III. AUCTIONEERS²*****Sec. 12-75. License required.**

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

(Ord. No. 665, § 3, 5-14-2018)

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.

(Ord. No. 665, § 3, 5-14-2018)

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

²Editor's note(s)—Ord. No. 665, § 3, adopted May 14, 2018, repealed art. III in its entirety and enacted new provisions to read as herein set out. Former art. III, §§ 12-75—12-81, pertained to similar subject matter, and derived from the 1999 Code, §§ 6.7.01, 6.7.03—6.7.06, 6.7.08, 6.7.09.

State law reference(s)—Sales at public auction, new merchandise, MCL 446.51; UCC sales at public auction, MCL 440.2328; duties upon sales at auctions, MCL 446.26 et seq.

Chapter 34 - PEDDLERS, SOLICITORS AND TRANSIENT MERCHANTS^[1]

Footnotes:

--- (1) ---

State Law reference— Home solicitation sales, MCL 445.111 et seq.; transient merchants, MCL 445.371 et seq.; charitable organizations and solicitations act, MCL 400.271 et seq.; public safety solicitation act, MCL 14.301 et seq.; veteran's license for peddlers, MCL 35.441 et seq.

ARTICLE I. - IN GENERAL

Secs. 34-1—34-18. - Reserved.

ARTICLE II. - PEDDLERS AND SOLICITORS

Sec. 34-19. - License required.

No person shall engage in the business of hawking, peddling or soliciting orders for any goods, wares, merchandise, magazines, periodicals or books within the city limits without first obtaining a license therefor.

(Code 1999, § 6.8.01)

Sec. 34-20. - Reserved.

Editor's note— Ord. No. 649, § 1, adopted Feb. 27, 2017, repealed former § 34-20 which pertained to licensing conditions, and derived from the 1999 Code, § 6.8.02.

Sec. 34-21. - Reserved.

Editor's note— Section 1 of Ord. No. 624, adopted Feb. 29, 2016, repealed former § 34-21 which pertained to fixed stands prohibited, and derived from the 1999 Code, § 6.8.03. See ch. 35, mobile food vending.

Sec. 34-22. - Practices prohibited.

No peddler shall shout or cry out his goods or merchandise, nor blow any horns, or use any other similar device to attract the attention of the public.

(Code 1999, § 6.8.04)

Sec. 34-23. - Sales in interstate commerce.

In the event that the hawker, peddler or solicitor described in this article conducts his operations in interstate commerce so as to render any of the provisions of this article inapplicable to the conduct of such business, said hawker, peddler or solicitor shall nevertheless be subject to the further provisions relative to licensing and qualifying himself for the taking of orders for goods, that he give his name, the name and address of his employer, a description of what he intends to hawk, peddle or sell and the method whereby he intends to sell his products, satisfactory evidence of his authority to represent his employer, and a written guarantee from his employer that all money paid as a down payment or otherwise

for such goods and products will be accounted for and applied according to the representations of such applicant for license and that goods purchased from him will be delivered according to the representations of the applicant.

(Code 1999, § 6.8.06)

Sec. 34-24. - Sales in interstate commerce.

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

(Ord. No. 665, 5-14-2018)

Secs. 34-25—34-51. - Reserved.

ARTICLE III. - TRANSIENT MERCHANTS^[2]

Footnotes:

--- (2) ---

State Law reference— Transient merchants, MCL 445.371 et seq.

Sec. 34-52. - 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:

Transient merchant means any person engaging temporarily in a retail sale of goods, wares, or merchandise in any place in the city and who, for the purpose of conducting such business, occupies any land, building, room or structure of any kind including trucks, railroad cars, and other transportation equipment. Any person who has engaged in such business for a period of less than six months shall be deemed to be a transient merchant.

(Code 1999, § 6.9.02)

Sec. 34-53. - License—Required.

No person, either as principal or agent, shall engage in business as a transient merchant in the city without first having obtained a license in the manner herein provided.

(Code 1999, § 6.9.01)

Sec. 34-54. - Same—Application.

Any person desiring to engage in business in the city as a transient merchant shall apply in writing to the office of the city clerk to be licensed as a transient merchant.

- (1) Such application shall include as a minimum the applicant's name, birth date, driver's license or state ID card photocopy, residence address, written permission from the owner of where he intends to do business, the kind of business, a federal employer's ID number, if any, and a state sales tax license number, if any.

