

TITLE XI: BUSINESS REGULATIONS

Chapter

- 110. GENERAL LICENSING REGULATIONS
- 111. ALCOHOLIC BEVERAGES
- 112. AMUSEMENTS; TEEN-AGE CENTERS
- 113. JUNK DEALERS
- 114. PEDDLERS AND SOLICITORS
- 115. TAXICABS
- 116. TOWING SERVICES

CHAPTER 110: GENERAL LICENSING REGULATIONS

Section

- 110.01 Definition
- 110.02 License required
- 110.03 Individual licenses required for multiple businesses
- 110.04 License from city required for state licensed businesses
- 110.05 Application for license
- 110.06 Duration of license; proration
- 110.07 Conditions for issuance
- 110.08 Where certification required
- 110.09 Bonds; insurance
- 110.10 Approval of application; issuance
- 110.11 Payment of fees
- 110.12 License renewal; late renewals and fees
- 110.13 Exhibition of license
- 110.14 Display of invalid license
- 110.15 Transference of license; automatic revocation upon misuse
- 110.16 Suspension or revocation
- 110.17 Exemptions
- 110.18 Schedule established; fees

§ 110.01 DEFINITION.

For the purpose of this chapter, the following definition shall apply unless the context clearly indicates or requires a different meaning.

CAUSE. 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 the 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.

('75 Code, § 7.18)

§ 110.02 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 chapter.

('75 Code, § 7.1) Penalty, see § 10.99

§ 110.03 INDIVIDUAL LICENSES REQUIRED FOR 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 that license or permit is granted from the necessity of securing individual licenses or permits for each trade, profession, business or privilege, except as specifically provided elsewhere in this code.

('75 Code, § 7.2) Penalty, see § 10.99

§ 110.04 LICENSE FROM CITY REQUIRED FOR 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 that person from the necessity of securing a license or permit from the city if the license or permit is required by this code.

('75 Code, § 7.3) Penalty, see § 10.99

§ 110.05 APPLICATION FOR LICENSE.

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 that license to the City Clerk upon forms provided by the City Clerk and shall state under oath or affirmation those facts, as may be required for, or applicable to, the granting of the license. No person shall make false statement or representation in connection with any application for a license under this code.

('75 Code, § 7.4) Penalty, see § 10.99

§ 110.06 DURATION OF LICENSE; PRORATION.

Except as otherwise herein provided as to certain licenses, the license year shall begin July 1 of each year and shall terminate at midnight on June 30 of the following year. Original licenses shall be issued for the balance of the license year at the full license fee except that after January 1, the fee for any license shall be one-half the full amount, if the full fee is \$10 or more. License applications for license renewals shall be accepted and licenses issued for a period of 15 days prior to the annual expiration date. In all cases where the provisions of this code permit the issuance of licenses for periods of less than one year, the effective date of those licenses shall commence with the date of issuance thereof.

('75 Code, § 7.5)

§ 110.07 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 that person shall submit evidence of a state license or permit and proof that all fees appertaining thereto have been paid. No license shall be granted to any applicant therefor until that 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, nor unless the applicant agrees in writing to permit inspection of the licensed premises at reasonable hours by authorized officers of the city.

('75 Code, § 7.6)

§ 110.08 WHERE CERTIFICATION REQUIRED.

(A) No license shall be granted where the certification of any officer of the city is required prior to the issuance thereof until that certification is made. ('75 Code, § 7.7)

(B) Types of certification.

(1) Health Officer's certificate. In all cases where the certification of the Health Officer is required prior to the issuance of any license by the City Clerk, the 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. ('75 Code, § 7.8)

(2) Fire Chief's certificate. In all cases where the certification of the Fire Chief is required prior to the issuance of any license by the City Clerk, the certification shall be based upon an actual inspection and a finding that the premises in which the person making application for that 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. ('75 Code, § 7.9)

(3) Police Chief's certificate. In all cases where the certification of the Chief of Police is required prior to the issuance of any license by the City Clerk, the certification shall be based upon a finding that the person making application for that license is of good moral character. ('75 Code, § 7.10)

(4) Building Inspector's certificate. In all cases where the carrying on of the trade, profession, business or privilege involves the use of any structure or land, a license therefor shall not be issued until the Building Inspector shall certify that the proposed use is not prohibited by Chapter 155, or other zoning regulations of the city. ('75 Code, § 7.11)

§ 110.09 BONDS; INSURANCE.

Where the provisions of this code require that the applicant for any license or permit furnish a bond, that bond shall be furnished in an amount deemed adequate by the proper city officer, or, where the amount thereof is specified in the schedule of fees and bonds set out in § 110.19 or elsewhere in this code, in the amount so required; the form of that 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 that bond; these policies of insurance shall

be approved as to substance by the city official issuing that license or permit and as to form by the City Attorney.
(75 Code, § 7.12)

§ 110.10 APPROVAL OF APPLICATION; ISSUANCE.

If the application for any license is approved by the proper officers of the city, as provided in this code, that license shall be granted and shall serve as a receipt for payment of the fee prescribed for that license.
(75 Code, § 7.14)

§ 110.11 PAYMENT OF FEES.

