

CITY OF RIVERVIEW CODE OF ORDINANCES:

ARTICLE II. - LICENSES AND PERMITS

Sec. 14-31. - Violations and penalty.

Except as stated otherwise in this article, violations of this article are a municipal civil infraction for which a person is responsible for a civil fine of \$500.00 for a first offense and \$1,000.00 for any subsequent offense.

(Code 1978, § 2-711(a)(15); Ord. No. 589, art. I, 4-18-2005)

State Law reference— Authority to make violation municipal civil infraction, MCL 117.4I.

Sec. 14-32. - Provisions of article complementary and supplemental.

The provisions of this article, together with other relevant provisions of any other ordinance, or the provisions hereafter authorized or required by state law, and any and all thereof relative to licenses, permits, businesses, trades, occupations, premises or anything connected therewith, shall each be construed to be complementary and supplemental to each other so far as relevant, and unless otherwise prescribed or inconsistent herewith, shall constitute a part of the regulations and conditions applicable generally to any particular license or permit in the same manner as though these provisions were fully written into each separate ordinance.

(Code 1978, § 7-17)

Sec. 14-33. - Compliance with article.

(a) No person shall directly or indirectly, operate, conduct, maintain or manage any business, trade, occupation or premises within the city without first procuring a license or permit in the manner prescribed in this article. (b) Business, trade, occupation or premises as used in this article shall mean any trade, occupation, profession, work, commerce, or other activity owned or operated for profit by any person within the city; excluding, however, political, charitable or religious establishments. (c) No person shall directly or indirectly, allow or permit any person to operate or conduct any business, trade or occupation upon property or premises owned by such person unless the person conducting the business trade or occupation has first procured a license or permit in the manner prescribe in this article.

(Code 1978, § 7-18; Ord. No. 590, art. I, 6-6-2005)

Sec. 14-34. - Registration required.

If any person, business, trade, occupation or premises is not required to procure a license or permit under this article, such person, business, trade, occupation or premises shall not, directly or indirectly, engage in any business, trade, profession or occupation unless he first registers with the office of the city clerk and pays such appropriate fee as set forth in this Code. Such person shall further state such facts as may be required for the registration by the city clerk.

(Code 1978, § 7-19)

Sec. 14-35. - Affect of state license or permit.

The fact that a license or permit has been granted to any person by the state to engage in the operation, conduct, maintenance or management of any business, trade, occupation or premises shall not exempt such person from the necessity of procuring a license or permit from the city, if such license or permit is required by the city.

(Code 1978, § 7-20)

Sec. 14-36. - Application.

(a) In order to procure a license from the city, such person shall make application for such license to the city clerk in the form and manner prescribed and shall state, under oath, such facts as may be required for, or applicable to, the issuing of such license, including the following: (1) The full names, business addresses and residence addresses of all owners, proprietors, officers, managers and local employees of applicant's business; the names and addresses of each officer, if the applicant is a corporation; (2) The place or places in the city where it is proposed to maintain applicant's business, and the length of time during which it is proposed that such business be conducted; (3) The nature, character and quality of the goods, wares, merchandise or services to be sold or offered for sale by applicant; (4) The nature and kind of business which applicant proposes to conduct and the manner of operating such business; (5) A list of all assumed, trade or firm names under which the applicant intends to do business; (6) Whether or not the applicant or person conducting or managing applicant's business has been convicted of a crime, misdemeanor or the violation of any municipal ordinance, and, if so, full particulars in connection therewith. (b) No application for procuring a license or permit from the city shall be accepted from the applicant without the applicant having first obtained a zoning use certificate from the building department, which shall be attached to the application and presented to the city clerk. (c) Issuance of a business license by the city clerk shall be contingent upon the issuance of a certificate of occupancy by the building department.

(Code 1978, § 7-21; Ord. no. 549, art. I, 12-16-2002)

Sec. 14-37. - Term.

