

CITY OF WYANDOTTE
REGULAR CITY COUNCIL MEETING

A Regular Session of the Wyandotte City Council was held in Council Chambers, on Monday, June 17, 2019, and was called to order at 7:00pm with Honorable Mayor Joseph R. Peterson presiding.

The meeting began with the Pledge of Allegiance, followed by roll call.

Present: Councilpersons Robert Alderman, Christopher Calvin, Robert DeSana, Leonard Sabuda, and Donald Schultz

ABSENT: Councilpersons Megan Maiani and Assessor Theodore Galeski

Also, Present: Todd Browning, City Treasurer; William Look, City Attorney; Greg Mayhew, City Engineer; and Beth Lekity, Deputy Clerk

PRESENTATIONS

- The Lincoln Center Instructional Playground Project, Marci Heulitt, Social Worker and Sarah Henigee, TLC Teacher

PRESENTATION OF PETITIONS

PUBLIC HEARINGS

UNFINISHED BUSINESS

CALL TO THE PUBLIC

CONSENT AGENDA

2019-246 CONSENT AGENDA APPROVALS

By Councilperson Sabuda, supported by Councilperson Alderman

BE IT RESOLVED that the following items on the consent agenda be approved:

1. Approval of Council Meeting Minutes – June 3, 2019
2. Traffic Control Order #2019-08: No Parking Signs/Grove between 11th & 13th
3. Wyandotte Street Art Fair 2019:
 - a. Entertainment Contract – Fairgrieve
 - b. Guide Book Contract
 - c. Portajohn Contract
4. Rezoning Application Referral – 1410 McKinley
5. Outdoor Café Renewal Application – 2903 Biddle Avenue/Whiskeys on the Water

Motion unanimously carried.

2019-247 MINUTES

By Councilperson Sabuda, supported by Councilperson Alderman

RESOLVED that the minutes of the meeting held under the date of June 3, 2019, be approved as recorded, without objection.

Motion unanimously carried.

2019-248 TRAFFIC CONTROL ORDER 2019-08/NO PARKING

By Councilperson Sabuda, supported by Councilperson Alderman

BE IT RESOLVED that Council concurs with the recommendation of Chief Zalewski as set forth in Traffic Control Order 2019-08 for the installation of “No Parking” signs on Grove between 11th & 13th, Wyandotte, MI 48192.

BE IT FURTHER RESOLVED that the Department of Public Service be directed to install said signs and the City Clerk be authorized to sign said order.

Motion unanimously carried.

2019-249 WSAF – ENTERTAINMENT CONTRACT/FAIRGRIEVE

By Councilperson Sabuda, supported by Councilperson Alderman

BE IT RESOLVED that Council concurs with the Special Event Coordinator to approve the entertainment agreements for various artists listed below to provide musical entertainment during the 2019 Wyandotte Street Art Fair, with funds to be paid from account #285-225-925-730-860, for the following dates, times, and costs:

Performer	Date	Time	Cost
Fairgrieve	Friday, July 12, 2019	5:00 – 6:00PM	\$500

BE IT FURTHER RESOLVED that the Mayor and City Clerk are hereby directed to execute the Entertainment Agreements on behalf of the City of Wyandotte.

Motion unanimously carried.

2019-250 WSAF GUIDE BOOK

By Councilperson Sabuda, supported by Councilperson Alderman

BE IT RESOLVED that Council concurs with the recommendation of the Special Event Coordinator to approve the contract between the City of Wyandotte and Community Publishing in the amount of \$5,000 for the 2019 WSAF Guide Book to be inserted in their July publication of the Wyandotte Today Magazine.

BE IT FURTHER RESOLVED that Mayor and City Clerk are authorized to execute said contract on behalf of the City of Wyandotte.

Motion unanimously carried.

2019-251 WSAF PORTAJOHNS CONTRACT

By Councilperson Sabuda, supported by Councilperson Alderman

BE IT RESOLVED that Council concurs with the recommendation of the Special Event Coordinator to approve the Rental & Service Agreement with Jay’s Septic for the provision of portable toilets for the 2019 Wyandotte Street Art Fair in the amount of \$6,350, with funds to be paid from account #285-225-925-730-860.

BE IT FURTHER RESOLVED that Mayor and City Clerk are authorized to execute said contract on behalf of the City of Wyandotte.

Motion unanimously carried.

2019-252 REFER REZONING APPLICATION 1410 MCKINLEY

By Councilperson Sabuda, supported by Councilperson Alderman

BE IT RESOLVED that the application for rezoning of the property at 1410 McKinley is hereby referred to the Planning Commission for the required public hearing.

Motion unanimously carried.

2019-253 RENEW OUTDOOR CAFÉ APPLICATION – 2903 BIDDLE

By Councilperson Sabuda, supported by Councilperson Alderman

RESOLVED BY THE MAYOR AND CITY COUNCIL that Council concurs with the recommendation of the City Engineer and grants the request of Whiskey’s on the Water, 2903 Biddle Avenue for an outdoor café in conjunction with said business at 2903 Biddle Avenue with the following conditions:

1. The outdoor café is subject to all conditions applicable to an outdoor café in the Central Business District (CBD) Zoning District, Special Land Uses, Section 2202.S 1-11 of the City of Wyandotte's Zoning Ordinance. The applicant is responsible for carefully reviewing, understanding and complying with the requirements of the ordinance.
2. Outdoor café to be constructed in accordance with the site plan and lane marking plan submitted by Owner indicated as drawings by Badrak Design Group, Inc., dated February 1, 2017, and elevations #1 thru #5.
3. If alcoholic beverages are served, the current Michigan Liquor Control Commission rules and regulations shall apply, and the applicant shall obtain all necessary approvals.
4. Compliance with all Police, Fire and City Engineer requirements attached. Planter boxes to be approved by the City Engineer.
5. The outdoor café shall comply with all applicable laws and regulations of the City, County, and the State.
6. Umbrellas to have name of establishment on the drip-tee only, no logo's for products.
7. Fence to be black decorative metal.
8. Table detail to be black metal or plastic with matching chairs.
9. Clearance to underside of trellis to be a minimum of seven (7) feet.
10. Applicant to pay all costs to the City of Wyandotte, Department of Public Services for providing and removing temporary lane marking as indicated on plans.
11. Flowers to be utilized in planter boxes to receive prior written approval of Planning Consultant and Chairman of the Planning Commission.
12. No music after 10:30 p.m.
13. Must be renewed annually.
14. Maximum Occupancy of 65 people.

AND BE IT FURTHER RESOLVED that the Mayor and City Clerk are authorized to execute the Grant of License.

Motion unanimously carried.

NEW BUSINESS

2019-254 CITIZENS COMMUNICATION – J. JOLLEY

By Councilperson Sabuda, supported by Councilperson Alderman

BE IT RESOLVED that the communication from Jerome F. Jolley regarding fishing at Bishop Park has been received and referred to the Mayor's Office, Wyandotte Police Department, Engineering Dept. and the Recreation Commission.

Motion unanimously carried.

2019-255 CITIZEN COMMUNICATION – J. MURRAY

By Councilperson Sabuda, supported by Councilperson Alderman

BE IT RESOLVED that the communication from Judy Murray, Board Secretary of the Biddle House Condo Association, has been received and referred to the Mayor's Office, Wyandotte Police Department and Engineering Department.

Motion unanimously carried.

2019-256 HIRING OF PROBATION OFFICER – L. PYLE

By Councilperson Sabuda, supported by Councilperson Alderman

RESOLVED BY THE CITY COUNCIL that Council acknowledges receipt of the communication from the City Administrator regarding the Full-Time Probation Officer position at the 27th District Court and CONCURS with the recommendation of the 27th District Court Chief Judge and hereby declares authorizes the filling of such vacancy and

FURTHER, RESOLVED BY THE CITY COUNCIL that the Council approves the hiring of Lindsey Pyle as Probation Officer at Level 32A.

Motion unanimously carried.

2019-257 SEWAGE RATES

By Councilperson Sabuda, supported by Councilperson Alderman

RESOLVED BY CITY COUNCIL that the Council concurs in the recommendation of the City Administrator that a sewage rate increase be implemented for July 1, 2019, and that the Department of Municipal Service is directed to increase the billing for sewage disposal charges to \$3,606.00 per million gallons of water consumed. This will provide the City with the necessary funds for the following purposes:

- To pay the City of Wyandotte's share of operation and maintenance of the sewage disposal system
- To pay the County of Wayne's sewage charges on a monthly basis
- To pay for the replacement of equipment of the sewage disposal system
- To cover the loss of revenue due to the difference between the City's master meter and customer's meters
- To pay for debt service

The moneys collected, except for the collection costs of \$50.50 per million gallons of water consumed which will be retained by the Municipal Service Commission, shall be placed in the appropriate fund to be used for the above stated purposes and any balance that may accrue shall be retained therein to provide for emergencies, contingencies, and extraordinary events.

IT IS FURTHER RESOLVED that in accordance with Ordinance 802 Article III, Section Five, all customers of the City of Wyandotte's Wastewater System shall receive annual notification and breakdown of the new sewage rate and the Municipal Service Department is hereby directed to print said sewage rate breakdown on all water bills on an annual basis.

IT IS FURTHER RESOLVED that the Department of Legal Affairs be directed to prepare the necessary Ordinance Amendment.

Motion unanimously carried.

2019-258 FIRST & FINAL READING #1476 SEWAGE DISPOSAL CHARGES

By Councilperson Sabuda, supported by Councilperson Alderman

AN ORDINANCE ENTITLED

"AN ORDINANCE TO AMEND SUBPARAGRAPH (a) OF SECTION 38.1-18 ENTITLED "SEWAGE DISPOSAL CHARGES" OF THE CODE OF ORDINANCES OF THE CITY OF WYANDOTTE"

THE CITY OF WYANDOTTE ORDAINS:

Section 1. Subparagraph (a) of Section 38.1-18 Entitled "Sewage Disposal Charges" is hereby amended as follows:

- (a) *Generally.* Effective as of July 1, 2019 the department of municipal service of the city is directed to increase the billing for sewage disposal charges to Three Thousand Six Hundred Six Dollars (\$3,606.00) per one million (1,000,000) gallons of water consumed. This will provide the city with funds for the following purposes: To pay charges for the city's share of the operation and maintenance of the sewage disposal system (including debt service and replacement); to pay for meter loss; to pay for maintaining and operating the city sewers, which are a part of the sewage disposal system; to pay for collection costs. The monies collected, except for collection costs of fifty dollars and fifty cents (\$50.50) per million gallons of water consumed, which shall be retained by the municipal service commission, shall be placed in an appropriate fund to be used for the above-stated purposes and any balance that may accrue shall be retained therein to provide for emergencies and contingencies.

Section 2. Severability.

All ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent necessary to give this ordinance full force and effect.

Section 3. Effective Date.

This ordinance shall take July 1, 2019. This ordinance is deemed necessary for the immediate preservation of the public peace, property, health, safety and for providing for the usual daily operation of the City Engineers Office and Department of Municipal Services. This Ordinance or a summary shall be published in a newspaper generally circulated in the City of Wyandotte within ten (10) days after adoption. Any summary shall designate the location in the City where a true copy of the ordinance can be inspected or obtained.

Motion unanimously carried.

2019-259 FIRST & FINAL READING OF ORD. #1477 BUSINESS LICENSE & REG.

By Councilperson Sabuda, supported by Councilperson Alderman

AN ORDINANCE ENTITLED
AN ORDINANCE TO ADOPT CHAPTER 40
“BUSINESSES” TO THE CODE OF ORDINANCES
OF THE CITY OF WYANDOTTE AND TO TRANSFER SOME EXISTING LICENSING
ORDINANCES TO CHAPTER 40 AND TO REPEAL CERTAIN SECTIONS OF EXISTING
LICENSING ORDINANCES

The City of Wyandotte Ordains:

Section 1. **Adoption of Chapter 40 “Businesses”**

ARTICLE I. BUSINESS REGISTRATION

SEC. 40-1. Scope and definitions.

The provisions of this ordinance shall apply to all certificates issued by the City Clerk in the absence to provisions of the contrary. The term “registration” as used in this article shall be deemed to include the term “certificate”.

- (a) “Business”: A person, partnership, corporation or any other entity engaged in commerce, manufacturing, industry, occupation, profession, trade, service, profit-seeking enterprise or concern.
- (b) “Code”: Shall include the City of Wyandotte Code Ordinances, all codes adopted by reference or other means by the City of Wyandotte, and all City of Wyandotte Ordinances.

SEC. 40-2. Business Registration not an exemption.

The provisions of this article shall not exempt a business owner from complying with any applicable municipal codes referred to in any section of the Wyandotte Code of Ordinances. The term “registration” as used in this article shall not include the term “license”.

SEC. 40-3. Registration required to operate business.

It shall be unlawful for any person, either directly or indirectly, to conduct a business within the City without registering said business in accordance with the requirements and provisions of this chapter.

SEC. 40-4. Application; renewal.

- (a) Application for a registration certificate under this article shall be made to and upon forms supplied by the City Clerk or his designee, and shall set forth such information as shall be required by the City Clerk for the purpose of enforcing this article. The required registration fee shall be tendered to the City Clerk when the registration application is filed.
- (b) Renewal of the certificate shall be required annually by submitting a renewal application upon forms supplied by the City Clerk or his designee, setting forth such information as shall be required by the City Clerk for the purpose of enforcing this article. The renewal fee shall be tendered to the City Clerk when the renewal application is filed. Renewal applications shall be filed no later than the first day in June of each year.

- (c) An initial business registration or renewal of a business registration must be secured by July 1st of each year (except for the 2019-2020 registration period, where registration must be secured by August 1, 2019), or for a new business, prior to the opening of the business.

SEC. 40-5. Record of establishments.