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 those licenses or permits.
(75 Code, § 7.15)

§ 110.12 LICENSE RENEWAL; LATE RENEWALS AND FEES.

(A) Unless otherwise provided in this code, an application for renewal of a license shall be considered in the same manner as an original application. (75 Code, § 7.19)

(B) All fees for the renewal of any license which are not paid at the time those fees shall be due, shall be paid as late fees with an additional 25% of the license fee required for those licenses under the provisions of § 110.19, for the first 15 days that the license fee remains unpaid and thereafter the license fee shall be that stipulated for those licenses under § 110.19, plus 50% of that fee. (75 Code, § 7.13)

§ 110.13 EXHIBITION OF LICENSE.

(A) No licensee shall fail to carry any license issued in accordance with the provisions of this chapter upon his or her 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 that trade, profession, business or privilege is operated, conducted or carried on at a fixed place or establishment, the license shall be exhibited at all times in some conspicuous place in his place of business. Every licensee shall produce his or her license for examination when applying for a renewal thereof or when requested to do so by any city police officer or by any person representing the issuing authority. (75 Code, § 7.20)

(B) No licensee shall fail to display conspicuously on each vehicle or mechanical device or machine required to be licensed by this code those tags or stickers as are furnished by the City Clerk.
(75 Code, § 7.21)
Penalty, see § 10.99

§ 110.14 DISPLAY OF INVALID LICENSE.

No person shall display any expired license or any license for which a duplicate has been issued. ('75 Code, § 7.22) Penalty, see § 10.99

§ 110.15 TRANSFERENCE OF LICENSE; AUTOMATIC REVOCATION UPON MISUSE.

(A) No license or permit issued under the provisions of this code shall be transferable unless specifically authorized by the provisions of this code. No licensee or permittee shall, unless specifically authorized by the provisions of this code, transfer or attempt to transfer his license or permit to another nor shall he make any improper use of the same. ('75 Code, § 7.23)

(B) In addition to the general penalty provision for violation thereof, any attempt by a licensee or permittee to transfer his or her license or permit to another, unless specifically authorized by the provisions of this code, or to use the same improperly shall be void and result in the automatic revocation of that license or permit. ('75 Code, § 7.24)
Penalty, see § 10.99

§ 110.16 SUSPENSION OR REVOCATION.

Any license issued by the city may be suspended by the City Manager for cause, and any permit issued by the city may be suspended or revoked by the issuing authority for cause. The licensee shall have the right to a hearing before the City Council on any such action of the City Manager, provided a written request therefor is filed with the City Clerk within five days after receipt of that notice of that suspension. The Council may confirm the suspension or evoked or reinstate that license. The action taken by the Council shall be final. Upon suspension or revocation of any license or permit, the fee therefor shall not be refunded.
('75 Code, § 7.17)

§ 110.17 EXEMPTIONS.

No license fee shall be required from any person exempt from the fee by state or federal law. Those persons shall comply with all other provisions of this chapter. The City Clerk shall, in all cases, issue to those persons licenses which are clearly marked as to that exemption and the reason therefor.
('75 Code, § 7.16)

§ 110.18 SCHEDULE ESTABLISHED; FEES.

(A) The fee required to be paid and the amount of any bond required to be posted, or insurance required to be carried, 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 hereinafter provided in this chapter. No license shall be issued to any applicant unless he first pays to the City Clerk the fee and posts a bond or evidence of insurance coverage in the amount required for the type of license desired. ('75 Code, § 7.31)

(B) Fees for licenses shall be as prescribed below under the business, trade, occupation or

Wakefield - Business Regulations

privilege to be licensed. Bonds or insurance coverage, where required, shall be in the amounts listed beneath the license fee prescribed for that business. ('75 Code, § 7.32)

<i>License Required</i>	<i>Fee</i>
Amusement rides (§ 112.02)	
Per day	\$5.00
Carnival (§ 112.02)	
Per day	10.00
Plus, [†] for each amusement ride per day	5.00
Circus (§ 112.12)	
Per day	15.00
Delivery trucks (residential route) (§ 114.02)	
Annual fee	10.00
Dogs (§ 91.24 (A)) Same as State Dog Law	
Foodhandlers (§ 95.04)	No charge
Junk dealer (§ 113.03)	
Annual fee	50.00
Peddler or vendor (§ 114.16)	
Per day, food only	3.00
Per day, merchandise costing less than \$50	10.00
Per day, merchandise costing more than \$50	7.50
Show (traveling) (§ 112.02)	
Per day	10.00
Snowplowing (§ 98.78)	
Annual fee	10.00
Solicitor (§ 114.36)	
Per day	1.00
Per week	3.00
Per month	7.50
Annual fee	25.00

General Licensing Regulations

<i>License Required</i>	<i>Fee</i>
Taxicab (§ 115.15)	
Annual fee	\$10.00
Teen-age center (§ 112.16)	
Annual fee	10.00
Wrecker service (§ 90.05)	
Annual fee	10.00

(75 Code, §§ 7.33, 7.34)

CHAPTER 111: ALCOHOLIC BEVERAGES

Section

General Provisions

- 111.01 Definition
- 111.02 Sales to minors
- 111.03 Purchases by minors
- 111.04 Possession in motor vehicle

Open House Parties

- 111.15 Definitions
- 111.16 Adults permitting use by minors at residence; exception

- 111.99 Penalty

GENERAL PROVISIONS

§ 111.01 DEFINITION.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ALCOHOLIC LIQUOR. Any beverage containing more than $\frac{1}{2}$ of 1% of alcohol by weight. The percentage of alcohol by weight shall be determined in accordance with the provisions of M.C.L.A. § 436.2, as the same may be amended from time to time.