- (2) Included with such application shall be certificates showing proof of the following kinds of insurance, where applicable, in the amounts as currently established or as hereafter adopted by resolution of the city commission from time to time:
 - a. Product liability insurance.
 - b. Worker's compensation.
 - c. Premises liability insurance.
- (3) Such application shall be accompanied by a license fee in an amount as currently established or as hereafter adopted by resolution of the city commission from time to time.

(Ord. No. 665, 5-14-2018)

Sec. 34-55. - Issuance; voidability.

- (a) Upon receipt of the license fee, but in no case sooner than seven days nor more than 15 days after the filing of the application, the city clerk shall issue the applicant a license as herein provided.
- (b) Such license shall be voided at any time by written notice to the city clerk by a duly authorized law enforcement officer observing a violation of this article during the operation of the transient merchant's business.

(Ord. No. 665, 5-14-2018)

Sec. 34-56. - Group license.

Where an event at which more than three transient merchants will be conducting business in one location is sponsored by an organization, that organization may obtain a group transient merchant license which shall apply to all transient merchants at that event.

- (1) The organization shall file an application with the city clerk indicating, for each transient merchant who will be doing business at the event, the information specified in section 34-54(1).
- (2) The organization shall pay the same license fee that applies to a single transient merchant license.

(Code 1999, § 6.9.06)

Sec. 34-57. - Operation of business.

At all times during the business operation of a transient merchant, there shall be prominently displayed any warranties covering any of the goods, wares, or merchandise being offered for sale. If there are no such warranties, a sign to that effect shall be prominently displayed.

(Ord. No. 665, 5-14-2018)

Sec. 34-58. - Exemptions.

The following exemptions shall be applicable under this article:

- (1) Persons or organizations transacting business under this article who are exempted by state statute from the requirement of obtaining a state transient merchant license from the county treasurer are exempt from this article, except that they shall inform the city clerk of the time and place of their intended activities.

- (2) Persons having regularly established places of business in the city which are not subject to this article shall be exempt from this article.
- (3) Persons transacting business as transient merchants on behalf of or under the control of any recognized charitable or religious organization shall be exempt from this article except that they shall inform the city clerk of the time and place of their intended activities.

(Code 1999, § 6.9.08)

Sec. 34-59. - Waiver.

The city commission may, at its discretion and upon written request, waive any or all of the requirements of this article.

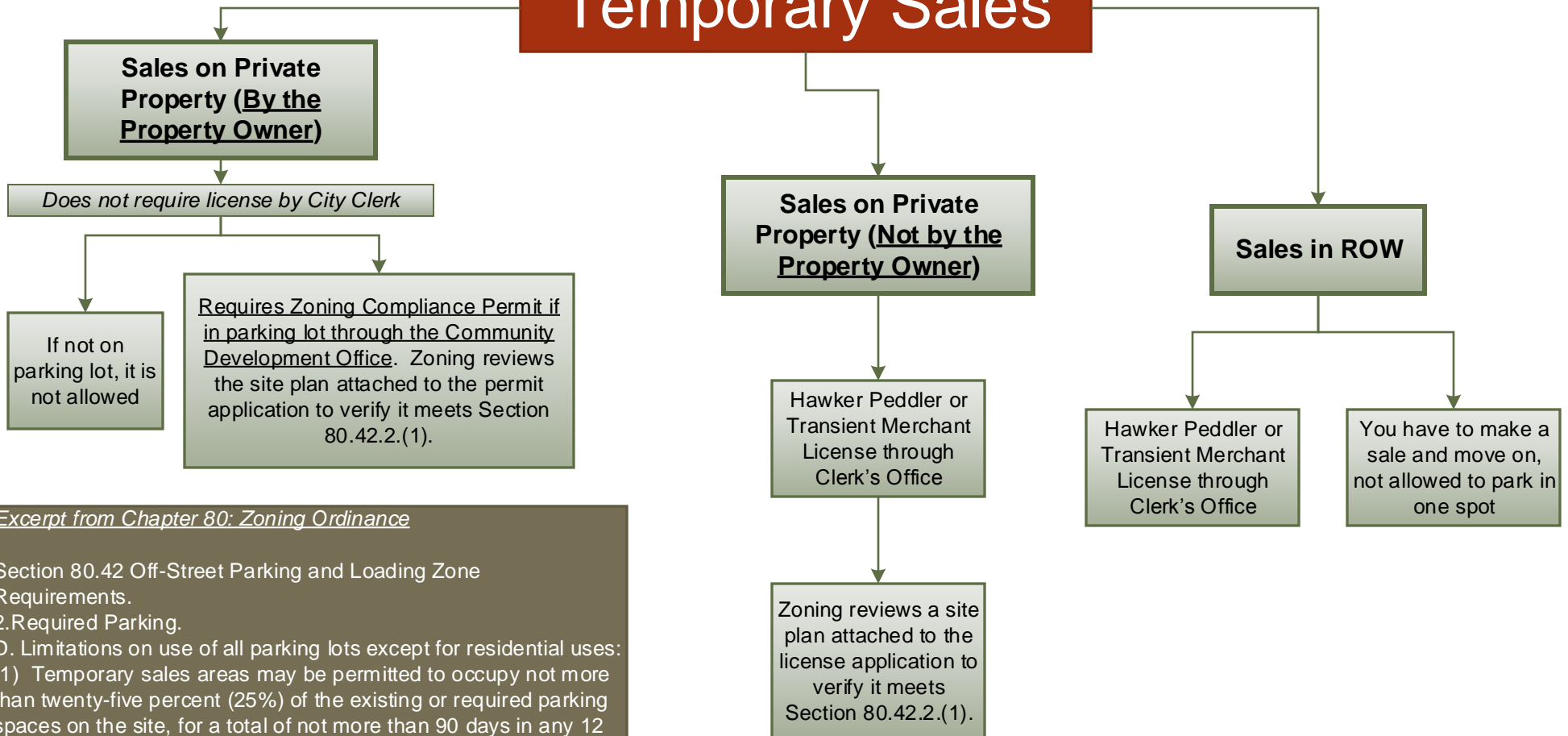
(Ord. No. 665, 5-14-2018)