The City Clerk shall cause to be maintained a record of all businesses in the City for the purpose of classifying, serving, inspecting and registering such businesses.

SEC. 40-6. Preliminary inspection of premises.

Upon receiving an application for a certificate under this article, the building official or their designee shall cause all necessary inspections of the premises to be made to ascertain if the premises are in a safe, sound, and sanitary condition in accordance with all applicable provisions of state statutes and this Code. An inspection of businesses that exist and have a certificate of occupancy prior to the adoption of this Ordinance is not required.

SEC. 40-7. Posting.

The registrant under this article shall post and maintain the certificate at all times in a conspicuous place in the registered premises.

SEC. 40-8. State or city license not an exemption.

The fact that a license or permit has been granted to any person by the state or city to engage in the operation, conduct, maintenance or management of any business, service, profession or premises shall not exempt such person from the necessity of registering with the City.

SEC. 40-9. Exemption from payment of registration fee.

No registration fee shall be required from any person exempt from payment of the fee by state or federal law or from a business which is required to pay a business license fee to the City. Such persons shall comply with all other provisions of this chapter. The City Clerk shall, in all such cases, issue to such persons, certificates which are clearly marked as to the exemption and the reason thereof.

SEC. 40-10. Payment of fees.

A registration period shall run from June 1st to May 31st (except for the 2019-2020 licensing period, which shall be August 1st to May 31st). No certificate shall be issued until the appropriate fees, as prescribed by resolution of the City Council, have been paid by the applicant to the City Clerk. All fees required for the registration of a business pursuant to the Code of Ordinances must be paid in full and may not be prorated, regardless of when an application for a certificate or permit is made. No rebate or refund shall be made of any registration fee, or part thereof, by reason of the death of the registrant or by reason of non-use of the certificate or discontinuance of the operation of the commercial establishment.

SEC. 40-11. Transfer of registration certificate.

No certificate or permit issued under the provisions of this Code shall be transferable.

SEC. 40-12. Denial of registration certificate.

- (a) The certificate to be issued under this Code may be refused by the City Clerk for any of the following causes:
- (1) Fraud, misrepresentation or false statement contained in the application for certificate;
 - (2) Fraud, misrepresentation or false statement made in the operation of a business;
 - (3) Any violation of this Code;
 - (4) Conducting a business in an unlawful manner or in such manner as to constitute a breach of the peace or to constitute a menace to the health, safety or welfare of the public;
 - (5) The failure or inability of an applicant to meet and satisfy the requirements and provisions of this Code.
 - (6) Failure to pay Personal Property Taxes when due.

- (7) Failure to obtain any required state, county or city license, registration certificate, or permit.
- (8) Any person or entity who owes any registration or license fees to the City for any business previously or currently operating in the city.
- (b) Any person whose request for certificate is refused shall have the right to a hearing before the council provided a written request therefor is filed with the City Clerk within ten (10) days following the refusal. The council shall then have the right to order the issuance of the certificate if it determines the business is in compliance with all terms of this Ordinance.

SEC. 40-13. Grounds for revocation or suspension of registration.

Certificates issued under this Code may be suspended or revoked by the City Clerk for any of the following causes:

- (a) Fraud, misrepresentation or false statement contained in the application for registration;
- (b) Fraud, misrepresentation or false statement made in the operation of a business;
- (c) Any violation of this Code;
- (d) Conducting a business in an unlawful manner or in such manner as to constitute a breach of the peace or to constitute a menace to the health, morals, safety or welfare of the public;
- (e) The failure or inability of an applicant to meet and satisfy the requirements and provisions of this Code.

SEC. 40-14. Revocation or suspension procedures.

- (a) Written notice of suspension or revocation of a registration certificate stating the cause or causes therefor shall be delivered to the registrant personally or mailed to the address stated in the application for registration.
- (b) Any person whose certificate is revoked or suspended shall have the right to a hearing before the council provided a written request therefor is filed with the City Clerk within ten (10) days following the delivery or mailing of notice of revocation or suspension. The council shall have the right to reinstate the registration if it determines the business is in compliance with the terms of this Ordinance.

SEC. 40-15. Additional authority.

The City hereby authorizes the City Clerk, to adopt such reasonable rules and regulations as may be necessary to carry out the purpose and intent of this article.

SEC. 40-16. Civil infraction.

Failure to comply with any provision of this chapter shall be a municipal civil infraction.

ARTICLE II. BUSINESS LICENSES

DIVISION 1. IN GENERAL

SEC. 40-17. Scope.

The provisions of this article shall apply to all licenses and permits issued by the City in the absence to provisions of the contrary. The term "license" as used in this article shall be deemed to include the term "permit", but not registration certificate.

SEC. 40-18. Business licenses required.

No person shall, directly or indirectly, operate, conduct, maintain or manage any business or premises for which any license or permit is required by any provision of this Code without first obtaining a license or permit from the City in the manner provided in this ordinance.

SEC. 40-19. Applications.

Application for a business license as required by this Code shall be made in writing to the city clerk, who is authorized to create application forms and to receive and process applications, and to thereafter grant, deny, suspend, or revoke said license as set forth in this article. Applications shall be on forms supplied by, and to be filed with, the city clerk. Such applications shall be signed and dated by the applicant. The applicant shall accompany the application with a tender of the correct license fee, which fee shall not be refundable and set by Council resolution. The application shall contain the following minimum information, plus any other information deemed necessary by any authorized representative of the City.

- (1) The nature and kind of business which applicant proposes to conduct and the manner of operating same;
- (2) The location, mailing address and all telephone numbers where the business is to be conducted.
- (3) A complete list of the names, residence addresses, and phone numbers of all owners of the business, and the name and phone number of the manager or person principally in charge of the operation of the business;
 - a. If applicant is a corporation, partnership, or LLC (anything other than an individual), current documentation establishing the legal entity, e.g. articles of corporation, partnership agreement, etc., is required.
- (4) Driver's license number of each individual listed in subsection (3).
- (5) Copy of current State or County licenses held for the business.
- (6) Whether or not the applicant or person conducting or managing applicant's business have been convicted of a crime, misdemeanor or the violation of any municipal ordinance, and if so, full particulars in connection therewith.
- (7) Authorization for the city, its agents and employees to seek information and conduct an investigation into the truth of the statements set forth in the application and the qualifications of the applicant for the permit.
- (8) A statement that the information provided is true and accurate and that, if a license is granted, the applicant will abide by all applicable ordinances, general laws, charters, rules, and statutes.
- (9) Such other identification and information necessary to discover the truth of the matters herein before specified as required to be set forth in the application.
- (10) The applicant shall permit inspection of the licensed premises and/or activity at reasonable times by any authorized representative of the city.
- (11) All other information required by any City Ordinance.
- (12) All information required by this section shall be provided at the applicant's expense.
- (13) An initial business license or renewal of a business license must be secured within 30 days of June 1st of each year (except for the 2019-2020 licensing period, where license must be secured by August 1, 2019), or for a new business, prior to the opening of the business.

Upon the completion of the above provided form and the furnishing of all foregoing information the city shall accept the application for the necessary investigations. The holder of a business license shall notify the city of each change in any of the data required to be furnished by this section within ten (10) days after such change occurs.

SEC. 40-20. Expiration date, exception.

The license year shall terminate on May 31st of each calendar year after the issuance of such license. In all cases where the provisions of this Code permit the issuance of licenses for periods of less than one (1) year, the expiration date shall be indicated on the face of the license.

SEC. 40-21. Effect of state license.

- (a) Beginning January 1, 2018, the City shall not impose any licensing requirements on any individuals who perform a specific occupation if the City does not already impose licensing requirements on that occupation. However, the City may continue to regulate any occupation that is subject to licensing requirements in the City of Wyandotte before January 1, 2018.
- (b) If an occupation is subject to licensing requirements imposed by the department of licensing and regulatory affairs or any other licensing authority of this state, the City shall not impose any regulations on that occupation that add additional licensing requirements to those already imposed by the licensing authority of this state.
- (c) Beginning January 1, 2018, if the department of licensing and regulatory affairs or any other licensing authority of this state imposes any new licensing requirements on any occupation that was previously unregulated by the state, and if the City has licensing requirements that regulate that occupation in effect at the time the new state licensing requirements take effect, the City may not continue to enforce its licensing requirements for that occupation on or after the date when the state licensing requirements take effect.
- (d) The term “city” refers to the City of Wyandotte.

SEC. 40-22. Compliance with Code required; payment of personal property taxes.

No license shall be granted to any applicant:

- (1) Until such applicant has complied with all of the provisions of this Code pertaining to the business for which application for the license is made;
- (2) If the approval of any officer of the City is required prior to the issuance thereof until such approval is made;
- (3) Who is delinquent in the payment of personal property taxes;
- (4) Who is using or intends to use in the business for which application for the license is being made, any personal property upon which there is a lien for unpaid personal property taxes; provided, however, that granting of a license shall not be withheld if said lien is for current personal property taxes the payment of which is not delinquent.

SEC. 40-23. Payment of fees.

No license shall be issued until the appropriate fees set forth in this Code have been paid by the applicant to the City Clerk. All fees required for a license or permit pursuant to the Code of Ordinances must be paid in full and may not be prorated, regardless of when an application for a license or permit is made.

SEC. 40-24. Denial of licenses.

- (a) Licenses to be issued under this Code may be refused by the City Clerk 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 of this Code;

- (4) Conducting a business in an unlawful manner of in such manner as to constitute a breach of the peace or to constitute a menace to the health, safety or welfare of the public;
 - (5) The failure or inability of an applicant to meet and satisfy the requirements and provisions of this Code.
- (b) Any person whose request for a license is refused shall have the right to a hearing before the council provided a written request therefor is filed with the City Clerk within ten (10) days following the refusal. The council shall then have the right to order the issuance of the license if it determines the business is in compliance with all terms of this Ordinance and any other City Ordinance that may apply to the business.

SEC. 40-25. Persons exempt from license fee.

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 chapter. The City Clerk shall, in all such cases, issue to such person's licenses which are clearly marked as to such exemption.

SEC. 40-26. Transfer of licenses.

No license or permit issued under the provisions of this Code shall be transferable.

SEC. 40-27. Possession and display.

- (a) A licensee shall carry any license issued in accordance with the provisions of this Code upon his 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 his place of business; the licensee shall produce the same 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.
- (b) A licensee shall display conspicuously on each vehicle or mechanical device or machine required to be licensed by this Code such tags or stickers as are furnished by the City Clerk.
- (c) No person shall display any expired, suspended or revoked license, or any license for which a duplicate has been issued.

SEC. 40-28. Defective, deteriorated, etc., merchandise.

No licensee shall sell or offer for sale any defective, faulty, incomplete or deteriorated articles of merchandise, unless the goods are so represented to prospective customers.

SEC. 40-29. Grounds for revocation or suspension of licenses.

Licenses issued under this Code may be suspended or revoked by the City Clerk for ant of the following clauses:

- (a) Fraud, misrepresentation or false statement contained in the application for license;
- (b) Fraud, misrepresentation or false statement made in the operation of a business;
- (c) Any violation of this Code;
- (d) Conducting a business in an unlawful manner or in such manner as to constitute a breach of the peace or to constitute a menace to the health, morals, safety or welfare of the public;
- (e) The failure or inability of an applicant to meet and satisfy the requirements and provisions of this Code.
- (f)

SEC. 40-30. Revocation or suspension procedures.

- (a) Written notice of suspension or revocation of a license stating the cause or causes therefor shall be delivered to the licensee personally or mailed to his address stated in his application for license.
- (b) Any person whose license is revoked or suspended shall have the right to a hearing before the council provided a written request therefor is filed with the City Clerk within ten (10) days following the delivery or mailing of notice of revocation of suspension. The council shall have the right to reinstate the license if it determines the business is in compliance with all terms of this Ordinance that may apply to the business.

SEC. 40-31. Renewal.

Unless otherwise provided herein, an application for renewal of a license shall be considered in the same manner as an original application. All applications for license renewals shall be filed in the office of the City Clerk not later than first day of June of each year (except for the 2019-2020 licensing period, where renewals shall be filed no later than August 1st.)

DIVISION 2. CONTINUATION OF LICENSES**SEC. 40-32. Retained Licenses.**

The following chapters, divisions, and sections which required licenses for the business designated therein were adopted prior to January 1, 2018 and remain in effect:

TITLE	SECTION	EFFECT
Mechanical Amusement Devices -Definition of mech. Amusement devices only	3-91	Move to Ch. 40 (w/ arcades), as part of sec. 40.34
Arcades	3-126 – 3-175 (in entirety)	Move to Chapter 40, Div. 4
Poolrooms & Pool Tables	3-240 – 3-268 (in entirety)	Move to Chapter 40, Div. 5
Auctions & Auctioneers	5-1 – 5-46 (in entirety)	Stay in place – Chapter 5
Meat, Poultry, Seafood	12-16 – 12-32	Stay in Place – Chapter 12
Food Dealers & Processors	12-50 – 12-62	Stay in Place – Chapter 12
Restaurants	12-63 – 12-116	Stay in Place – Chapter 12
Junk Dealers, Junk Yards, Etc.	20-1 – 20-30 (in entirety)	Move to Chapter 40, Div. 6
Pawnbrokers & Second Hand Dealers	21-116 – 21-123, 21-125 – 21-149	Move to Chapter 40, Div. 7
Tattoo Parlors	21-231, 21-232, 21-234 – 21-275	Move to Chapter 40, Div. 8
Liquor Licenses	21-276 – 21-291	Stay in Place, title of Ch. 21 changed to Liquor Licenses
Massage Establishment	22-1 – 22-26 (in entirety)	Move to Chapter 40, Div. 9
Motorcycles	23-1 – 23-40	Stay in Place – Chapter 23

Used Car Dealers	38-1 – 38-20, 38-22 – 38-27	Move to Chapter 40, Div. 10
Outdoor Café	City Zoning Ordinance Sec. 2202(5)	Stay in Place

DIVISION 3. ELIMINATION OF LICENSES

SEC. 40-33. Repealed Licenses.