MINOR. A person not legally permitted by reason of age to possess alcoholic beverages pursuant to M.C.L.A. § 436.33b, as the same may be amended from time to time.
(75 Code, § 9.154)

§ 111.02 SALES TO MINORS.

No person, either directly or indirectly, by himself or herself, clerk, agent, servant, or employee, shall at any time sell, furnish, give or deliver any alcoholic liquor to any minor as defined in § 111.01; however, nothing herein contained shall prohibit the sale of alcoholic liquor to a minor upon authority of and pursuant to a prescription of a duly licensed physician.
(75 Code, § 9.151) Penalty, see § 111.99

§ 111.03 PURCHASES BY MINORS.

No minor as defined in § 111.01 shall at any time purchase, offer or attempt to purchase, obtain, consume or bring into any premises within the city, for which a license has been issued to sell intoxicating liquor on the premises, any alcoholic liquor as defined by § 111.01. Nor shall any person in order to procure the sale and furnishing of alcoholic liquor to any minor as defined in § 111.01, make any false representations as to the age of the person for whom the alcoholic liquor is desired. Nor shall any minor as defined in § 111.01 furnish any false information regarding his or her age or make any false representations as to his or her age to any law enforcement officer, or to any person in charge of or employed in a place of business where alcoholic liquor is sold, for the purpose of obtaining a sale of any alcoholic liquor to himself or herself. Nothing herein contained shall prohibit the purchase of alcoholic liquor by a minor under authority of and pursuant to a prescription of a duly licensed physician. ('75 Code, § 9.152) Penalty, see § 111.99

§ 111.04 POSSESSION IN MOTOR VEHICLE.

No person under the age of 18 years shall purchase or knowingly possess, transport or have under his or her control in any motor vehicle any alcoholic liquor unless that person is employed by a licensee of the Michigan Liquor Control Commission and is possessing, transporting or having alcoholic liquor in a motor vehicle under his or her control during regular working hours and in the course of his or her employment. This section shall not apply to alcoholic liquor possessed by a minor under authority of and pursuant to a prescription of a duly licensed physician. ('75 Code, § 9.153) Penalty, see § 111.99

OPEN HOUSE PARTIES**§ 111.15 DEFINITIONS.**

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ADULT. A person 21 years of age or older.

ALCOHOLIC BEVERAGE. Any beverage containing more than ½ of 1% of alcohol by weight. The percentage of alcohol by weight shall be determined in accordance with the provisions of M.C.L.A. § 436.2, as the same may be amended from time to time.

CONTROL. Any form of regulation or dominion including a possessory right.

DRUG. A controlled substance as defined now or hereafter by the Public Acts of the State of Michigan. Currently, these controlled substances are defined by Act 196 of the Public Acts of 1971, being M.C.L.A. § 335.367.

MINOR. A person not legally permitted by reason of age to possess alcoholic beverages pursuant to M.C.L.A. § 436.33b, as the same may be amended from time to time.

OPEN HOUSE PARTY. A social gathering of persons at a residence, other than the owner of those with right of possession or their immediate family members.

RESIDENCE. A home, apartment, condominium or other dwelling unit and includes the curtilage of that dwelling unit.
(Ord. 134, passed 3-23-87)

§ 111.16 ADULTS PERMITTING USE BY MINORS AT RESIDENCE; EXCEPTION.

(A) No adult having control of any residence shall allow an open house party to take place at that residence if any alcoholic beverage or drugs is possessed or consumed at that residence by any minor where the adult knew or reasonably should have known that an alcoholic beverage or drug was in the possession of or being consumed by a minor at that residence, and where the adult failed to take reasonable steps to prevent the possession or consumption of the alcoholic beverage or drug at that residence.

(B) The provisions of this section shall not apply to legally protected religious observances or legally protected educational activities.
(Ord. 134, passed 3-23-87) Penalty, see § 111.99

§ 111.99 PENALTY.

(A) Whoever violates any provision of this chapter for which no penalty is otherwise provided shall be subject to the penalty provisions set forth in § 10.99.

(B) The penalties for violation of § 111.16 shall be as follows:

(1) For the first violation, a fine not exceeding \$500 or imprisonment in the county jail for a term not to exceed 30 days, or by both a fine and imprisonment.