Sec. 34-60. – Civil Infraction.

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

(Ord. No. 665, 5-14-2018)

Temporary Sales



Excerpt from Chapter 80: Zoning Ordinance

Section 80.42 Off-Street Parking and Loading Zone Requirements.

2.Required Parking.

D. Limitations on use of all parking lots except for residential uses:

(1) Temporary sales areas may be permitted to occupy not more than twenty-five percent (25%) of the existing or required parking spaces on the site, for a total of not more than 90 days in any 12 month period. The location of sales merchandise and/or temporary structures shall not interfere with traffic patterns or access to remaining parking spaces. Prior to placement of merchandise or erection of temporary structures, the Zoning Administrator shall be notified of the date of removal. (The location and construction of all temporary structures (including tents) erected in association with the temporary sale of merchandise shall require the approval of the Zoning Administrator and the Fire Administrator. It is the responsibility of the business owner to contact the County Building Code Administrator to determine if a building permit is required.

a. Mobile Food Vending Units per Chapter 35 of the City Code are exempt from section 80.42.2.D.(1).

b. Temporary sales areas that require a person to obtain a license from the City Clerk's Office are exempt from obtaining a Zoning Compliance Permit, but must meet the requirements of section 80.42.2.D.(1).

- (166) **Outdoor Recreation:** Outdoor commercial or non-commercial amusement services or activities, and other primary uses of land and/or water resources that place importance on enjoyment of the outdoor space in ways that support leisure or reflective pursuits and which do not otherwise fit into land uses identified in this document.
- (167) **Outdoor Temporary Retail Sales:** A seasonal or temporary outdoor arrangement of objects, items, products, or other materials, typically not in a fixed position and capable of rearrangement. The City may require an Outdoor Temporary Sales permit in accordance with an applicable ordinance prior to the establishment of the outdoor temporary sales use.
- (168) **Parapet:** A portion of a wall that projects above a roof.
- (169) **Parcel:** See definition of “Lot.”
- (170) **Parking Lot:** A durable, smooth, hard surfaced, and dust free area with well-defined entrances and exit lanes for unencumbered access to individual parking spaces. See definition of “Hard Parking Surface.”
- (171) **Parking Space:** A defined area for the storage or parking of a single permitted vehicle. This area is to be exclusive of drives, driveways, aisle, or entrances giving access to the space from the public right-of-way.
- (172) **Permanent Structure:** Any building, (whether residential, commercial, or industrial), mobile home, accessory structure or related building, or any septic system, tile field or other waste handling facility erected, installed or moved onto a parcel of property. Excluded are recreational vehicles, picnicking shelters or moveable storage sheds, stairways, docks, or erosion control structures.
- (173) **Pet Boarding Facility:** A business for the temporary boarding and care of common household pets, sometimes referred to as a “doggy day care.” Boarding generally occurs during daytime hours, but may include overnight boarding. Pet boarding facilities may provide related services such as retail sales, grooming, or training, but no animals may be bred or sold at a pet boarding facility.
- (174) **Planned Unit Development (PUD):** A development of flexible design, which meets the requirements of the Planned Unit Development District, other applicable sections of this Ordinance and any additional requirements placed upon it by the Planning Commission.
- (175) **Planning Commission:** The City Planning Commission of the City of Marquette, established by Public Act 33 of 2008, as amended.
- (176) **Porches, Open:** An entrance to a building or structure, which may be covered by a roof, that projects from the main wall of the building or structure but is unenclosed except for columns supporting the roof and a required rail/barrier.
- (177) **Port Facilities and Docks:** A facility for the docking, loading, or unloading of ships, barges, or boats, including marinas and facilities that primarily transport freight. This use excludes warehousing and outdoor storage of materials, goods, or products.