The following sections of ordinances which apply either to the application process or to the necessity of a license and payment of a license fee for the business designated therein are hereby repealed.

TITLE	SECTION
In General – Items not licensed herein	3-1
Amusement Riding and Moving Devices	3-21 – 3-59
Circuses, Menageries, Etc.	3-60 – 3-90
Mechanical Amusement Devices: -Definitions of distributor, owner, and mech. music devices	3-91 (in part)
Mechanical Amusement Devices	3-92 – 3-125
Concerts, Lectures, Etc.	3-176 – 3-200
Dancing	3-201 – 3-239
Roller Skating Rinks	3-269 – 3-299
Shooting Gallery	3-300 – 3-325
Theaters	3-326 – 3-341
Busses (in entirety)	8-1 – 8-6
Meat, Poultry & Seafood	12-33 – 12-47
Food Dealers & Processors	12-48 & 12-49
Restaurants	12-117 – 12-122
In General (in entirety)	21-1 – 21-30 (rewritten into Ch. 40)
Coal & Coke Deliveries	21-31 – 21-55
Furniture Movers	21-56 – 21-89
Locksmiths or Keymakers	21-90 – 21-115
Motorcycles	23-41 – 23-45
Arcades	3-152 (application section only)
Pawnbrokers & Second Hand Dealers	21-124 (application section only)
Tattoo Parlors	21-233 (application section only)

Massage Establishment	22-4 & 22-5 (application sections only)
Used Car Dealers	38-21 ('Persons eligible for' only)

DIVISION 4. ARCADES

Sec. 40-34. Definition.

Sec. 40-35 Gambling.

Sec. 40-36. Indecent, immoral, etc., language or conduct.

Sec. 40-37. Disorderly persons.

Sec. 40-38. Minors.

Sec. 40-39. Alcohol on premises.

Sec. 40-40. Intoxicated persons.

Sec. 40-41. Drugs.

Sec. 40-42. Noise.

Sec. 40-43. Hours of operation.

Sec. 40-44. Traffic control.

Sec. 40-45. Inspections.

Sec. 40-46. License Required.

Sec. 40-47. Qualifications of licensee.

Sec. 40-48. Approval of building inspector, police chief, and chief of the fire department.

Sec. 40-49. License Fee.

Sec. 40-50. Public hearing.

Sec. 40-51. License Issuance and form.

Sec. 40-52. License Display.

Sec. 40-53. License Assignment or transfer.

Sec. 40-54. Change of location.

Sec. 40-55. Number of machines.

Sec. 40-56. Obstructions to public view prohibited.

Sec. 40-57. License Renewal.

Sec. 40-58. License Revocation.

SEC 40-34. Definition.

As used in this article the following words and phrases shall have the meanings respectively ascribed to them in this section:

Amusement arcade (or "arcade") means any place, premises or establishment which is exclusively used for mechanical amusement devices as defined in this section of this Code or any business, building or establishment which has a current certificate of occupancy for a use other than an arcade and in addition have fifteen (15) or more mechanical amusement devices as defined in this section.

Mechanical amusement device means any machine which, upon the insertion of a coin, slug, token, plate or disc, or the payment of a price, or the use or application of a credit master switch, or limited or unlimited play upon payment of a certain sum, or any other similar type of activity, may be operated by

the public generally for use as a game, entertainment, or amusement, whether or not registering a score and whether operated by hand, electricity, or any other form of power. It shall include such devices as video and electronic machines, marble machines, pinball machines, skill ball machines, mechanical grab machines, coin-operated bowling alleys, shuffleboard game machines or devices, whether played with discs, weights, pucks, or balls, mechanical guns, coin-operated motion picture machines, any so-called claw, crane, or digger machine, or any other games, devices, operations or transactions similar thereto, under whatever name they may be indicated, which when operated, do not deliver as a result of the application of an element of chance, any money or property, or by the operation of which a person may not be entitled to receive as a result of the application of an element of chance, any money or property.

Sec. 40-35. Gambling.

No person who has been issued a certificate from the City Clerk's Office pursuant to the provisions of this article shall, directly or indirectly, or through any servant, agent or employee, have upon the premises, any game machine or device which, according to federal or state law, constitutes a gambling device or permit gambling or the use, possession or presence of gambling paraphernalia on the premises.

(Ord. No. 723, § 1, 2-22-82)

Gambling and gambling devices generally, § 25-2.

Sec. 40-36. Indecent, immoral, etc., language or conduct.

No person who has been issued a certificate from the City Clerk's Office pursuant to the provisions of this article shall, directly or indirectly, or through any servant, agent or employee permit any indecent, immoral or profane language, or indecent, immoral, disorderly, vulgar, lewd, obscene or improper conduct on the licensed premises.

(Ord. No. 723, § 1, 2-22-82)

Obscenity, § 25-116 et seq.

Sec. 40-37. Disorderly persons.

No person who has been issued a certificate from the City Clerk's Office pursuant to the provisions of this article shall, directly or indirectly, or through any servant, agent or employee, permit the licensed premises to become a resort for disorderly persons of any type.

(Ord. No. 723, § 1, 2-22-82)

Disorderly conduct generally, § 25-76.

Sec. 40-38. Minors.

No person who has been issued a certificate from the City Clerk's Office pursuant to the provisions of this article shall, directly or indirectly, or through any servant, agent or employee:

- (1) Employ a person who is under the age of eighteen (18) years of age.
- (2) Permit any person under the age of seventeen (17) years to be upon the premises after 10:00 p.m. unless accompanied by a parent or legal guardian.
- (3) Permit operation of any mechanical amusement device by any person under eighteen (18) years of age between the hours of 8:00 a.m. and 3:00 p.m., excluding Saturdays, Sundays, holidays, and days when school is not in session.
- (4) Allow or permit a minor who is seventeen (17) years of age or under to remain in or frequent his establishment if the parent or guardian of such minor has notified the person operating said amusement arcade in writing, objecting to such minor's presence or playing of machines on premises, and furnished good and sufficient identification (snapshot photo) of such minor.

(Ord. No. 723, § 1, 2-22-82; Ord. No. 1446, § 5, 4-3-17)

Sec. 40-39. Alcohol on premises.

No person who has been issued a certificate from the City Clerk's Office pursuant to the provisions of this article shall, directly or indirectly, or through any servant, agent or employee, permit the possession or use of any alcoholic liquor on the premises, nor shall the licensed premises be accessible in any way with any place where alcoholic liquor is kept, sold, distributed, or given away. This prohibition shall not apply while a Michigan Liquor Control Commission License is in effect at the licensed premises.

(Ord. No. 723, § 1, 2-22-82)

Sec. 40-40. Intoxicated persons.

No person who has been issued a certificate from the City Clerk's Office pursuant to the provisions of this article shall, directly or indirectly, or through any servant, agent or employee, permit intoxicated persons to loiter on the premises.

(Ord. No. 723, § 1, 2-22-82)

Public intoxication, § 25-80.

Sec. 40-41. Drugs.

No person who has been issued a certificate from the City Clerk's Office pursuant to the provisions of this article shall, directly or indirectly, or through any servant, agent or employee, permit the possession or use of any drug or narcotic, including marijuana, on the premises.

(Ord. No. 723, § 1, 2-22-82)

Sec. 40-42. Noise.

No person who has been issued a certificate from the City Clerk's Office pursuant to the provisions of this article shall, directly or indirectly, or through any servant, agent or employee, permit noise to emerge from licensed premises which is disturbing to the surrounding area.

(Ord. No. 723, § 1, 2-22-82)

Sec. 40-43. Hours of operation.

No person who has been issued a certificate from the City Clerk's Office pursuant to the provisions of this article shall, directly or indirectly, or through any servant, agent or employee, permit any person to operate or cause to be operated in the city the amusement arcade between the hours of 11:00 p.m. and 7:00 a.m., except on Fridays, Saturdays and legal holidays, when the prohibited hours shall be between 2:00 a.m. and 7:00 a.m.

(Code 1956, § 8.1-6; Ord. No. 723, § 1, 2-22-82)

Sec. 40-44. Traffic control.

All parking and other use of streets and alleys, by the operators of motor vehicles at amusement arcades shall conform to the provisions of the state motor vehicle code and the city's traffic ordinances, zoning ordinance, and directions of the chief of police (or his designated representative) as provided from time to time.

(Code 1956, § 8.1-4; Ord. No. 723, § 1, 2-22-82; Ord. No. 1446, § 6, 4-3-17)

Police, Ch. 30; traffic, Ch. 35.

Sec. 40-45. Inspections.

A person holding a license issued pursuant to the provisions of this article at all times shall keep the licensed premises open for inspection by members of the police, and fire department or other city departments for the purpose of enforcing any ordinance relating to the health, safety and welfare of the public.

(Code 1956, § 8.1-8; Ord. No. 723, § 1, 2-22-82)

Secs. 3-165—3-175. Reserved.

Sec. 40-46. License Required.

It shall be unlawful for any person to establish, maintain or conduct an amusement arcade without a license issued by the city council.

(Ord. No. 723, § 1, 2-22-82)

Sec. 40-47. Qualifications of licensee.

No amusement arcade license shall be granted to any person who has been convicted of any crime involving moral turpitude, or to any person who has been convicted of a misdemeanor such as gambling or fraud or who has been convicted of any felony.

(Ord. No. 723, § 1, 2-22-82)

Sec. 40-48. Approval of building inspector, police chief, and chief of the fire department.

Prior to the issuance of a license pursuant hereto, an inspection of the premises involved shall be made by the city engineer and by the chief of police (or his designated representative) and the chief of the fire department (or his designated representative), and their approval or disapproval noted on the application before consideration by the city council. Before the city engineer approves the same, he shall determine that the construction of the building involved is in full compliance with building code, and other

pertinent city ordinances. The city engineer shall also determine whether the proposed arcade complies with all requirements of the city zoning ordinance. Before the chief of police (or his designated representative) approves the same, he must determine that the applicant is providing sufficient traffic aids and regulations whereby the vehicular traffic shall not constitute a nuisance or danger. The police department shall make a traffic study and also determine whether sufficient parking spaces are provided for the proposed arcade pursuant to the state motor vehicle code and the city's traffic ordinances and traffic-control orders, zoning ordinances, and directives of the chief of police (or his designated representative) as provided from time to time before approving the application. Before the chief of the fire department (or his designated representative) approves the same, he must determine that all proposed mechanical amusement devices and all electrical equipment proposed to be used herein, comply with all applicable ordinances, codes, statutes, rules and regulations regulating the same. The application shall be rejected if the person conducting said investigation finds any violation of such codes, ordinances, statutes or rules and regulations.

(Ord. No. 723, § 1, 2-22-82)

Sec. 40-49. License Fee.

The annual fee for an amusement arcade shall be five hundred dollars (\$500.00), with future fees to be determined by action of the Council.

(Ord. No. 723, § 1, 2-22-82; Ord. No. 1057, § 1, 12-21-98)

Sec. 40-50. Public hearing.

Upon receipt by the city clerk of the application for an arcade license, a public hearing shall be scheduled before the city council to determine whether said license shall be issued. Notice of the public hearing shall be published in the local newspaper once, at least ten (10) days before the scheduled hearing. Said notice shall set forth the proposed location of the arcade.

(Ord. No. 723, § 1, 2-22-82)

Sec. 40-51. License Issuance and form.

The city council, upon receiving an application or reapplication for an amusement arcade license, shall pass upon the same, and if satisfied that the applicant possesses the qualifications herein prescribed, may grant a license for one year. The city council may reject any application if it finds any of the following:

- (1) The applicant does not comply fully with the requirements of section 40-47.
- (2) Approval has not been noted on the application by the city engineer, police chief, and chief of the fire department.
- (3) The applicant has previously violated any provision or requirement of sections 40-34 through 40-58.
- (4) Violations of any provision or requirement of sections 40-34 through 40-58 have occurred at the proposed location previously.
- (5) The proposed arcade would be harmful to the public safety, health, morals or welfare of the city.
- (6) The proposed location of the arcade (including its parking facility) is within five hundred (500) feet from the nearest point of the property line of a public or private elementary, middle, junior high or senior high school. The restriction established in this subsection shall not apply to any arcade which was issued a license by the city prior to the effective date of this subsection.
- (7) The proposed location of the arcade (including the arcade's parking facility) is within two hundred (200) feet from the nearest point of the property line of a residence, unless a petition to establish an arcade is presented to the city council, signed by at least fifty-one (51) per cent of the persons residing within two hundred (200) feet of the proposed arcade location. The restriction established in this subsection shall not apply to any arcade which was issued a license by the city prior to the effective date of this subsection.
- (8) The proposed location of the arcade (including its parking facility) is within five hundred (500) feet from the nearest point of the property line of an already existing arcade in the city. The restriction established in this subsection shall not apply to any arcade which was issued a license by the city prior to the effective date of this subsection.

(9) The applicant has failed to provide all the information required by section 3-152, and the council finds that such failure to provide the requested information prohibits the council from making a determination of the applicant's qualifications for an arcade license.

(10) The proposed arcade would cause the number of presently existing arcades within the city to exceed the ratio of one arcade for every five thousand (5,000) population in the city as determined by the latest federal census and the council finds that the addition of any more arcades would be harmful to the public safety, health, morals or welfare of the city.

(Ord. No. 723, § 1, 2-22-82; Ord. No. 724, § 1, 3-1-82; Ord. No. 731, § 1, 5-24-82)

Sec. 40-52. License Display.