(2) For subsequent violations, a fine not exceeding \$500 or imprisonment in the county jail for a term not to exceed 90 days, or by both a fine and imprisonment.
(Ord. 134, passed 3-23-87)

CHAPTER 112: AMUSEMENTS; TEEN-AGE CENTERS

Section

Traveling Shows

- 112.01 Definition
- 112.02 License required
- 112.03 Exemptions

Teen-Age Centers

- 112.15 Definition
- 112.16 License required
- 112.17 Standards of operation

TRAVELING SHOWS

§ 112.01 DEFINITION.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

TRAVELING SHOWS. Any traveling show, circus, animal caravan, entertainment, theatrical entertainment or exhibition, exhibition of natural or artificial curiosities, tent shows, carnivals and any amusement device or devices usually associated therewith, such as swings, merry-go-rounds, Ferris wheels or similar devices.

('75 Code, § 7.151)

§ 112.02 LICENSE REQUIRED.

No person shall conduct any traveling show as defined in § 112.01, without first obtaining a license therefor. No license shall be granted except upon certification of the Fire Chief and the Chief of Police. The fee for that license shall be as prescribed by City Council resolution.

('75 Code, § 7.152) Penalty, see § 10.99

§ 112.03 EXEMPTIONS.

The provisions of this subchapter shall not apply to any fair held under the direct management and supervision of any recognized agricultural association or society, nonprofit association or corporation, at which are exhibited agricultural or industrial products, principally. This subchapter shall not apply

to exhibitions or shows given for charity or for the benefit of schools or benevolent, educational, fraternal, or religious societies.

('75 Code, § 7.153)

TEEN-AGE CENTERS

§ 112.15 DEFINITION.

For the purpose of this subchapter, the following definition shall apply unless the context clearly indicates or requires a different meaning.

TEEN-AGE CENTER. Any business catering to students as a teen-age center.

('75 Code, § 7.141)

§ 112.16 LICENSE REQUIRED.

It shall be unlawful to operate a teen-age center without first obtaining a license therefor. No license shall be issued by the City Clerk except upon certification by the Chief of Police and Fire Chief and approval by the City Council.

('75 Code, § 7.142) Penalty, see § 10.99

§ 112.17 STANDARDS OF OPERATION.

The following rules shall apply in the operation of a teen-age center:

(A) Operation of the teen-age center shall not be permitted without the presence of the owner or one adult chaperon. No special activity of the teen-age center shall be conducted without the presence of at least two adult chaperons. The establishment shall not be opened at any time until those persons are on duty.

(B) No use of any intoxicating beverage by the students or any person, either inside or outside of the building shall be permitted. In respect to this rule, admission shall be denied any student or any person whom the chaperon suspects of having consumed any intoxicating beverage; should it become evident to the satisfaction of a chaperon or police officer that an attending student or any person has been consuming any intoxicating beverage, that student or person shall forthwith be required to leave the building.

(C) Hours of operation to conform to curfew law (see § 130.02).

(D) All decorations shall be approved by the Fire Department.
'75 Code, § 7.143) Penalty, see § 10.99

CHAPTER 113: JUNK DEALERS

Section

- 113.01 Definition
- 113.02 Condition as nuisance
- 113.03 License required
- 113.04 Application for license
- 113.05 License fees; conditions
- 113.06 Neighbor's consent required for approval of location
- 113.07 Standards of operation
- 113.08 Property to be enclosed by fence
- 113.09 Restriction on purchases
- 113.10 Records to be kept

§ 113.01 DEFINITION.

For the purpose of this chapter, the following definition shall apply unless the context clearly indicates or requires a different meaning.

JUNK DEALER. Any person who shall conduct or maintain any building, structure, yard or place for keeping or storing, two or more unlicensed and/or unserviceable vehicles, or any person who deals in, buys or sells any secondhand, old or used material of any kind, including cloth, rags, paper, rubbish, rubber, bottles, iron, steel, brass, copper or any other metals or old boxes, cartons, crates or other refuse material or who deals in or maintains any structure, yard or premises for the dismantling, wrecking or disposing of the salvage material of automobiles.

('75 Code, § 7.101)

§ 113.02 CONDITION AS NUISANCE.

The outdoor storage of any junk as defined in § 113.01, except on the premises of a licensed junk dealer, is declared to be a nuisance per se subject to abatement. The abatement procedure shall be as prescribed in §§ 150.50 through 150.54. The cost of abatement may be recovered in the manner prescribed in Chapter 51.

('75 Code, § 7.101)

§ 113.03 LICENSE REQUIRED.

No person, directly or indirectly, himself or herself or by his or her clerk, agent or employee, shall engage in the business of a junk dealer within the corporate limits of the city without having first obtained

a license therefor.

('75 Code, § 7.102) Penalty, see § 10.99

§ 113.04 APPLICATION FOR LICENSE.

Application for a junk dealer's license shall be made, in writing, to the City Council and filed in the office of the City Clerk. The application shall contain the name and address of the applicant, the location where the business is to be carried on, previous experience as a junk dealer, and any other information as may be deemed necessary for the proper enforcement of the provisions of this chapter.