The license year for licenses issued by the city shall terminate on July 1 at 12:01 a.m., next after the issuance of such license. The expiration date of each license or permit shall be indicated on the face thereof.

(Code 1978, § 7-22)

Sec. 14-38. - Compliance with state law prerequisite to issuance.

No license or permit shall be issued to any person who is required to procure a license or permit from the state until such person shall submit evidence that the required state license or permit has been issued and that all fees appertaining thereto have been paid.

(Code 1978, § 7-23)

Sec. 14-39. - Compliance with city ordinances prerequisite to issuance.

No license shall be issued to any applicant by the city until such applicant has complied with all of the provisions of this article and every other ordinance of the city pertaining to the business for which the application for the license is made.

(Code 1978, § 7-24)

Sec. 14-40. - Payment of taxes prerequisite to issuance.

No license shall be issued or renewed by the city until any and all real and personal property taxes, levied and assessed against such person by the city which may be due and payable at the time of the filing of the application for such license, shall have been paid.

The city clerk may issue a provisional license to any person or entity who provides sufficient proof that their real or personal taxes are currently being appealed to the appropriate state agency or tribunal. The city clerk shall charge the same fee for the provisional license as the business license applied for.

(Code 1978, § 7-25; Ord. No. 607, art. I, 5-7-2007)

Sec. 14-41. - Approval.

No license shall be issued by the city if the approval of any officer of the city is required until such approval is made. The term "approval," in each instance, shall mean written approval by the designated officer upon the face of the application for a license; subscribed by such officer; and the date of the approval.

(Code 1978, § 7-26)

Sec. 14-42. - Payment of fees prerequisite to issuance.

No license or permit shall be issued by the city until the required fees shall be paid.

(Code 1978, § 7-27)

Sec. 14-43. - Exemptions from fees.

No license fee shall be required from any person exempt from payment of the fee by state or federal law. Such persons shall comply with all other provisions of this article or any other ordinance of the city. The city clerk shall, in all such cases, issue to such persons licenses which are clearly marked as to such exemption and the reason therefor.

(Code 1978, § 7-28)

Sec. 14-44. - Liability to pay fee.

The fact that any person represents himself as being engaged in any business, trade or occupation, or that such person exhibited a sign or advertisement indicating that he is engaged in such business, trade or occupation, shall be prima facie evidence of the liability of such person to pay the required license fee.

(Code 1978, § 7-29)

Sec. 14-45. - Combined businesses.

Whenever any license is required by the city, the license fee to conduct or operate such business, trade or occupation, whether it is connected or operated in conjunction with any other business or not, shall be paid unless a contrary intention is expressed.

(Code 1978, § 7-30)

Sec. 14-46. - Separate premises.

Whenever any license is required by the city to operate or conduct any business, trade or occupation, the required license fee shall be paid for each separate premises maintained by the licensee.

(Code 1978, § 7-31)

Sec. 14-47. - Pro rata fee for termination within six months of issuance.

If the license year for licenses issued by the city shall terminate within six months or less from the date of the issuance of the license, the required license fee shall be one-half of the required fee.

(Code 1978, § 7-32)

Sec. 14-48. - Denial, revocation, suspension generally.

(a) The issuance of licenses by the city may be denied 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; (2) Fraud, misrepresentation or false statement made when engaging in business; (3) Any violation of this article or of any other ordinance of the city; (4) Conviction of any crime or misdemeanor involving moral turpitude; (5) Conducting business in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety or general welfare of the public. (b) Written notice of suspension, revocation or denial of a license under subsection (a) of this section, stating the cause or causes therefor, shall be delivered to the licensee personally or mailed to his address as shown in his application for a license. (c) Any person whose license is revoked or suspended, or any person whose application for a license is denied, shall have the right to a hearing before the city manager, or his designee, provided a written request therefor is filed with the city clerk within ten days following the delivery or mailing of the notice of revocation or suspension, or within ten days following the denial of the application for a license. (d) The city manager, or his designee, may reverse any determination to issue or to deny the issuance of a license or any revocation or suspension of a license, and may grant or reinstate any license. No person shall operate any business during any time when his license therefor

has been suspended, revoked or canceled. The city manager shall promptly notify the council of all appeals and decisions thereon.

