
TITLE VII - BUSINESS AND TRADES**CHAPTER 71. LICENSES****7.1 Licenses Required.**

- (A) No person shall engage, or be engaged, in the operation, conduct or carrying on of any trade, profession, service, business or privilege any of which may be referred to as a "business" 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. Any person duly licensed on the effective date of this Code shall be deemed licensed hereunder for the balance of the current license year.
- (B) A license issued by the City is a revocable privilege granted by this City and is not a property right. Granting a license does not create or vest any right, title, franchise, or other property interest. Each license is exclusive to the licensee, and a licensee or any other person must apply for and receive the City's approval before a license is transferred, sold, or purchased. A licensee or any other person shall not lease, pledge, or borrow or loan money against a license. The attempted transfer, sale, or other conveyance of an interest in a license without prior City Clerk approval is grounds for suspension or revocation of the license.

(Ordinance No. 2017-04, 06-06-2017)

7.2. Multiple Businesses. The granting of a license or permit to any person operating, conducting or carrying on any trade, profession, service, business or privilege which contains within itself, or is composed of, trades, professions, services, 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.

7.3. State Licensed Businesses. The fact that a license or permit has been granted to any person by the State of Michigan to engage in the operation, conduct or carrying on of any trade, profession, service, 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.

7.4. License Application.

- A. 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, service, 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. No person shall make any false statement or representation in connection with any application for a license under this Code.
- B. Said application shall be provided to the Building Inspector, Manager, Fire Chief, Police Chief and Zoning Administrator for their review prior to the issuance of a license. If further review and approval is required, such official(s) shall advise the Clerk in writing of said need for approval prior to the issuance of a license.

(Ordinance No. 2017-04, 06-06-2017)

7.5. License Year. Except as otherwise herein provided as to certain licenses, the Clerk shall establish the license year based on the calendar year, commencing upon the date the license is issued. License applications for license renewals shall be accepted other than for Horse Drawn Vehicles and Pedicabs, and licenses issued for a period of 60 days before the 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 such licenses shall commence with the date of issuance thereof.

(Ordinance No. 2017-04, 06-06-2017)

7.6. 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 of Michigan, 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, service, business or privilege for which application for license is made.

7.7. Where Approval Required. No license shall be granted where the approval of any official of the City is required prior to the issuance thereof until such approval is made.

7.8. Bonds. 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 specified in the schedule of fees and bonds set out in Chapter 72 or elsewhere in this Code, in the amount so required; 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.

7.9. Late Renewals. All fees for the renewal of any license which are not paid at the time said fees shall be due, shall be paid as "late fees" with an additional twenty-five (25%) percent of the license fee required for such licenses under the provisions of Chapter 72 for the first fifteen (15) days that such license fee remains unpaid and thereafter the license fee shall be that stipulated for such licenses under Chapter 72, plus fifty (50%) percent of such fee.

7.10. Fees - When Paid. 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.

7.11. 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 Chapter. 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.

7.12. Refusal to Issue License; Revocation; Suspension; Causes. Licenses requested under this Chapter may be refused by the City Clerk and licenses issued may be revoked or suspended by the City Clerk at any time, for any of the following causes:

- (1) Fraud, misrepresentation or false statement contained in the application for license;
- (2) Fraud, misrepresentation or false statement made in the operation of a business;
- (3) Any violation committed by the licensee or an owner of the licensee amounting to a felony, or misdemeanor involving moral turpitude;
- (4) Conducting a business in an unlawful manner or in such manner as to constitute a menace to the public health, safety or welfare or public nuisance;

(5) The failure or inability of an applicant to meet and satisfy the requirements and provisions of this Code.

7.13. Notice of Suspension or Revocation or Denial. Written notice of a suspension, revocation or denial stating the cause therefor shall be delivered to the licensee or applicant personally or mailed by first class mail, return receipt requested, to the address stated in the application for the license. The Clerk shall immediately notify the Council of each suspension, revocation or denial and that suspension, revocation or denial shall be placed on the agenda for the next meeting of the Council. The licensee or applicant shall be notified that the suspension, revocation or denial has been placed on the agenda and that the licensee or applicant shall have the right to protest the suspension, revocation or denial before the Council at that meeting. The Council may confirm, alter or amend such suspension, revocation or denial or revoke, reinstate or issue any license. The action taken by the Council shall be final. Upon revocation or suspension of any license, the fee therefor shall not be refunded. Except as otherwise specifically provided, any licensee whose license has been revoked shall not be eligible to apply for a new license for the trade, occupation, work, commerce, profession, business or privilege for a period of one year after such suspension or revocation.

7.14. Renewal of License. An application for license previously submitted and on file in the Office of the City Clerk may be reused by the applicant at the time of renewal of license. A licensee should not assume a license will be renewed.

7.15. Display of License.

A. No licensee shall fail to carry any license issued in accordance with the provisions of this Code upon his or her person at all times when engaged in the operation, conduct or maintenance of any business for which the license was granted; except that where such business is operated, conducted or maintained at a fixed place or establishment, said license shall be displayed at all times in some conspicuous place in the place of business and shall be produced for examination when applying for a renewal thereof or when requested to do so by any City police officer or other person representing the City.

B. Such display shall be on an approved form and be conspicuously located on the person, vehicle or other device as prescribed by the City Clerk and required by this Code.

7.16. Expired or Duplicate License. No person shall display any expired, suspended or revoked license, or any license for which a duplicate has been issued.

7.17. Violation; Municipal Civil Infraction. A person who violates any provision of this Chapter is responsible for a municipal civil infraction, subject to payment of a civil fine of not less than \$100.00 nor more than \$500.00, plus costs and other sanctions, for each violation. Repeat offenses shall be subject to increased fines as provided by Section 1.12(3)(b) of this Code. The City Clerk or his/her designee is hereby designated as the authorized City official to issue municipal civil infraction citations (directing alleged violators to appear in court) or municipal civil infraction violation notices (directing alleged violators to appear at the City of Frankenmuth Municipal Ordinance Violations Bureau) for violations under this Chapter as provided by this Code.

(Ordinance No. 2002-05, 08-07-2002; Ordinance No. 2008-02, 07-01-2008; Ordinance No. 2017-07, 06-06-2017)