('75 Code, § 7.103)

§ 113.05 LICENSE FEES; CONDITIONS.

Every junk dealer shall pay an annual license fee as specified by City Council resolution. The license shall designate the particular place or location where the business may be conducted and it shall be unlawful for any licensee to engage in that business at any place other than that designated in the license and no license shall be transferred or assigned.

('75 Code, § 7.106) Penalty, see § 10.99

§ 113.06 NEIGHBOR'S CONSENT REQUIRED FOR APPROVAL OF LOCATION.

On receiving the application, the City Council shall consider whether the premises in the application are a proper and suitable location for the business to be conducted thereon, and the applicant a suitable person to conduct that business, the Council may allow that license, but if, in the judgment of the Council it shall not be a suitable location, or the applicant shall not be a suitable and proper person to conduct that business, then the Council shall reject the application. No business shall be licensed within any residential district within the city.

('75 Code, § 7.104)

§ 113.07 STANDARDS OF OPERATION.

(A) The junk yard, shop or place for the dismantling of automobiles, shall be so conducted as not to create a nuisance by reason of noise or disagreeable odors or fumes, that no loads of iron or other heavy materials may be unloaded nor break-up hammers used between the closing hours in the evening and the opening hours in the morning.

(B) Junk dealers shall not burn rubber or other substances so that the air may be polluted, nor cause to be lighted any areas in the closing hours, nor obstruct or cause to be obstructed the sidewalks, alleys or rights-of-way, nor place nor cause to be placed outside of their property lines any secondhand articles, used car parts, wheels, tin, iron or metal of any kind or nature. The City Council shall impose any other regulations and restrictions as may be necessary to prevent the business of the licensee from being conducted in a manner as to be a nuisance or a noisome and offensive business within the city.

(C) The City Council may rescind the license upon complaint and the junk yard shall cease to operate until those violations are corrected or upon terms and conditions as the City Council in its

discretion may ordain.

('75 Code, § 7.105) Penalty, see § 10.99

§ 113.08 PROPERTY TO BE ENCLOSED BY FENCE.

It shall be unlawful and a violation of this code for any person to engage in the business of a junk dealer within the city unless the property upon which that business is conducted shall be enclosed with a properly painted tight board or metal fence not less than six feet in height.

('75 Code, § 7.107) Penalty, see § 10.99

§ 113.09 RESTRICTION ON PURCHASES.

No junk dealer shall receive or take junk or any other article named in this chapter, by purchase or otherwise, from any minor, except paper or rags, without that minor's parents' or guardian's consent, from any intoxicated person or from any person known by reputation or suspected of being a thief.

('75 Code, § 7.108) Penalty, see § 10.99

§ 113.10 RECORDS TO BE KEPT.

Every junk dealer shall keep a record of all items, goods and merchandise received, purchased and sold and those records and the premises of every junk dealer shall be open to the inspection of all police and health officials at all reasonable hours.

('75 Code, § 7.109) Penalty, see § 10.99

CHAPTER 114: PEDDLERS AND SOLICITORS

Section

General Provisions

- 114.01 Entering private premises; uninvited entry prohibited
- 114.02 Route salesperson; license required
- 114.03 License required for vendors conducting business

Peddlers and Vendors

- 114.15 Definition
- 114.16 License required
- 114.17 Fixed stands prohibited
- 114.18 Curb service prohibited
- 114.19 Certain areas prohibited for sale of merchandise
- 114.20 Attracting attention of public by use of noise prohibited
- 114.21 Exemptions

Solicitors

- 114.35 Definition
- 114.36 License required
- 114.37 License application
- 114.38 License fees
- 114.39 Exemptions

GENERAL PROVISIONS

§ 114.01 ENTERING PRIVATE PREMISES; UNINVITED ENTRY PROHIBITED.

The practice of going in and upon private residences in the city by canvassers, solicitors, so-called agents, peddlers, hawkers, itinerant merchants and transient vendors, not having been requested or invited to do so by the owner or owners, occupant or occupants of those private residences, for the purpose of soliciting orders for the sale of goods, wares and merchandise, and/or for the purpose of disposing of and/or peddling or hawking the same, and/or for the purpose of displaying those goods, wares and merchandise, and/or for the purpose of soliciting or procuring contributions or donations in exchange for, or in connection with the distribution of goods, wares, merchandise or other things, having become persistent, frequent and common, being a great annoyance to those owners or occupants and to the public at large; as well as in many instances resulting in the defrauding of those owners or occupants, and in some instances various violations of the laws while upon those premises, and being in general injurious to the public welfare, is hereby declared to be a public nuisance, and is prohibited

and punishable, as a public nuisance, as a violation of this code.
('75 Code, § 7.51) Penalty, see § 10.99

§ 114.02 ROUTE SALESPERSON; LICENSE REQUIRED.

No person shall engage in the occupation of route salesperson by means of a delivery truck along a residential route any part of which lies within the city without first obtaining a license therefor.
('75 Code, § 7.162) Penalty, see § 10.99

§ 114.03 LICENSE REQUIRED FOR VENDORS CONDUCTING BUSINESS.