(Code 1978, §§ 7-33—7-35; Ord. No. 701, Art. I, 3-5-2018)

Sec. 14-49. - Moral character.

(a) In this Code the phrase "good moral character" shall be construed to mean the propensity of the person to serve the public in the licensed area in a fair, honest and open manner. (b) A judgment of guilt is a criminal prosecution or a judgment in a civil action shall not be used in and of itself as proof of a person's lack of good moral character. It may be used as evidence in the determination and when so used the person shall be notified and shall be permitted to rebut the evidence by showing that: (1) At the current time he has the ability to, and is likely to, serve the public in a fair, honest and open manner; and (2) Such person is rehabilitated, or that the substance of the former offense is not reasonably related to the occupation or profession for which he seeks a business license or business permit. (c) The following criminal records shall not be used, examined, or requested by the city in a determination of good moral character when used as a requirement to obtain a business license or business permit: (1) Records of an arrest not followed by a conviction. (2) Records of a conviction which has been reversed or vacated, including the arrest records relevant to that conviction. (3) Records of an arrest or conviction for a misdemeanor or a felony unrelated to the person's likelihood to serve the public in a fair, honest, and open manner. (4) Records of an arrest or conviction for a misdemeanor for the conviction of which a person may not be incarcerated in a jail or prison.

State Law reference— Moral character, MCL 338.41 et seq.

Sec. 14-50. - Renewal.

Unless otherwise provided in this article, an application for renewal of a license shall be considered in the same manner as an original application.

(Code 1978, § 7-36)

Sec. 14-51. - Notice to renew; penalty.

(a) On or after July 31 of each year the city clerk shall transmit a written first notice by regular mail to each licensee who had failed to renew any license previously granted, which has by its terms expired, advising the licensee that the owner, proprietor, manager or principal corporate officer responsible for the conduct of the affairs of the licensee is in violation of this article, and that a penalty for deliberate refusal to comply will be incurred, as set forth in this article, unless the application for renewal is filed within ten days of the notice. (b) A second notice shall be mailed by certified mail, return receipt requested, by the city clerk, 12 calendar days after the first mailing, to all licensees who thereafter fail to respond, within the ten-day grace period, to the first notice. Such second notice shall advise that

delinquent licensee that as of the mailing of such notice, the licensee, owner and/or business, trade, occupation or premises is in violation of this article.

(Code 1978, § 7-37)

Sec. 14-52. - Carrying; display in fixed place of business.

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 maintenance of any business for which the license was issued; except that whenever such business is operated, conducted or maintained at a fixed place or establishment, the license shall be displayed at all times in some conspicuous place in the business premises, and the licensee shall produce the license for examination when applying for a renewal thereof or when requested so to do by any city police officer.

(Code 1978, § 7-38)

Sec. 14-53. - Display of tags on vehicles and devices.

No licensee shall fail to conspicuously display on each vehicle or mechanical device or machine required to be licensed by the city, such tags or insignia as may be furnished by the city clerk and required by this Code or any other ordinance of the city.

(Code 1978, § 7-39)

Sec. 14-54. - Display of expired, revoked or duplicated license prohibited.

No person shall display any expired, suspended or revoked license or permit issued by the city, or any license or permit for which a duplicate has been issued.

(Code 1978, § 7-40)

Sec. 14-55. - Transferability.

No license or permit issued by the city shall be transferable.

(Code 1978, § 7-41)

Sec. 14-56. - Fee schedule.

The severable businesses, trades, occupations, activities or things requiring licenses under this Code, subject to all the provisions of this article and any other ordinance of the city, and the annual fees if they are required shall be found under section 26-7.

(Code 1978, § 7-42)