A license issued pursuant to the provisions of this division shall be displayed at all times in the licensed premises and the licensee shall also place an identification sticker issued by the city clerk on each mechanical amusement device.

(Ord. No. 723, § 1, 2-22-82)

Sec. 40-53. License Assignment or transfer.

No amusement arcade license shall be assignable or transferable.

(Ord. No. 723, § 1, 2-22-82)

Sec. 40-54. Change of location.

If the holder of an amusement arcade license desires to change the location of the arcade he shall so notify the city council and file a new application for a license, provided that the council may dispense with proof of good character.

(Ord. No. 723, § 1, 2-22-82)

Sec. 40-55. Number of machines.

A licensed arcade shall be limited to the number of mechanical amusement devices set forth in its application for a license unless it receives prior consent from the city clerk to place additional devices in the arcade. The city clerk, before giving said approval, must first send the applicant's request for additional devices to the police and fire departments to conduct an investigation as required in section 40-48 and obtain their approval concerning the additional machines.

(Ord. No. 723, § 1, 2-22-82)

Sec. 40-56. Obstructions to public view prohibited.

No mechanical amusement device arcade licensee shall permit any obstruction of a public view by the use of drawn shades, blinds, screens, posters, or walls of a permanent or moveable nature.

(Ord. No. 723, § 1, 2-22-82)

Sec. 40-57. License Renewal.

A public hearing for a renewal of license is not required provided there have been no violations of any provision of articles IV and V in the previous year at said location.

(Ord. No. 723, § 1, 2-22-82; Ord. No. 1446, § 8, 4-3-17)

Sec. 40-58. License Revocation.

The city council may revoke any license, for any violation of any of the provisions of sections 40-34 through 40-58 by the owner, operator, or employee of the arcade. The license may also be revoked for any violation of the fire regulations or codes of the City of Wyandotte, State of Michigan, and also for violation of any applicable city ordinance or state statute. Said license may be revoked only after a hearing before the council, at a time and place set by the council. The licensee shall be given at least ten (10) days' notice prior to the date of hearing, by first class mail.

(Ord. No. 723, § 1, 2-22-82; Ord. No. 724, § 1, 3-1-82)

DIVISION 5. POOLROOMS & POOL TABLES

Sec. 40-59. Definitions.

Sec. 40-60. Minors.

Sec. 40-61. Hours.

Sec. 40-62. Required.

Sec. 40-63. Fee.

Sec. 40-64. Inspection.

Sec. 40-59. Definitions.

(a) *Poolroom* shall be defined as any place, room, hall or building whose principal business is to provide a place for the playing of pool, snooker, bumper pool, billiards or any other similar type of game, or any establishment which has five (5) or more pool tables.

(b) *Pool table* shall include snooker, bumper pool, billiards or any other type of game.
(Ord. No. 782, § 1, 5-20-85)

Sec. 40-60. Minors.

No person who has been issued a license pursuant to the provisions of this article shall, directly or indirectly, or through any servant, agent or employee:

- (1) Employ a person who is under the age of eighteen (18) years of age.
- (2) Permit any person under the age of seventeen (17) years to be upon the premises after 10:00 p.m. unless accompanied by a parent or legal guardian.
- (3) Permit the playing of pool or similar type game by any person under eighteen (18) years of age between the hours of 8:00 a.m. and 4:00 p.m., excluding Saturdays, Sundays, holidays, and days when school is not in session.

(4) Permit persons under fifteen (15) years of age to play pool or similar type of game at any time, unless accompanied by a parent or guardian.

(5) Allow or permit a minor who is seventeen (17) years of age or under to remain in or frequent his establishment if the parent or guardian of such minor has notified the person operating said poolroom or pool table in writing, objecting to such minor's presence or playing of pool or similar type of game on the premises, and furnished good and sufficient identification (snapshot photo) of such minor.

(Ord. No. 782, § 1, 5-20-85)

Sec. 40-61. Hours.

No person shall keep open any establishment for the purpose of playing pool between the hours of 2:00 a.m. and 7:00 a.m.

(Ord. No. 782, § 1, 5-20-85)

Sec. 40-62. Required.

(a) No person shall conduct, maintain or operate a poolroom without a license issued by the city clerk.

(b) No person shall conduct, maintain or operate any establishment which has a pool table without a license issued by the city clerk.

(Ord. No. 782, § 1, 5-20-85)

Sec. 40-63. Fee.

The fee for a license for a poolroom shall be one hundred dollars (\$100.00) plus fifty dollars (\$50.00) for each pool table.

The license fee for each pool table shall be fifty dollars (\$50.00).

(Ord. No. 782, § 1, 5-20-85)

Sec. 40-64. Inspection.

No license shall be granted pursuant to the provisions on this article without the approval of the fire chief, police chief, and health department. Such approvals shall be given if the premises to be licensed comply with all applicable ordinances. No person shall be granted a license pursuant to this article unless he is over eighteen (18) years of age.

(Ord. No. 782, § 1, 5-20-85)

DIVISION 6. JUNK DEALERS, JUNKYARDS, ETC.

Sec. 40-65. Fences or walls.

Sec. 40-66. Placement of junk.

Sec. 40-67. Location and use restrictions.

Sec. 40-68. Vehicles.

Sec. 40-69. Restrictions on sales.

Sec. 40-70. Records.

Sec. 40-71. License Required; types.

Sec. 40-72. Prerequisites.

Sec. 40-73. License Fee.

Sec. 40-74. Bond.

Sec. 40-75. License does not permit storing junk in violation of ordinances.

Sec. 40-65. Fences or walls.

All walls or fences around junkyard shall be maintained in a neat, substantial condition; the supporting uprights of all fences shall be placed on the interior of the fence.

(Code 1956, § 16-52; Ord. No. 610, § 1, 3-27-75)

Fences, Ch. 10.

Fencing of junkyards near highways, MCL § 252.201 et seq., MSA § 252.201 et seq.

Sec. 40-66. Placement of junk.

No junk or other materials shall be piled against a junkyard's fence or wall, nor shall be outside of, attached to, or suspended from any such wall or fence, nor shall a pile within ten (10) feet of the fence or wall exceed the height of the enclosing wall or fence.

(Code 1956, § 16-52; Ord. No. 610, § 1, 3-27-78)

Sec. 40-67. Location and use restrictions.

No junkyard shall be conducted other than at the place designated in the license and no living quarters shall be maintained on the premises of the junkyard.

(Code 1956, § 16-44; Ord. No. 610, § 1, 3-27-78)

Sec. 40-68. Vehicles.

A person licensed pursuant to the provisions of this chapter shall display his name and address on any vehicles used in the licensed business in letters which are at least five (5) inches high.

(Ord. No. 610, § 1 (16-53), 3-27-78)

Sec. 40-69. Restrictions on sales.

No licensee under this chapter shall purchase or receive any property:

- (1) Between 7:00 p.m. and 7:00 a.m.;
- (2) On a Sunday;
- (3) From any intoxicated person;
- (4) From any person under the age of seventeen (17) without the written consent of such person's parent or guardian;
- (5) From any person known or suspected to be a thief or a receiver of stolen property.

(Code 1956, § 16-44; Ord. No. 610, § 1, 3-27-78)

Sec. 40-70. Records.

Each license under this chapter shall, on demand, exhibit all goods bought or received and give the name, residence and a description of the person from whom the same was purchased or received to any officer of the police department. He shall keep a record or book written in ink in the English language containing the name, residence and description of all persons from whom purchases are made.

(Code 1956, § 16-43; Ord. No. 610, § 1, 3-27-78)

Sec. 40-71. Required; types.

(a) No person shall engage in the business of dealer in scrap iron, scrap metal, scrap wood, used or salvaged auto parts or any form of goods commonly considered as junk, nor assemble the same for the purpose of sale without first obtaining a license therefor.

(b) There shall be three (3) types of junk licenses:

- (1) Junkyard;
- (2) Junk truck (motor drawn or propelled vehicle);
- (3) Junk pushcart.

(Code 1956, § 16-41; Ord. No. 610, § 1, 3-27-78)

Sec. 40-72. Prerequisites.

No license shall be issued pursuant to this article:

- (a) Except upon resolution of the council;
- (b) Except upon approval of the police chief, the fire chief, the health officer and the city engineer;
- (c) Unless the premises are enclosed with a properly maintained fence. Such fence shall be tight or solid metal construction unless:

- (1) The adjoining resident owner objects; or

(2) The adjoining private property is actually used for the same or manufacturing purposes then such fence shall be of two (2) inch diamond mesh chain link construction. Such wall or fence shall be not less than seven (7) feet or more than ten (10) feet in height;

(d) Unless the material located in or on the premises are so arranged that reasonable inspection or access to all parts of the premises can be had by the enforcing official.

(e) Unless the area between the fence and the curb is maintained to the satisfaction of the engineering department;

(f) If sixty-five (65) per cent or more of all property owners within a radius of three hundred (300) feet measured from the boundary lines of the premises object in writing to the council.

(Code 1956, § 16-52; Ord. No. 610, § 1, 3-27-75)

Sec. 40-73. License Fee.

(a) The fee for a license for buying and selling junk shall be seventy-five dollars (\$75.00) per wagon, truck or other vehicle used or twenty-five dollars (\$25.00) per pushcart used.

(b) The fee for a license for a junkyard shall be three hundred dollars (\$300.00) (one thousand dollar (\$1,000.00) surety bond), plus seventy-five dollars (\$75.00) per truck used.

(Ord. No. 610, § 1 (16-53), 3-27-78; Ord. No. 1057, § 1, 12-21-98)

Power of city to set license fees, § 177.

Sec. 40-74. Bond.

A person desiring the license required by the provisions of this article shall file with the city clerk a surety or cash bond running to the city with surety acceptable to the city attorney guaranteeing to any citizen of the city that such citizen shall be protected against any loss occasioned by any act of fraud, theft or receiving stolen goods committed by the licensee. Action on such bond may be brought in the name of the city to the use or benefit of the aggrieved person.

Sec. 40-75. License does not permit storing junk in violation of ordinances.

A license to operate a junk truck or pushcart shall not include the right to unload, sort or store junk in violation of the provisions of any ordinance.

(Code 1956, § 16-52; Ord. No. 610, § 1, 3-27-78)

DIVISION 7. PAWNBROKERS AND SECONDHAND DEALERS

Sec. 40-76. Definitions.

Sec. 40-77. Pawnbrokers and secondhand dealers.

Sec. 40-78. License required.

Sec. 40-79. Posting license; name of licensee.

Sec. 40-80. Grounds for denial.

Sec. 40-81. Investigation by city chief of police.

Sec. 40-82. License fee and posting.

Sec. 40-83. Prohibitions for secondhand and scrap dealers.

Sec. 40-84. Hours of operation; purchases from certain persons prohibited.

Sec. 40-85. Scrap yard regulations.

Sec. 40-86. Nonferrous metals.

Sec. 40-87. Thumbprints and identification of customers.

Sec. 40-88. Records and reporting requirements.

Sec. 40-89. Electronic reporting of transactions.

Sec. 40-90. Exemptions.

Sec. 40-91. Suspension.

Sec. 40-92. Incorporation of state law.

Sec. 40-93. Appeals.

Sec. 40-94. License suspension or revocation generally.

Sec. 40-76. Definitions.

The following words, terms, and phrases, when used in this article shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning.

Chief executive officer means for a city, the city mayor, pursuant to MCL 446.203(a)(i).

Pawnbroker means a person, corporation, member or members of a partnership, company or firm who lends money on deposit, or pledge of personal property, or other valuable thing, other than securities or printed evidence of indebtedness, or who deals in the purchasing of personal property or other valuable thing on condition of selling the same back again at a stipulated price.

Scrap processor means any person or entity whose business is, in whole or in part, the dismantling, wrecking and disposing of junk and/or refuse materials, including automobiles, or otherwise reclaiming metals for reuse.

Scrap yard means a place where junk, waste, discarded, or salvaged materials are bought, sold, exchanged, stored, packed, disassembled or handled, including wrecked motor vehicles, used building materials, structural steel materials and equipment and other manufactured goods that are deteriorated or obsolete so as to make unusable in their existing condition.

Secondhand dealer means any person, corporation, member or members of a partnership, company or firm, that engages in the business of purchasing, storing, selling, exchanging and receiving secondhand goods of any kind, including the receiving and selling of goods on consignment, but does not include scrap processor, automotive recycler, or junkyard that deals principally in industrial scrap, nor to retail merchants who repossess their own merchandise sold on title-retaining contract or who accepts merchandise as part payment on new sale, nor shall it apply to licensed automobile dealers, nor to persons who conduct rummage sales provided that such sales are not conducted by the same person or at the same location for a period in excess of three (3) days or more than twice per calendar year, not to sellers of new articles, wares, or merchandise from manufacturers, wholesale distributors or jobbers for retail sale to customers, nor persons, firms, or corporations whose principle business is that of dealing in new goods, articles and merchandise.

Secondhand goods means any goods, wares, merchandise or other personal property acquired or purchased after having been acquired at retail and used by another except as excluded herein. Such term includes, but is not limited to, appliances, radios, stereos, and speakers, televisions, video equipment, electronic/computer equipment and devices, computer gaming equipment, tools, auto parts, firearms, coins, sports memorabilia, jewelry, precious metals, musical instruments, sporting equipment, bicycles, lawn equipment, snow blowers, and other household equipment, lead pipes, tools, lighting fixtures, plumbing fixtures, watches, precious stones, musical instruments, and electrical appliances.

(Ord. No. 1394, § 2, 2-10-14)

Sec. 40-77. Pawnbrokers and secondhand dealers.