(A) For the purpose of this section, **VENDOR** shall mean any and all transient, traveling, mobile or portable vendor or seller of goods and services, wares, merchandise, foods or similar open air stands adjacent to public property.

(B) No person shall conduct transactions as a vendor, as herein defined without obtaining a license therefor.
(Ord. passed 6-11-84) Penalty, see § 10.99

PEDDLERS

§ 114.15 DEFINITION.

For the purpose of this subchapter, the following definition shall apply unless the context clearly indicates or requires a different meaning.

PEDDLER Any person traveling by foot, wagon, automotive vehicle or other conveyance from place to place, from house to house or from street to street, carrying, conveying or transporting goods, wares, merchandise, meats, fish, vegetables, fruits, garden truck, farm produce or provisions, offering and exposing the same for sale or making sales and delivering articles to purchasers, or who, without traveling from place to place, shall sell or offer the same for sale from a wagon, automotive vehicle or other vehicle or conveyance. Any person who solicits orders and as a separate transaction makes deliveries to purchasers as part of a scheme or design to evade the provisions of this chapter, shall be deemed a peddler. **PEDDLER** shall include **HAWKER** and **HUCKSTER**.
('75 Code, § 7.61) Penalty, see § 10.99

§ 114.16 VENDORS; LICENSE REQUIRED.

(A) *Definition.* For the purpose of this section, the following definition shall apply unless the context clearly indicates or requires a different meaning.

VENDOR Any and all transient, traveling, mobile, or portable vendors or sellers of goods or services, wares, merchandise, foods, or similar commodities, who exhibit the same for sale in temporary open air stands adjacent to or on public property.

(B) *License required.* No person shall conduct transactions as a vendor, as herein defined, without obtaining a license therefor. The fee for such license shall be the sum of \$3 per day for food only vendors, \$10 per day for vendors who have no merchandise priced over \$50, and \$50 per day for vendors who have any merchandise priced over \$50.

(C) *Exemptions:* Exemptions from this section may be granted on a case-by-case basis by the City Council by way of resolution. At the time of granting an exemption, the Council may place appropriate conditions and restrictions thereon. This includes, but is not limited to, reasonable time, place and manner restrictions. Without an exemption, all appropriate vendors shall pay the designated fee. ('75 Code, § 7.62) (Am. Ord. 150, passed 1-5-93; Am. Ord. 159, passed - -93; Am. Ord. 159, passed 5-23-94) Penalty, see § 10.99

§ 114.17 FIXED STANDS PROHIBITED.

No peddler shall stop or remain in any one place upon any street, alley or public place longer than necessary to make a sale to a customer wishing to buy. Any peddler using a vehicle, when stopped, shall place his vehicle parallel to and within 12 inches of the curb and shall depart from that place as soon as he or she has completed sales with customers actually present. ('75 Code, § 7.63) Penalty, see § 10.99

§ 114.18 CURB SERVICE PROHIBITED.

No person shall operate or maintain any stand, vehicle, store or place of business on or near to any highway in a manner that the customers of or traders with that person occupy or congregate within the limits of any street, lane, highway or public place within the city. No person shall be permitted to use the streets, alleys, lanes or public places of the city for the service of customers or for the transaction of business, or to use any stands, stores or other places of business in any manner that shall require the customer, when transacting that business, to stand within the limits of the streets, highways, alleys or public places of the city. ('75 Code, § 7.66) Penalty, see § 10.99

§ 114.19 CERTAIN AREAS PROHIBITED FOR SALE OF MERCHANDISE.

No peddler, in the sale of goods, wares and merchandise, shall obstruct any street, alley, sidewalk or driveway except as may be necessary and reasonable to consummate a sale nor remain, barter, sell, offer or expose for sale any goods, wares or merchandise in front of or at the side of any property against the wish or desire of the property owner or the tenant or occupant of that property. No peddler shall engage in peddling on any street, alley or public place after having been requested to desist by any police officer of the city because of congested or dangerous traffic conditions. ('75 Code, § 7.64) Penalty, see § 10.99

§ 114.20 ATTRACTING ATTENTION OF PUBLIC BY USE OF NOISE PROHIBITED.

No peddler shall shout or cry out his goods or merchandise, nor blow any horn, ring any bell or use any other similar device to attract the attention of the public. ('75 Code, § 7.65) Penalty, see § 10.99

§ 114.21 EXEMPTIONS.

The following shall be exempt from the licensing requirements of this subchapter but shall be subject to the other provisions hereof: Any person under 18 years of age, when engaged in peddling on foot in the neighborhood of his residence under the direct supervision of any school or recognized charitable or religious organization.

('75 Code, § 7.67)

SOLICITORS**§ 114.35 DEFINITION.**

For the purpose of this subchapter, the following definition shall apply unless the context clearly indicates or requires a different meaning.