Section 54.637 Outdoor Temporary Retail Sales

- (A) Temporary retail sales areas may be permitted to occupy not more than twenty-five percent (25%) of the existing or required parking spaces on the site, for a total of not more than 90 days in any 12-month period. The location of sales merchandise and/or temporary structures shall not interfere with pedestrian accessibility, traffic patterns, or access to remaining parking spaces. Prior to placement of merchandise or erection of temporary structures, the Zoning Administrator must be notified of the date of removal. The location and construction of all temporary structures (including tents) erected in association with the temporary sale of merchandise shall require the approval of the Zoning Administrator and the Fire Administrator. It is the responsibility of the business owner to contact the Building Code Administrator to determine if a building permit is required.
- (B) Mobile Food Vending Units per Chapter 35 of the City Code are exempt from [Section 54.637\(A\)](#).
- (C) Temporary sales areas that require a person to obtain a license from the City Clerk's Office are exempt from obtaining a Zoning Compliance Permit, but must meet the requirements of [Section 54.637\(A\)](#).
- (D) Temporary outdoor sales and display of merchandise in conjunction with Marquette Downtown Development Authority sanctioned events are exempt from [Section 54.637\(A\)](#) but must be removed at the conclusion of the event.

Section 54.638 Port Facilities and Docks

- (A) **Excluded Uses.** The use of port facilities and docks excludes warehousing and outdoor storage of materials, goods, or products unless the warehousing and outdoor storage has been approved by the Planning Commission as an accessory use and the warehousing and outdoor storage meets all applicable requirements of this Ordinance.
- (B) The applicant shall obtain from the Michigan Department of Natural Resources a permit to use the bottom lands prior to the issuing of a special land use permit for any dock.
- (C) Docks may be erected to a height of 80 feet.
- (D) Marina facilities shall be designed to facilitate pedestrian and vehicular traffic and to reduce congestion at loading and launching sites.

Section 54.639 Recreational Uses, Land Intensive

- (A) **Loud Speakers and Public Address Systems.** No loud speakers or public address systems shall be used except by approval of the Planning Commission, which shall determine that no public nuisance or disturbance will be established.
- (B) **Setbacks and Landscaping.** No structure other than fencing shall be located closer than the yards specified in the Schedule of Regulations ([Article 4](#)). A landscaped buffer strip of at least 25 feet shall be located between any residential district (See [Article 10](#)).

Excerpt from the Land Development Code

Section 54.638 Outdoor Temporary Retail Sales

(A) Temporary retail sales areas may be permitted to occupy not more than twenty-five percent (25%) of the existing or required parking spaces on the site, for a total of not more than 90 days in any 12-month period. The location of sales merchandise and/or temporary structures shall not interfere with pedestrian accessibility, traffic patterns, or access to remaining parking spaces. Prior to placement of merchandise or erection of temporary structures, the Zoning Administrator must be notified of the date of removal. The location and construction of all temporary structures (including tents) erected in association with the temporary sale of merchandise shall require the approval of the Zoning Administrator and the Fire Administrator. It is the responsibility of the business owner to contact the Building Code Administrator to determine if a building permit is required.

The following information is required:

- Please provide a plot plan with the following information:
 - Indicate type of temporary structure(s)
 - Placement of the temporary structure(s)
 - Footprint dimensions of the temporary structure(s)
 - Indicate all parking spaces on the site
 - Indicate the entire area footprint size being used for the temporary retail sales area
 - Indicate pedestrian ways (private and public)
- If the temporary structure is a tent, what is the height? _____
- What are the proposed dates for the placement (include start date and end date, and dates not operating (which would subtract from 90 day total))? _____