The city is designated and authorized to issue, suspend, and revoke licenses for persons, corporations, partnerships, companies or firms to carry on the business of a pawnbroker and secondhand dealers pursuant to both 1917 PA 273, as amended, MCL 446.201 et seq., ("the Pawnbrokers Act"). The provisions of this article shall apply to all existing pawnbrokers and secondhand dealers and all future pawnbrokers and secondhand dealers.

(Ord. No. 1394, § 2, 2-10-14)

Sec. 40-78. License required.

No person, corporation, partnership, company or firm, or other entity located in the city shall carry on the business of a pawnbroker or secondhand dealer in the city without being licensed pursuant to the Pawnbrokers Act and Secondhand Dealers Act and this section and as approved under this article. A secondhand dealer and pawnbroker's license is not transferable.

(a) Prior to issuance of license both pawnbrokers and secondhand dealers shall file a bond in the penal sum of three thousand dollars (\$3,000.00) conditioned that such applicant will in all respects faithfully comply with and observe all of the Pawnbrokers and Secondhand Dealer Acts of 1917.

(b) All applicants, prior to the issuance of the license shall affirm that such applicant will in all respects faithfully comply with and observe all the applicable federal, state, and local laws and regulations, including Act 350 of the Public Acts of 1917, and faithfully perform the duties and obligations of the business, including compliance with the provisions of the City of Wyandotte Charter, Code of Ordinances, and this article.

(Ord. No. 1394, § 2, 2-10-14)

Sec. 40-79. Posting license; name of licensee.

(a) All persons obtaining a license issued under this section shall place two (2) copies of the license, one (1) of which placed in the establishments' window or door for public view, and the other placed conspicuously inside the store for full view by patrons.

(b) In addition to the conspicuous display of two (2) licenses of any license issued, as required above, a licensee under this article shall post conspicuously in the designated places of business a sign displaying his or her name and occupation legibly inscribed therein with letters at a minimum of one and one-half (1½) inches to maximum of two (2) inches in height.

(Ord. No. 1394, § 2, 2-10-14)

Sec. 40-80. Grounds for denial.

(a) The city clerk may deny an application for a pawnbroker's or secondhand dealer license if the application is disapproved by one (1) or more proper officers of the city, as provided in this article, indicating that the applicant is unable to meet or continue to meet the requirements of the Pawnbrokers Act or Secondhand Dealers Act or any provision of this article.

(b) The city clerk may also deny an application for any reason identified in this article.

(c) If the city clerk denies the issuance of a license or a renewal thereof, a notice of denial including the reasons for the denial shall be mailed by first class mail to the applicant. If the application for a license has been denied, the applicant may appeal the denial by requesting a hearing pursuant to section 21-134, or may apply at any time submitting a new application and fee. The notice of denial shall provide that if the applicant wants to appeal the city clerk's decision, the applicant must request a hearing within fourteen (14) days pursuant to section 21-134.

(Ord. No. 1394, § 2, 2-10-14)

Sec. 40-81. Investigation by city chief of police.

The application for the license with a term no longer than one (1) year from the date of the issuance shall be referred by the city clerk to the chief of police for approval, who shall obtain fingerprints from the applicant. The chief of police shall conduct an investigation and file a report with the city clerk.

(Ord. No. 1394, § 2, 2-10-14)

Sec. 40-82. License fee and posting.

Commencing with the start of the 2017-2018 licensing cycle (June 2017), the fee for the license required by this article shall be one hundred fifty dollars (\$150.00) each year. Any change in the future of this fee may be made by council resolution.

(Ord. No. 1394, § 2, 2-10-14; Ord. No. 1432, § 1, 10-3-16)

Sec. 40-83. Prohibitions for secondhand and scrap dealers.

No secondhand or scrap dealer shall loan money on deposit, or pledge of any personal property, or other valuable thing on condition of selling the same back again at a stipulated price, without obtaining a pawnbroker's license pursuant to the Pawnbrokers Act and this article.

(Ord. No. 1394, § 2, 2-10-14)

Sec. 40-84. Hours of operation; purchases from certain persons prohibited.

(a) No pawnbroker or secondhand dealer shall purchase or receive, by sale, barter, or exchange or otherwise, any article under a license issued pursuant to this article from any person between the hours of 9:00 p.m. to 8:00 a.m. or as otherwise permitted by law. Further, no person shall purchase or receive such an article from any of the following:

(1) A person who is at the time intoxicated or visibly under the influence of alcohol or narcotics.

(2) A person known by the dealer to be a thief or an associate of thieves, a prior recipient of stolen property, or any person the licensee or employee has reason to suspect of being such.

(3) A minor under the age of eighteen (18) years without written consent of the parent or guardian of such minor.

(b) No person shall purchase or receive, by sale, barter or exchange or otherwise, any article or item that person knows to be stolen, reasonably should have been known to be stolen, or suspects as having been stolen except as specifically authorized by law enforcement authorities.

(Ord. No. 1394, § 2, 2-10-14)

Sec. 40-85. Scrap yard regulations.

The following regulations shall be applicable to scrap yards:

- (a) No scrap yard processor or any of the processor's employees shall receive in the line of such business any article by way of pledge or pawn nor loan or advance any sum of money on the security of any article or thing.
- (b) Every scrap yard processor shall upon demand, exhibit all goods which he has on hand and give a description of persons selling the same to any member of the police department upon request, and shall keep a book containing the names from whom he purchased brass, tin, copper, aluminum, or any metal except old iron, which book shall be open during business hours to the inspection of any police officer.
- (c) No scrap processor shall sell or remove from his place of business any article purchased by him until the same shall have been in his possession for seventy-two (72) hours unless such article shall have been purchased directly from some reputable factory or company.
- (d) No scrap yard may store or handle hazardous materials unless done so consistent with all other state, federal, and local regulations.
- (e) A scrap yard is subject to annual administrative inspections or complaint based inspections to ensure the property is maintained in accordance with the health, safety, and welfare of the community, materials are stored in an orderly manner to allow access to inspect, and that property otherwise complies with the City Code.
- (f) Upon conviction of any scrap processor for violating or failing to comply with any provisions of this section, the license of such scrap processor shall be revoked and the convicted persons shall not be licensed as a scrap processor for a period of two (2) years from the date of his convictions, and the scrap yard shall not be licensed for that particular business for a period of one (1) year from the date of the conviction of the scrap processor.

(Ord. No. 1394, § 2, 2-10-14)

Sec. 40-86. Nonferrous metals.

Nothing in this article should be construed to diminish the requirements that scrap processors and junkyard operators who deal with nonferrous metals must comply with the Nonferrous Metals Act, being 2008 PA 429, as amended, MCL 445.421 et seq.

(Ord. No. 1394, § 2, 2-10-14)

Sec. 40-87. Thumbprints and identification of customers.

- (a) Whenever a licensee or employee of licensee under this article purchases or receives any article or valuable thing as described in section 21-116, the licensee shall first take on a form approved by the chief of police, a legible print of the thumb of the right hand of the person from whom such article was received. If such person has no right thumb, the licensee shall take the legible print of the thumb on the left hand or of a finger, which shall be so identified in writing by the licensee.
- (b) The seller must provide the secondhand dealer with personal identification at the time of the transaction, in the form of a valid operator's license or a federal or state identification card which includes a photograph that positively matches the seller. The licensee shall obtain and maintain a copy of the identification.

(Ord. No. 1394, § 2, 2-10-14)

Sec. 40-88. Records and reporting requirements.

- (a) A licensee shall keep a permanent record in which shall be written, in the English language, at the time of purchase, exchange or other receipt of any article, a complete and accurate description thereof. Such description shall include an electronic photograph of the article, the article's trade name and serial number, if any; the name, residence and a copy of the federal or state-issued identification/operator's license of the person from whom the article was purchased or received; and the day and hour when such purchase or exchange was made and such other matters required by law. Each entry in such record shall be numbered consecutively. A member of the police department, sheriff's department, state police, or other authorized person is entitled to inspect the premises and records of a licensee during all normal business hours.
- (b) A tag shall be attached to each article purchased, exchanged, or received by licensee in some visible and convenient place, with a number written thereupon to correspond with the entry number in the record required in subsection (a), until the article is sold or otherwise disposed of. The licensee shall promptly prepare from such record a legible and correct copy, on forms approved by the chief of police

and written in the English language, containing a description of each article purchased or received during the preceding day, the hour and day when the purchase, exchange, or receipt was made, and the description of the person from whom it was purchased, exchanged or received. Such statement shall be verified by the affidavit of the licensee.

(c) Any article purchased, exchanged, or received under a license issued pursuant to this article shall be retained by the purchaser thereof at least fifteen (15) days before disposing of the article (unless otherwise authorized in this article), in an accessible place on the premises where such articles are purchased and received.

(Ord. No. 1394, § 2, 2-10-14)

Sec. 40-89. Electronic reporting of transactions.

(a) All licensed pawnbrokers and secondhand dealers by 11:59 p.m. daily, at his or her own expense, under this article shall promptly complete and transmit, by electronic means, to the police department's computerized system(s), the data identifying all transactions in which the licensee received used goods the preceding day by pawn, exchange, purchase, or consignment. A transaction reported by electronic transmission under this subsection shall not be reported on paper forms unless the chief of police so requests.

(b) Each electronic transaction report and record shall include a digital photograph of the article or group of articles, along with a description of the article, and applicable, serial number, make, model number, size, color of the article or articles; the purchase/loan price; ticket number; dealer name and location; the name of the person conducting transaction; place of storage/stock location; and customer information, including operator's license number or other federal or state identification number, customer's name (last, first, middle), customer address, customer date of birth, physical description (height, weight, hair color, race, gender, appropriate fingerprint) and any other information required by the local law enforcement agency.

(Ord. No. 1394, § 2, 2-10-14)

Sec. 40-90. Exemptions.

(a) Sections 21-128, 21-129 and 21-130 shall not apply to the following:

(1) Secondhand or used tires when such tires are removed from the vehicle to which such tires are attached in the presence of the person receiving them.

(2) Used car dealers.

(3) Not-for-profit organizations re-selling donated goods.

(4) Art galleries.

(5) Used bookstores.

(6) Clothing consignment stores.

(7) Antique dealers and other dealers in used household goods.

(b) All licensees exempted from electronic reporting under this section nonetheless shall report, in a format approved by the local law enforcement agency, any transactions involving the following items:

(1) Home and personal audio and video equipment, including but not limited to televisions, radios, audio players, receivers, and recorders of any kind; personal electronic devices.

(2) Car stereos, GPS devices, and other audio and video equipment for use or installation in a motor vehicle.

(3) Computers and video game devices of any kind and related software, game disks, and cartridges.

(4) Electrical or other appliances.

(5) Hand or power tools for use in carpentry, woodworking, plumbing, electrical work, and any other aspects of building, construction or other trade.

(c) All licensees exempted under this section nonetheless must comply with state law requirements as set forth in MCL 445.404(2) and MCL 446.205 and this article, to make and maintain a separate record of all transactions that is open to inspection by local law enforcement officers and the Michigan State Police.

(Ord. No. 1394, § 2, 2-10-14)

Sec. 40-91. Suspension.

A pawnbroker's or secondhand dealer's license issued pursuant to this article may be suspended by the chief of police which shall be deemed a suspension with intent to revoke. The chief of police shall comply with this article in noticing the suspension. The suspension with intent to revoke shall automatically become a revocation of the license unless the licensee requests an appeal hearing within fourteen (14) days pursuant to this article.

(Ord. No. 1394, § 2, 2-10-14)

Sec. 40-92. Incorporation of state law.

The Pawnbrokers Act, being 1917 PA 273, as amended, MCL 446.201 et seq., "the Pawnbrokers Act" and the Secondhand Dealers Act, being 1917 PA 350, as amended MCL 445.401 et seq., "the Secondhand Dealers Act," are both incorporated by reference as if fully set forth herein. Any violation of the Pawnbrokers Act and the Secondhand Dealers Act shall be considered a violation of the article.

(Ord. No. 1394, § 2, 2-10-14)

Sec. 40-93. Appeals.

- (a) Any person aggrieved by the denial of an application for a license or by the suspension or revocation of a license as provided by this article, shall have a right to redetermination and an appeal. Such a redetermination may be taken only within fourteen (14) days after notice of such a denial, suspension, or revocation is mailed to the person's last known address. The redetermination shall be in writing and shall contain a complete statement of the grounds for appeal. It must be filed with the city clerk, together with an appeal fee. The fee for an appeal and/or redetermination under this section shall be the sum of one hundred dollars (\$100.00). The clerk shall forward the appeal to the chief of police.
- (b) Within ten (10) days of the receipt by the chief of police of such an appeal, the chief of police shall schedule a redetermination hearing. Unless waived by the appellant, the chief of police shall mail by first class mail a written notice to the appellant of the time and location of the redetermination hearing at least five (5) days prior to that hearing. The redetermination hearing shall be an informal hearing held before the chief of police or his designee.
- (c) The redetermination or decision of the chief of police or his designee shall be mailed to the appellant within seven (7) days of the conclusion of the hearing. The redetermination shall include:
- (1) The appeal application and the type and nature of the appeal;
 - (2) The applicant's position;
 - (3) The original reason for denial of the license or permit;
 - (4) The facts as presented;
 - (5) The decision or redetermination;
 - (6) The rationale or basis for the redetermination; and
- (7) The date which the redetermination was placed in a United States mail receptacle by the chief of police.
- (d) The redetermination referred to above shall be final and binding, unless the appellant, within fourteen (14) days of the mailing of such redetermination, files a request in writing addressed to the city clerk, requesting the city council to rehear the redetermination findings. No appeal shall be made to the city council, unless:
- (1) A redetermination was made and timely appealed.
 - (2) A redetermination hearing has been waived by the appellant and the chief of police.
 - (3) A redetermination was not made due solely to the fault of the city.
- (e) The appeal to the city council shall be held within twenty-one (21) days of receipt by the city clerk of the request for redetermination.
- (f) The denial, suspension, or revocation shall be effective during such appeal or until the council shall reverse the administrative decision. The city council may confirm the denial, suspension, or revocation, or may reinstate or order the issuance of the license. The action of the council shall be final.