SOLICITOR. Any individual, whether a resident of the city or not, traveling either by foot, wagon, automobile, motor truck or any other type of conveyance, from place to place, from house to house or from street to street, taking or attempting to take orders for sale of goods, wares and merchandise, books or magazines, personal property of any nature whatsoever for future delivery, or for services to be furnished or performed in the future, whether or not that individual has, carries or exposes for sale a sample of the subject of that sale or whether he is collecting advance payments on those sales or not, and this definition shall include any person who, for himself, or for another person, hires, leases, uses or occupies any building, structure, tent, railroad boxcar, boat, hotel room, lodging house, apartment, shop or any other place within the city for the sole purpose of exhibiting samples and taking orders for future delivery. **SOLICITOR** shall include the word **CANVASSER**.

('75 Code, § 7.81)

§ 114.36 LICENSE REQUIRED.

No person shall engage in the business of soliciting within the city without first obtaining a license therefor. No license shall be granted except upon certification of the Chief of Police.

('75 Code, § 7.82) Penalty, see § 10.99

§ 114.37 LICENSE APPLICATION.

The license application filed under the provisions of § 110.05 shall furnish the following information:

- (A) Name and description of the applicant.
- (B) Permanent home address and full local address of the applicant.
- (C) A brief description of the nature of the business and the goods to be sold.
- (D) If employed, the name and address of the employer, together with credentials establishing the exact relationship.

(E) The length of time for which the right to do business is desired.

(F) The place where the goods or property proposed to be sold, or orders taken for the sale thereof, are manufactured or produced, where those goods or products are located at the time the application is filed, and the proposed method of delivery.

(G) A photograph of the applicant, taken within 60 days immediately prior to the date of the filing of the application, which picture shall be two inches by two inches showing the head and shoulders of the applicant in a clear and distinguishing manner.

(H) The fingerprints of the applicant and the names of at least two reliable property owners of the county, who will certify as to the applicant's good character and business respectability, or, in lieu of the names of references, any other available evidence as to the good character and business responsibility of the applicant as will enable an investigator to properly evaluate the character and business responsibility.

(I) A statement as to whether or not the applicant has been convicted of any crime, misdemeanor or violation of any municipal ordinance, the nature of the offense and the punishment or penalty assessed therefor.

('75 Code, § 7.83)

§ 114.38 LICENSE FEES.

(A) The fees for a solicitor's license shall be as specified by City Council resolution. No fee for a solicitor's license shall be so applied as to occasion an undue burden upon interstate commerce.

(B) In any case where a license fee is believed by a licensee or applicant for a license to place an undue burden upon interstate commerce, he or she may apply to the City Manager for an adjustment of the fees so that it shall not be discriminatory, unreasonable or unfair as to that commerce.

(1) The application may be made before, at or within six months after payment of the prescribed license fee.

(2) The applicant shall, by affidavit, and supporting testimony, show his or her method of business and gross volume or estimated gross volume of business and any other information as the City Manager may deem necessary in order to determine the extent, if any, of the undue burden on that commerce.

(3) The City Manager shall then conduct an investigation, comparing applicant's business with other businesses of like nature and shall make findings of fact from which he or she shall determine whether the fee fixed for the solicitor's license is unfair, unreasonable or discriminatory as to the applicant's business and shall fix as the license fee for the applicant, an amount that is fair, reasonable and nondiscriminatory, or, if the fee has already been paid, shall order a refund of the amount over and above the fee so fixed.

(a) In fixing the fee to be charged, the City Manager shall have the power to base the fee upon a percentage of gross sales, or any other method which will assure that the fee assessed shall be uniform with that assessed on businesses of like nature, so long as the amount assessed does not exceed the prescribed fee.

(b) Should the City Manager determine the gross sales measure of the fee to be the fair basis, he or she may require the applicant to submit, either at the time of termination of applicant's business in the city or at the end of each three-month period, a sworn statement of the gross sales and pay the amount of fee therefor, provided that no additional fee during any one license year shall be required after the licensee shall have paid an amount equal to the annual license fee.
(75 Code, § 7.84)

§ 114.39 EXEMPTIONS.

Persons under 18 years of age, when engaged in soliciting on foot in the neighborhood of their residence under the direct supervision of any school or recognized charitable or religious organization shall be exempt from the requirements of this subchapter.
(75 Code, § 7.85)

CHAPTER 115: TAXICABS

Section

General Provisions

- 115.01 Definition
- 115.02 Additional rules and regulations

Licensing Provisions

- 115.15 License for operation of taxicabs required; application
- 115.16 Insurance requirement; cancellation notice
- 115.17 Transference of license
- 115.18 Grounds for automatic revocation

Taxicab Driver Permits

- 115.30 Permit required
- 115.31 Transfer of driver permits

Standards of Operation

- 115.45 Lost articles
- 115.46 Passengers

GENERAL PROVISIONS

§ 115.01 DEFINITION.

For the purpose of this chapter, the following definition shall apply unless the context clearly indicates or requires a different meaning.

TAXICAB. This word shall have the same meaning defined in § 70.01.
(*75 Code, § 7.121)

§ 115.02 ADDITIONAL RULES AND REGULATIONS.