(Ord. No. 1394, § 2, 2-10-14)

Sec. 40-94. License suspension or revocation generally.

- (a) For cause shown, any license issued under this article may be suspended or revoked by the chief of police after the notice in writing, setting forth the substance of the charges and the time and place of a

hearing thereon; which notice shall be delivered three (3) days in advance, either personally to the licensee or to the principle place of location of the licensed activity, or by postage prepaid mail addressed to the licensee's last known address. Suspension or revocation may be in addition to any fine imposed.

(b) The term "cause" as used in this section, shall include:

- (1) The conviction by licensee of any felony or of a misdemeanor involving moral turpitude.
- (2) Any fraud, misrepresentation or false statement contained in the application for license or made in connection with the conduct of the licensed activity.
- (3) Preventing or refusing permission for the inspection by any proper city agent or official at any reasonable time of any portion of the premises where the licensed activity is conducted, or of the property thereof.
- (4) The doing or omitting of any act or permitting any condition to exist in connection with the licensed activity or upon premises of facility used in connection therewith; which act, omission, or condition constitutes a breach of the peace or constitutes a menace to the health, safety, or general welfare of the public, or is forbidden by the provisions of this article or established rule or regulation of the city where pawnbrokers or secondhand dealer operates or violates the statutes, rules, or regulations of the state applicable to the licensed activity.
- (5) The failure to obtain and maintain during the term of a license and any renewal or extension thereof, any local, state, or other required professional governmental license, certification or authority for the trade, occupation, or profession licensed hereunder.
- (6) The failure to obtain and maintain during the term of the license, or any renewal or extension thereof, the bonds and insurance required by any section of this article or the Pawnbrokers Act or Secondhand Dealers Act.
- (7) Any material misrepresentation made by the licensee in the application or reports filed by the licensee.

(Ord. No. 1394, § 2, 2-10-14)

DIVISION 8. TATTOOING AND TATTOO PARLORS

Sec. 40-95. Definitions.

Sec. 40-96. License required; exceptions.

Sec. 40-97. Investigations by police chief.

Sec. 40-98. License issuance; conditions for denial.

Sec. 40-99. Hearings; appeals; variances.

Sec. 40-100. Inspections; license display; change of information.

Sec. 40-101. License fees.

Sec. 40-102. License expiration.

Sec. 40-103. License transferability.

Sec. 40-104. Premises, proper conditions and inspections.

Sec. 40-105. Tattooing of minors prohibited; exceptions.

Sec. 40-106. Records.

Sec. 40-107. Compliance with medical waste regulatory act.

Sec. 40-108. Hours of operation.

Sec. 40-109. Alcoholic beverages.

Sec. 40-110. Penalty; other legal sanctions.

Sec. 40-95. Definitions.

As used in this article, unless the context requires a different meaning:

Employee means any person over eighteen (18) years of age, who renders any service in connection with the operation of a tattoo parlor and who receives compensation from the operator of the parlor or patrons.

Tattooing means the creation of an indelible mark or figure upon the human body by insertion of pigment into or under the skin or by the production of scars.

Tattoo parlor means any place or establishment where tattooing is made available.

Owner or operator means a person who owns or controls the operation of a tattoo parlor. This includes individuals, licensees, managers, lessees, sponsors, partnerships, corporations, societies, organizations, associations or any combination of individuals of whatever form or character.

Patron means any person over eighteen (18) years age who receives a tattoo under such circumstances that it is reasonably expected that he or she will pay money or give any other consideration therefor.

(Ord. No. 993, § 2, 6-5-95)

Sec. 40-96. License required; exceptions.

(a) No owner or operator shall engage in or carry on the operation of a tattoo parlor without first obtaining a valid tattoo license issued by the city clerk for each separate office, place, or establishment where tattooing is made available.

(b) The license required by this article shall not be required of a registered physician who, in his or her office or in a hospital, causes a person to be tattooed for medical identification.

(Ord. No. 993, § 3, 6-5-95)

Sec. 40-97. Investigations by police chief.

(a) Upon receiving an application for a tattoo license, the city clerk shall refer such application to the police chief who shall conduct an investigation into the applicant's moral character and personal and criminal history. The police chief or his authorized representative may, in his or her discretion, require a personal interview of the applicant and such further information, identification and physical examination of the person as shall bear on the investigation.

(b) In the case of an application for a tattoo license, the police chief or his authorized representative shall cause to be conducted an investigation of the premises where the tattoo parlor is to be carried on for the purpose of ensuring that such premises comply with all the sanitation requirements set forth in this ordinance and with the ordinances of the city relating to public health, safety and welfare.

(c) An applicant for a tattoo license shall submit to lawful inspections by the engineering department, police department, fire department, and such other departments and such doctors or other health care providers as may be necessary to ensure that the proposed business and application comply with all applicable ordinances and regulations of the city. The police chief may refuse to submit any application for approval to council until he or she has a report from any department he or she feels necessary to make an inspection that the application or proposed premises comply with all ordinances and regulations.

(d) Before the city clerk shall issue any license under this article, the chief of police shall first submit to the city clerk, within forty-five (45) days of the receipt of an application, a report of his or her investigations and inspections and his or her recommendation.

(Ord. No. 993, § 5, 6-5-95)

Sec. 40-98 License issuance; conditions for denial.

(a) The city clerk, upon receipt of an application for a license required by this article, and the reports and recommendations of the police chief, shall place such application upon the agenda for the next regularly scheduled city council meeting, provided that such meeting is not less than six (6) days from the date of receipt of such application and reports and recommendations by the city clerk. If it is less than six (6) days from such receipt, such application and reports and recommendations shall be placed upon the agenda for the following meeting of city council.

(b) The city council shall determine whether or not such license shall be issued after reviewing the reports of investigations and inspections and the recommendations of the police chief and other code enforcement officers. The city council shall direct the city clerk to issue a tattoo license within fourteen (14) days unless it finds that:

(1) The correct license fee has not been tendered to the city, or, in the case of a check or bank draft, such check or draft has not been honored with payment upon presentation.

(2) The operation, as proposed by the applicant, if permitted, would not comply with all applicable laws, including, but not limited to, the city's building, fire, zoning and health ordinances.

(3) The applicant, if an individual; any of the stockholders holding more than ten (10) per cent of the stock, any officer and any director, if a corporation; any partner, including a limited partner, if a

partnership; and the manager or other person principally in charge of the operation of the business, has been convicted of any crime involving moral turpitude (including, but not limited to, prostitution and pandering), gambling, extortion, fraud or criminal usury, unless such conviction occurred at least eight (8) years prior to the date of the application.

(4) The applicant has knowingly made any false, misleading or fraudulent statement of fact on the license application or any document required by the city in conjunction therewith.

(5) The applicant has had a tattoo parlor, or other similar permit or license denied, revoked or suspended for any of the causes set forth in subsection (3) hereof by the city or any other state or local agency within eight (8) years prior to the date of the application.

(6) The applicant, if an individual; any officer or director, if a corporation; any partner, including a limited partner, if a partnership; and the manager or other person principally in charge of the operation of the business, is not over eighteen (18) years of age.

(c) If the city council denies any application, it shall specify the particular grounds for such denial and shall direct the department of legal affairs to notify the applicant by regular mail addressed to the applicant at the address shown on the application. Such notice shall specify the grounds for which the application is denied.

(Ord. No. 993, § 6, 6-5-95)

Sec. 40-99 Hearings; appeals; variances.

(a) Within twenty (20) days of the date of denial of an application for a tattoo license, the applicant may request, in the form of a written application to the city clerk, a hearing before the city council for reconsideration of his or her license application or for a variance of any of the provisions of this article, the violation of which provision constituted grounds for the original denial of the application. Such hearing shall be conducted as follows:

(1) At the hearing, the applicant and his or her attorney may present and submit evidence on the applicant's behalf to show that the grounds for the original denial no longer exist.

(2) After reviewing an applicant's evidence, the city council shall determine whether to sustain the denial or grant the application for the license.

(3) At the hearing, the applicant and his or her attorney may present a statement and adequate evidence showing that:

a. There are exceptional or extraordinary circumstances or conditions applying to the proposed tattoo parlor referred to in the appeal application submitted to the city clerk, which circumstances or conditions do not apply generally to any proposed tattoo parlor; or

b. The granting of such tattoo license will not, under circumstances of the particular case, materially affect adversely the health, safety or welfare of the persons residing or working in the neighborhood, or attending any tattoo parlor, and will not under the circumstances of the particular case, be materially detrimental to the public welfare or injurious to the immediate neighborhood or the city at larger.

(b) In all cases where city council grants a variance of any provision of this article, city council shall find that:

(1) The granting of the variance under such conditions as council may deem necessary or desirable to apply thereto, will be in harmony with the general purpose and intent of this article; and

(2) It will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

(Ord. No. 993, § 7, 6-5-95)

Sec. 40-100. Inspections; license display; change of information.

(a) Every licensee/applicant under this article shall permit all reasonable inspections of his or her business premises and shall at all times comply with the laws and regulations applicable to such business premises, including after the expiration of the license and during the period the license may be revoked or suspended.

(b) The tattoo licensee/applicant shall display his or her license in an open and conspicuous place on the premises of the tattoo parlor.

(c) If, while any application for a tattoo license is pending, or during the term of any license granted hereunder, there is any change in fact, policy or method which would alter the information provided in

such application, the applicant/licensee shall notify the police chief of such change, in writing, within seventy-two (72) hours after such change.

(Ord. No. 993, § 8, 6-5-95)

Sec. 40-101. License fees.

The owner or operator of a tattoo parlor shall pay one (1) of the following fees at the time of application for a tattoo parlor license:

- (a) For an initial annual license . . . \$400.00
- (b) For a one-year renewal of an annual license . . . 350.00

(Ord. No. 993, § 9, 6-5-95)

Sec. 40-102. License expiration.

All licenses granted under this article shall expire on June 1 of each year.

(Ord. No. 993, § 10, 6-5-95)

Sec. 40-103. License transferability.

No tattoo license is transferable, separable or divisible, and such authority as a license confers shall be conferred only on the licensee named therein.

Sec. 40-104. Premises, proper conditions and inspections.

(a) Every tattoo parlor shall be equipped with proper sterilization equipment to prevent the spread of infectious and other diseases. The sterilization equipment must be maintained in a proper sanitary manner and be at all times in proper working order. No tattooing shall be performed unless the tattooing equipment and materials have been sterilized before attempting to tattoo each patron or customer to prevent the spread of infectious and other diseases.

(b) Every tattoo parlor shall, at reasonable business hours, be kept open for random and periodic inspections by the Wyandotte chief of police or his designee as are deemed necessary for the enforcement of this article and the applicable statutes and ordinances of the city to ensure that the public peace, property, health, safety and general welfare of the citizens of the city are protected.

(c) The premises used for a tattoo parlor shall be well lighted and ventilated. They shall be kept clean and the furniture and equipment shall be maintained in a safe and sanitary condition.

(d) All needles, dyes, inks and other materials and equipment used in tattooing shall at all times be kept in a clean, sterile and nontoxic condition and the environment of the premises shall be such as to prevent the transmission of etiologic agents.

(e) Towels, linens and items for the personal use of tattoo operators and employees and patrons shall be clean and freshly laundered. Towels, cloths and sheets shall not be used for more than one (1) person. Heavy, white paper may be substituted for sheets, provided that such paper is changed for every patron.

(f) The skin or hands of persons attending patrons shall be clean and in a healthy condition and the nails shall be kept short. The hands shall be washed thoroughly before giving the patron or customer any attention.

(Ord. No. 993, § 12, 6-5-95)

Sec. 40-105. Tattooing of minors prohibited; exceptions.

(a) The tattooing of minors is hereby expressly prohibited, except with the written permission and in the presence of the minor's parent or legal guardian.

(b) No owner, operator, employee or any other person shall permit any minor to come or remain on the premises of any tattoo parlor as a tattoo operator, employee, observer, or patron, unless such person is on the premises on lawful business.

(Ord. No. 993, § 13, 6-5-95)

Sec. 40-106. Records.

Every owner, operator or person who operates a tattoo parlor or who practices or provides a tattoo shall at all times keep an appointment book in which the name, age and address of each patron or customer shall be entered, together with the time, date and place of service and the service provided. Such appointment book shall be available at all times for inspection by the police chief or his designee, and such appointment book shall be kept on file for one (1) year from the date of the last entry therein.

(Ord. No. 993, § 14, 6-5-95)

Sec. 40-107. Compliance with medical waste regulatory act.

Each owner or operator of a tattoo parlor shall comply with all terms of the State of Michigan Medical Waste Regulatory Act as set forth in MCL 333.13801 through 333.13831.

(Ord. No. 993, § 15, 6-5-95)

Sec. 40-108. Hours of operation.

No person shall open or operate, or cause to be opened or operated in the City of Wyandotte, any tattoo parlor between 11:00 p.m. and 8:00 a.m.

(Ord. No. 993, § 16, 6-5-95)

Sec. 40-109. Alcoholic beverages.

No person shall sell, give, dispense, provide or keep, or cause to be sold, given, dispensed, provided or kept, any alcoholic beverages on the premises of any tattoo parlor.

(Ord. No. 993, § 17, 6-5-95)

Sec. 40-110. Penalty; other legal sanctions.

(a) Any owner, operator, employee or other person who violates any provision of this ordinance and/or gives a tattoo or conducts a tattoo parlor without first obtaining a license therefor and paying a license fee to the city shall be guilty of a misdemeanor and shall be punished by not more than ninety (90) days in jail or a fine of five hundred (\$500.00) or both, plus costs of prosecution.

(b) In addition to the penalties provided in (a) above, the prosecuting attorney for the city is hereby authorized to utilize all other legal remedies that are authorized by law to abate or enjoin any violation of this article, place or location where the violation occurs.

(Ord. No. 993, § 18, 6-5-95)

DIVISION 9. MASSAGE ESTABLISHMENT AND OUTCALL MASSAGE SERVICE

Sec.40-111. Definitions.

Sec. 40-112. License and permit required.

Sec. 40-113. Exemptions.

Sec. 40-114. License or permit procedures.

Sec. 40-115. Issuance of license or permit for a massage establishment.

Sec. 40-116. Approval or denial of application.

Sec. 40-117. Posting of license.

Sec. 40-118. Records of employees and patrons.

Sec. 40-119. Revocation or suspension of license.

Sec. 40-120. Revocation of massagist permit.

Sec. 40-121. Renewal of license.

Sec. 40-122. Facilities necessary.

Sec. 40-123. Operating requirements.

Sec. 40-124. Persons under age eighteen prohibited on premises.

Sec. 40-125. Alcoholic beverages prohibited.

Sec. 40-126. Hours.

Sec. 40-127. Employment of massagist.

Sec. 40-128. Inspections.

Sec. 40-129. Unlawful acts.

Sec. 40-130. Sale, transfer or change of location.

Sec. 40-131. Name and place.

Sec. 40-132. Transfer of license.

Sec. 40-133. Violation and penalty.

Sec. 40-134. Applicability of regulations to existing businesses.

Sec. 40-111. Definitions.

For the purpose of the provisions of this chapter, the following words and phrases shall be construed to have the meanings herein set forth, unless it is apparent from the context that a different meaning is intended:

Employee means any person other than a massagist, who renders any service in connection with the operation of a massage business and receives compensation from the operator of the business or patrons.

Licensee means the person to whom a license has been issued to own or operate a massage establishment as defined herein.

Massage means the treating of external parts of the body for remedial or hygienic purposes, consisting of stroking, kneading, rubbing, tapping, pounding, vibrating, or stimulating with the hands or with the aid of any mechanical electrical apparatus or appliances with or without such supplementary aids as rubbing alcohol, liniments, antiseptics, oils, powder, creams, lotions, ointment or other such similar preparations commonly used in the practice of massage, under such circumstances that it is reasonably expected that the person to whom the treatment is provided with pay money therefor.

Massage establishment/massage parlor means any establishment which engages in the practice of massage as defined herein, and which has a fixed place of business where any person, firm, association or corporation carries on any of the activities as defined herein. Massage establishment includes a health club, health spa, or any physical fitness club or business that offers massages on occasion or incidental to its principal operation.

Massagist/masseur/masseuse means any person who, for any consideration whatsoever, engages in the practice of massage as defined herein.

Outcall massage service means any business, the function of which is to engage in or carry on massages at a location designated by the customer or client rather than at a massage establishment as defined herein, only as permitted by the terms of this chapter (see subsection 40-129(e)).

Patron means any person eighteen (18) years of age or over who receives a massage under such circumstances that it is reasonably expected that he or she will pay money or be given any other consideration therefor.

Permittee means the person to whom a permit has been issued to act in the capacity of a massagist (masseur or masseuse) as herein defined.

Person means any individual, partnership, firm, association, joint stock company, corporation or combination of individuals of whatever form or character.

Prostitution means engaging in sexual activity as a business including:

- (1) The fondling or other erotic touching of human genitals, pubic region, buttocks or female breasts;
- (2) Acts of human masturbation, sexual intercourse or sodomy, or
- (3) Homosexual and other deviate sexual relations.

Recognized school/massage school means any school or educational institution licensed to do business as a school or educational institution in the state in which it is located, or any school recognized by or approved by or affiliated with the American Massage and Therapy Association, Inc. and which has for its purpose the teaching of the theory, method, profession, or work of massage.

Sexual or genital area means genitals, pubic area, buttocks, anus, or perineum of any person, or the vulva or breasts of a female.

Student means any person who, under the guidance of an instructor in a massage school, is being trained or instructed in the theory, method or practice of massage.

(Ord. No. 1294, § 1, 4-21-08)

Sec. 40-112. License and permit required.

- (a) No person shall operate a massage establishment without first obtaining a license from the city.
- (b) Massagist's permit required. No person shall practice massage as a massagist, whether at a massage establishment or as an outcall service within the City of Wyandotte, unless he has a valid and subsisting massagist's permit issued to him by the city pursuant to the provisions of this chapter.
- (c) It shall be the responsibility of an owner, operator, manager or licensee hereunder to ensure that each person employed or engaged by him in said business as a massagist shall have a valid massagist permit pursuant to this chapter.

(Ord. No. 1294, § 1, 4-21-08)

Sec. 40-113. Exemptions.

This chapter shall not apply to the following individuals while engaged in the personal performance of the duties of their respective professions:

- (1) Physicians, surgeons, chiropractors, osteopaths, or physical therapists who are fully licensed to practice their respective professions in the State of Michigan.

(2) Nurses who are registered under the laws of the State of Michigan.

(3) Barbers and cosmetologists who are duly licensed under the laws of the State of Michigan except that this exemption shall apply solely to the massaging of the neck, face, scalp and hair of the customer for cosmetic or beautifying purposes.

(4) In any prosecution for violation of this chapter, the foregoing exemptions shall constitute affirmative defenses and it shall be incumbent upon the defendant to show that he/she or the place involved are not subject to the provisions of this chapter. Nothing herein contained shall be deemed to shift the burden of proof of the violation to the defendant.

(Ord. No. 1294, § 1, 4-21-08)

Sec. 40-114. License or permit procedures.

(a) Any applicant for a license or permit pursuant to this chapter shall present to the city clerk's office the application containing the aforementioned and described information. The applicant shall be referred to the chief of police who shall have thirty (30) days in which to investigate the application and the background of the applicant. Based on such investigation, the chief of police, or his representative shall render a recommendation as to the approval or denial of the permit to the city clerk.

(b) The chief of police shall recommend denial or approval of an application for license or permit. In making his determination hereunder, the chief of police shall consider:

(1) Penal history. All applicant's convictions, the reasons therefor, and the demeanor of the applicant subsequent to his release.

(2) License and permit history. The license and permit history of the applicant; whether such person was previously operating in this city or state, or in another state under a license or permit, and had such license or permit revoked or suspended; the reasons therefor; and the demeanor of the applicant subsequent to such action.

(c) The division of inspection, including but not limited to, the building inspector, electrical inspector, plumbing inspector, the police department, and the fire department shall inspect the premises proposed to be devoted to the massage parlor or similar business, and shall make within thirty (30) days of the inspection recommendations to the city clerk concerning compliance with the requirements of this chapter, and all other applicable city ordinances and regulations. If the applicant has already obtained a valid certificate of occupancy and certificate of compliance prior to the passage of the ordinance codified in this chapter, then an inspection by the building, electrical and plumbing inspectors is not required as set forth above.

(Ord. No. 1294, § 1, 4-21-08)

Sec. 40-115. Issuance of license or permit for a massage establishment.

The city clerk shall issue a license for a massage establishment or a permit for a massagist, masseur or masseuse if all requirements for a massage establishment or massagist permit described in this chapter are met, unless it finds:

(1) The correct permit or license fee has not been tendered to the city and in the case of a check, or bank draft, honored with payment upon presentation.

(2) The operation, as proposed by the applicant, if permitted, would not comply with all applicable laws, including, but not limited to, the city's building, zoning and health regulations.

(3) The applicant, if an individual, or any of the stockholders holding more than ten (10) per cent of the stock (or membership interest if a LLC) of the corporation; or any of the officers or directors if the applicant is a corporation; or any of the partners, including limited partners, if the applicant is a partnership; or the holder of any lien, of any nature, upon the business; or the manager or other person principally in charge of the operation of the business, have been convicted of any of the following offenses within or without of the State of Michigan:

a. An offense involving the use of force and violence upon the person of another that amounts to a felony.

b. An offense involving sexual misconduct.

c. An offense involving narcotics, dangerous drugs or dangerous weapons that amounts to a felony.

The city clerk may issue a license or permit to any person convicted of any crimes described in subsections a., b. or c. of this section if it finds that such conviction occurred at least five (5) years prior to the date of the application and the applicant has had no subsequent felony convictions of any nature and no subsequent misdemeanor convictions for crimes mentioned in this section.

(4) The applicant has knowingly made any false or fraudulent statement of fact in the permit application or in any document required by the city in conjunction therewith or have failed to provide the requested information.

(5) The applicant has had a massage business, massagist, or other similar permit or license denied, revoked, or suspended by the city or any other similar permit or license denied, revoked, or suspended by the city or any other state or local agency within five (5) years prior to the date of the application.

(6) The applicant, if an individual, or any of the officers and directors, (or members if a LLC) if the applicant is a corporation; or any of the partners, including limited partners, if the applicant is a partnership; or the manager or other person principally in charge of the operation of the business, is not age eighteen (18) years or older.

(7) The applicant does owe any taxes, fees or costs to the City of Wyandotte.

(Ord. No. 1294, § 1, 4-21-08)

Sec. 40-116. Approval or denial of application.

The city clerk shall act to approve or deny an application for a license or permit under this chapter within a reasonable period of time and in no event shall he act to approve or deny said license or permit later than ninety (90) days from the date that said application was accepted by the city clerk's office. Every license or permit issued pursuant to this chapter shall be valid for one (1) year and must be renewed as required by this chapter.

An applicant denied a license, pursuant to these provisions, may appeal to the city council in writing, stating reasons why the license should be granted. The city council may grant, deny or suspend a license or permit after an appeal hearing.

(Ord. No. 1294, § 1, 4-21-08)

Sec. 40-117. Posting of license.

(a) Every massagist massage establishment shall post the permit required by this chapter in his/her work area.

(b) Every individual, corporation, partnership, or association licensed under this chapter shall display such license in a prominent place.

(Ord. No. 1294, § 1, 4-21-08)

Sec. 40-118. Records of employees and patrons.

(a) The licensee or the person designated by the licensee of a massage establishment shall maintain a register of all persons employed or engaged as massagists. Included in the register will be a copy of each massagist permit. Such register shall be available at the massage establishment to representatives of the city during regular business hours.

(b) Every patron shall furnish proof of identity by showing a valid driver's license, voter registration certificate or similar identification.

(Ord. No. 1294, § 1, 4-21-08)

Sec. 40-119. Revocation or suspension of license.

Any license issued for a massage establishment by the city may be revoked or suspended after notice and a hearing, for good cause, or in any case where any of the provisions of this chapter are violated or where any employee of the licensee, including a massagist is engaged in any conduct which violates any of the state or local laws or ordinances at licensee's place of business. Such permit may also be revoked or suspended, after notice and hearing, upon the recommendations of the health inspector that such business is being managed, conducted or maintained without regard to proper sanitation and hygiene.

(Ord. No. 1294, § 1, 4-21-08)

Sec. 40-120. Revocation of massagist permit.

A massagist, masseur or masseuse permit issued by the city may be revoked or suspended, after notice and hearing, where it appears that the massagist, masseur or masseuse has been convicted of any offense

which would be cause for denial of a permit upon an original application, has made a false statement on an application for a permit, or has committed an act in violation of this chapter.

(Ord. No. 1294, § 1, 4-21-08)

Sec. 40-121. Renewal of license.

Application to renew a license to operate a massage establishment or similar business or a massagist's permit shall be filed at least fifteen (15) days prior to the date of expiration. Such renewal shall be annual and shall be accompanied by the annual fee.

(1) The applicant shall present the following information to the city clerk's office.

- a. A sworn affidavit by the applicant stating that the matters contained in the original application have not changed, or if they have changed, specifically stating the changes which have occurred.
- b. A signed statement from a medical or osteopathic doctor stating that the applicant for a massagist's license has been examined within the prior ninety (90) days and found to be free from any contagious or communicable disease which is likely to be communicated during the administration of a massage.

(2) The application shall be referred to the chief of police who shall investigate the criminal history of the applicant and any employees holding permits as massagist since the grant of the original license and the results of any inspection of the premises during the preceding year.

(Ord. No. 1294, § 1, 4-21-08)

Sec. 40-122. Facilities necessary.

No license to conduct a massage establishment shall be issued unless inspectors of the city reveal that the establishment complies with each of the following minimum requirements:

- (1) All provisions of the city building, plumbing, fire, electrical and health codes have been fulfilled. If the applicant has already obtained a valid certificate of occupancy and certificate of compliance prior to the passage of this chapter, then an inspection by the building, electrical, and plumbing inspectors is not required with the filing of the application.
- (2) A representative and readable sign shall be posted at the main entrance identifying the establishment as a massage establishment, and all signs shall comply with the sign requirements of the city.
- (3) There shall be no entrance or exit way which provides direct access to another type of business residence or living quarters.
- (4) During business hours the premises shall remain open and no exits, entrances or secondary doorways shall be locked or obstructed in any way to prevent the immediate free ingress or egress of persons.
- (5) Minimum ventilation shall be provided in accordance with the state construction code.
- (6) Minimum lighting shall be provided in accordance with the state construction code, and in addition at least one (1) artificial light of not less than sixty (60) watts shall be provided in each enclosed room or booth where massage services are performed.
- (7) Adequate dressing, locker, and toilet facilities shall be provided for patrons. One (1) dressing room and, if clothing and personal property is not kept with the patron, a separate locker for each patron to be served, which shall be capable of being locked as well as a minimum of one (1) toilet and one (1) wash basin shall be provided. However, if male and female patrons are to be served simultaneously at the establishment, separate massage rooms and separate dressing and toilet facilities shall be provided for male and female patrons.
- (8) Construction of rooms used for toilets, steam baths and showers shall be made waterproof with approved waterproofed materials and shall be installed in accordance with the city building code. Plumbing fixtures shall be installed in accordance with the city plumbing code.
 - a. Steam rooms and shower compartments shall have waterproof floors, walls and ceilings.
 - b. Floors of wet and dry heat rooms shall be adequately pitched to one (1) or more floor drains properly connected to the sewer.
 - c. A source of hot water must be available within the immediate vicinity of dry and wet heat rooms to facilitate cleaning.