The City Council shall be empowered to make any rules and regulations regarding the dress and conduct of drivers, the maintenance and marking of taxicabs, as may be necessary in the interest of providing safe and orderly service to passengers, and no person shall fail to comply with that rule or regulation. The City Council may require periodic reports to be submitted by operators and drivers in

order to assist in the enforcement of those rules and regulations or the terms of this chapter.
(75 Code, § 7.132) Penalty, see § 10.99

LICENSING PROVISIONS

§ 118.15 LICENSE FOR OPERATION OF TAXICABS REQUIRED; APPLICATION.

(A) No person shall engage in the business of operating or causing to be operated any taxicab upon the streets, alleys or public ways of the city without having first obtained a license for each taxicab. No license shall be granted except upon certification of the Chief of Police and upon approval of the City Council.

(B) Upon application made for any new taxicab license, as distinguished from any renewal thereof, the Council shall consider the question of whether public convenience and necessity require the operation of that taxicab. The Council shall consider the number of taxicabs operating in the city and whether the demands of the public require additional taxicab service; traffic conditions on the streets of the city and whether the additional taxicab service will result in a greater hazard to the public and any other relevant facts as the Council may deem advisable. The judgment of the Council on the question of public necessity and convenience shall be conclusive.
(75 Code, § 7.122) Penalty, see § 10.99

§ 118.16 INSURANCE REQUIREMENT; CANCELLATION NOTICE.

(A) Before any license is issued, the applicant therefor shall furnish one or more policies of insurance, prepaid for at least the period of the license, issued by responsible insurance companies in compliance with the requirements of state law. (75 Code, § 7.123)

(B) Every insurance policy shall contain a clause obligating the insurer to give the City Clerk, by registered mail, at least ten days written notice before the cancellation, expiration, lapse or other termination of that insurance. (75 Code, § 7.124)

§ 118.17 TRANSFERENCE OF LICENSE.

(A) When the ownership of any taxicab shall change, whether by operation of law or otherwise, the taxicab license pertaining to that taxicab shall be automatically revoked. Any transfer, or attempt to transfer, of a taxicab license to any other person shall automatically revoke the license. (75 Code, § 7.125)

(B) The owner of any licensed taxicab who desires to transfer that license to another vehicle owned by him shall make application to the City Clerk on forms provided therefor, and shall state under oath or affirmation those facts as may be required for, or applicable to, that transfer. Upon approval of the City Council, the transfer shall be granted. (75 Code, § 7.126)
Penalty, see § 10.99

§ 118.18 GROUNDS FOR AUTOMATIC REVOCATION.

In addition to the grounds for suspension and revocation of licenses in Chapter 110, the fact that the owner shall cease to operate any taxicab for a period of 30 days without having obtained permission for cessation of that operation from the city shall constitute an automatic revocation of the license for that taxicab.

('75 Code, § 7.127)

TAXICAB DRIVER PERMITS**§ 118.30 PERMIT REQUIRED.**

No person shall drive a taxicab on the streets of the city without first having obtained a taxicab driver permit therefor. No license shall be granted except upon certification of the Chief of Police and unless a photograph and complete set of fingerprints of the applicant therefor are on file in the non-criminal identification file of the Police Department. Two photographic pictures of each applicant shall be furnished at the time of application. The size and form thereof shall be prescribed by the City Clerk. The license issued to a taxicab driver shall be conspicuously displayed on the inside of the taxicab operated by him or her so that it may be easily illuminated at night.

('75 Code, § 7.128) Penalty, see § 10.99

§ 118.31 TRANSFER OF DRIVER PERMITS.

No person having a taxicab driver permit shall allow any other person to use or attempt to use that permit, for any purpose. No person shall use or have in his possession while operating a taxicab in the city, any taxicab driver permit which has been issued to any other person.

('75 Code, § 7.129) Penalty, see § 10.99

STANDARDS OF OPERATION**§ 118.45 LOST ARTICLES.**

Every driver of a taxicab shall search the interior of that taxicab at the termination of each trip, for any article of value which may have been left in the taxicab by a passenger. Any article found therein shall immediately be returned to the passenger owning it, if he or she be known, otherwise it shall be deposited with the owner of the taxicab at the conclusion of the driver's tour of duty. A report of the finding of that article shall be made by the owner of the taxicab within 24 hours thereafter to the Chief of Police.

('75 Code, § 7.130) Penalty, see § 10.99

§ 115.46 PASSENGERS.

No driver or owner of a taxicab shall refuse or neglect to convey any orderly person or persons upon request by signal or telephone call, unless the taxicab is previously engaged. When a taxicab has been engaged by a passenger, no additional passengers shall be received therein except with the express consent of the first passenger. No person other than passengers for hire, except employees or members of the immediate family of any person licensed hereunder to engage in the business of operating a taxicab, shall be transported therein.

('75 Code, § 7.131) Penalty, see § 10.99

CHAPTER 116: TOWING SERVICES

Section

116.01 License required

§ 116.01 LICENSE REQUIRED.

No person shall engage in the business of towing disabled or wrecked motor vehicles within the city without first obtaining a license therefor in the manner prescribed in Chapter 110. ('75 Code, § 7.164) Penalty, see § 10.99