(9) The premises shall have adequate equipment for disinfecting and sterilizing nondisposable instruments and materials used in administering massages. Such nondisposable instruments and materials shall be disinfected after use on each patron.

(10) Closed cabinets shall be provided and used for the storage of clean linen, towels and other materials used in connection with administering massages. All soiled linens, towels and other materials shall be kept separate from the clean storage areas. No common use of towels or linens shall be permitted.

(11) A minimum of one (1) separate washbasin shall be provided in each massage parlor for the use of employees of any such establishment, and the basin shall provide soap or detergent and hot and cold water at all times, and shall be located within or as close as practicable to the area devoted to the performing of massage services. In addition, there shall be provided at each washbasin sanitary towels placed in permanently installed dispensers.

(Ord. No. 1294, § 1, 4-21-08; Ord. No. 1359, § 1, 3-12-12)

Sec. 40-123. Operating requirements.

(a) Every portion of the massage establishment, including appliances and apparatus, shall be kept clean and operated in a sanitary condition.

(b) Price rates for all services shall be prominently posted in the reception area in a location available to all prospective customers.

(c) The premises shall not be made available for accommodating any person as sleeping quarters. No beds, water mattresses, cots, or equipment designed for sleeping shall be permitted on the premises.

(d) No massage shall be performed in a private room which is completely closed off to the view of other persons nor fitted with a door capable of being locked or barred. Reasonable measures may be used to offer privacy to patrons such as partitions, walls, curtains and the like.

(e) All employees, including massagists and other employees attending patrons, shall be clean and wear clean uniforms covering the torso. Such uniforms shall be nontransparent and of washable material and shall be kept in a clean condition. Such clothing shall cover the person's pubic area, perineum, buttocks, natal cleft and the entire chest to four (4) inches below the collarbone, and legs not exposed more than two (2) inches above the knees.

(f) All massage establishments shall be provided with clean laundered sheets and towels in sufficient quantity and shall be laundered after each use thereof and stored in a sanitary manner.

(g) No massage establishment granted a license under the provisions of this chapter shall place, publish, or distribute or cause to be placed, published, or distributed any advertisement, picture, or statement which is known or through the exercise of reasonable care should be known to be false, deceptive or misleading in order to induce any person to purchase or utilize any professional massage services.

(Ord. No. 1294, § 1, 4-21-08)

Sec. 40-124. Persons under age eighteen prohibited on premises.

No person shall permit any person under the age of eighteen (18) years to come or remain on the premises of any massage business establishment, as massagist, employee, or patron, unless such person is on the premises on lawful business.

(Ord. No. 1294, § 1, 4-21-08)

Sec. 40-125. Alcoholic beverages prohibited.

No person shall sell, give, dispense, provide or keep, or cause to be sold, given, dispensed, provided or kept, any alcoholic beverage on the premises of any massage business.

(Ord. No. 1294, § 1, 4-21-08)

Sec. 40-126. Hours.

No massage business shall be kept open for any purposes between the hours of 2:00 a.m. and 8:00 a.m.

(Ord. No. 1294, § 1, 4-21-08)

Sec. 40-127. Employment of massagist.

No person shall employ as a massagist any person unless said employee has obtained and has in effect a permit issued pursuant to this chapter.

(Ord. No. 1294, § 1, 4-21-08)

Sec. 40-128. Inspections.

The chief of police or police officer or other authorized inspectors from the city shall from time to time make inspection of each massage business establishment for the purposes of determining that the provisions of this chapter are fully complied with. It shall be unlawful for any licensee to fail to allow such inspection officer access to the premises or hinder such officer in any manner. (*Ord. No. 1294, § 1, 4-21-08*)

Sec. 40-129. Unlawful acts.

(a) It shall be unlawful for any person, in a massage establishment, to place his or her hand or hands upon, to touch with any part of his or her body, to fondle in any manner, or to massage, a sexual or genital part of any other person. Sexual or genital parts shall include the genitals, pubic area, buttocks, anus, or perineum of any person, or the vulva or breasts of a female.

(b) It shall be unlawful for any person, in a massage establishment, to expose his or her sexual or genital parts, or any portion thereof, to any other person. It shall also be unlawful for any person, in a massage establishment, to expose the sexual or genital parts, or any portions thereof, of any other person.

(c) It shall be unlawful for any person, while in the presence of any other person in a massage establishment, to fail to conceal with a fully opaque covering, the sexual or genital parts of his or her body.

(d) It shall be unlawful for any person owning, operating or managing a massage establishment, any agent, employee, or any other person under his control or supervision to perform such acts prohibited in subsections (a) or (b) of this section.

(e) It shall be further unlawful for any permittee under this chapter to administer a massage on an outcall basis as defined. Such person shall administer a massage solely within an establishment licensed to carry on such business under this chapter. Any violation of these provisions shall be deemed grounds for revocation of the permit granted hereunder. The restriction on outcall massage shall not apply to a permittee who performs outcall massage as defined herein upon a customer or client who because of reasons of physical defects or incapacities or due to illness is physically unable to travel to the massage establishment. If any outcall massage is performed under this exception, a record of the date and hour of each treatment, and the name and address of the customer or client, and the name of the employee administering such treatment and the type of treatment administered, as well as the nature of the physical defect, incapacity or illness of said client or customer shall be kept by the licensee or person or employee designated by the licensee. Such records shall be open to inspection by officials charged with the enforcement of public health laws. The information furnished or secured as a result of any such inspection shall be confidential. Any unauthorized disclosure or use of such information by an employee of the business or the city shall be unlawful.

(f) It shall be unlawful for any massage service to be performed within any cubicle, room, booth, or any area within a massage establishment which is fitted with a door capable of being locked.

(*Ord. No. 1294, § 1, 4-21-08*)

Sec. 40-130. Sale, transfer or change of location.

Upon sale, transfer or relocation of a massage establishment, the license therefore shall be null and void unless approved as provided by this chapter. It shall be the duty of all owners or licensees having knowledge of the sale, transfer or relocation of a massage establishment, to immediately report such sale, transfer or relocation to the city clerk's office. The failure to do so shall result in an immediate suspension of all business.

(*Ord. No. 1294, § 1, 4-21-08*)

Sec. 40-131. Name and place.

No person granted a license pursuant to this chapter shall operate the massage establishment under a name not specified in their license, nor shall they conduct business under any designation or location not specified in their license.

(*Ord. No. 1294, § 1, 4-21-08*)

Sec. 40-132. Transfer of license.

No license or permit shall be transferable except with the consent of the city clerk and ratified by the city council of the city. An application for such transfer shall be in writing and shall be accompanied by fees provided by city council resolution. The written application for such transfer shall contain the same information as requested herein for initial application for the license or permit.

(Ord. No. 1294, § 1, 4-21-08)

Sec. 40-133. Violation and penalty.

Any person, except those who are specifically exempted by this chapter, whether acting as an individual, owner, employees of the owner, operator or employee of the operator, or whether acting as a mere agent or independent contractor for the owner, employee or operator, or acting as a participant or worker in any way directly or indirectly who gives massages or operates a massage establishment or any service defined in this chapter without first obtaining a license or permit and paying a fee to do so from the city or shall violate any provisions of this chapter shall be responsible for a municipal civil infraction and upon a determination of responsibility is subject to a fine not less than twenty-five dollars (\$25.00) and not more than five hundred dollars (\$500.00) for each violation and is subject to all other remedies allowed by law including the provision of section 23.5-7 of this Code. If any person commits a second offense, or a subsequent violation of this chapter, such a violation constitutes a misdemeanor punishable by a fine not exceeding five hundred dollars (\$500.00) and/or imprisonment not exceeding ninety (90) days provided the authorized city official issues an appearance ticket (and not a municipal civil infraction citation or notice) and marks it as a misdemeanor. However, nothing herein requires the authorized city official to charge a repeat offense of this chapter by the same person as a misdemeanor.

(Ord. No. 1294, § 1, 4-21-08)

Sec. 40-134. Applicability of regulations to existing businesses.

The provisions of this chapter shall be applicable to all persons and businesses described herein, whether the herein described activities were established before or after the effective date of the ordinance from which this chapter derives, and including person or persons whose application is presently under consideration or investigation by the city.

(Ord. No. 1294, § 1, 4-21-08)

DIVISION 10. USED CAR DEALERS

Sec. 40-135. Storage or display of vehicles.

Sec. 40-136. Records.

Sec. 40-137. Inspection of vehicles.

Sec. 40-138. License Required.

Sec. 40-139. License Fee.

Sec. 40-140. Bond.

Sec. 40-141. Suitable building as prerequisite.

Sec. 40-142. Lot requirements.

Sec. 40-143. Inspection.

Sec. 40-144. Change of location.

Sec. 40-135. Storage or display of vehicles.

No used car dealer shall store, display or allow to be stored or displayed any motor vehicle upon the licensed premises, unless he has obtained proper title for such motor vehicle and proper entry is made in his record book. No such person shall make use of any street, sidewalk or other part of a public highway, or any other property not designated in the license, for the storing or display of motor vehicles.

(Ord. No. 610, § 1 (16-51.8), 3-27-78)

Sec. 40-136. Records.

Every used car dealer shall keep, at the place of business named in his license, a book, in which shall be written legibly in ink, in the English language, at the time of purchase, the complete description of the used motor vehicle purchased or taken in trade including the title number, serial number, motor or vehicle number, year, make, body style and color, also the name, address, age and description of the seller. At the time of sale of a motor vehicle, a corresponding entry shall be made in this book as to the date, name and address of the purchaser. When motor vehicles are purchased or taken in trade in addition to keeping of the above described book, the titles for these motor vehicles properly assigned to

the licensee shall be obtained at the time of purchase and shall be kept at the licensed place of business until such time as these vehicles have been sold or some other dispositions made of them. Such books and titles at all times shall be open for the inspection of the chief of police or any member of the police department designated by him. All entries in this book shall be made consecutively each business day and no entry in such book shall be erased, obliterated, destroyed or defaced, nor shall any pages be removed. (*Ord. No. 610, § 1 (16-51.6), 3-27-78*)

Sec. 40-137. Inspection of vehicles.

Upon demand a used car dealer shall exhibit all motor vehicles bought or received in his possession for proper inspection to the chief of police or any member of the police department designated by him. (*Ord. No. 610, § 1 (16-51.7), 3-27-78*)

Sec. 40-138. License Required.

No person shall engage in business as a used car dealer without a license issued by the city clerk. (*Ord. No. 610, § 1 (16-51.1), 3-27-78*)

Sec. 40-139. License Fee.

The fee for a license for a used car dealer shall be two hundred fifty dollars (\$250.00). (*Ord. No. 610, § (16-53), 3-17-78; Ord. No. 1057, § 1, 12-21-98*)

Power of city to set license fees, § 177.

Three thousand dollar (\$3,000.00) surety bond.

Sec. 40-140. Bond.

No used car dealer's license shall be issued until the proposed licensee shall deposit with the city clerk a properly executed bond in the sum of three thousand dollars (\$3,000.00) with good and sufficient surety or sureties to be approved by the city attorney, which shall be conditioned so as to indemnify or reimburse any purchaser or seller of a motor vehicle in a sum equal to at least the amount of any payment or payments such purchaser or seller may have been induced to make through fraud, cheating or misrepresentation as to kind, quality or value of such used or secondhand motor vehicle whether the said fraud, cheating or misrepresentations were made by said used car dealer or by his employees, agents or salesmen either at the time of making the sale or through any advertisement of any character whatsoever, printed or circulated with reference to the used or secondhand motor vehicle or any part thereof. The used car dealer shall be required to make such indemnification or reimbursement only after conviction or adjudication of fraud, cheating or misrepresentation by a court of record in a civil or criminal action.

(*Ord. No. 610, § 1 (16-51.4), 3-27-78*)

Power of city to require bond, § 177.

Sec. 40-141. Suitable building as prerequisite.

No used car dealer's license shall be issued for any premises which do not have a building which is suitable for the licensed business.

(*Ord. No. 610, § 1 (16-51.5), 3-27-78*)

Sec. 40-142. Lot requirements.

No license shall be issued to conduct a used car business unless the premises to be used shall have a minimum of thirty (30) feet fronting on a street and contain a minimum of at least two thousand four hundred (2,400) square feet of space.

(*Ord. No. 610, § 1 (16-51.5), 3-27-78*)

Sec. 40-143. Inspection.

No used car dealer's license shall be issued until the proposed business location is inspected by the fire chief or a member of the fire department designated by the fire chief, to determine whether the operation of a used car dealers business at such proposed location will conform to all state and local fire laws, regulations and ordinances, and until the fire chief indicates his approval that the operation of said business at said location will so conform.

(*Ord. No. 610, § 1 (16-51.3), 3-27-78*)

Sec. 40-144. Change of location.

A used car dealer's license shall be issued only for use on the premises named in the license application and such location shall not be changed without the approval of the city clerk. The clerk shall not approve such a transfer unless the new location conforms with all applicable ordinances.

(Ord. No. 610, § 1 (16-51.5), 3-27-78)

Section 2. Severability.

All ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent necessary to give this ordinance full force and effect.

Section 3. Effective Date.

This ordinance shall take effect immediately. This ordinance is deemed necessary for the immediate preservation of the public peace, property, health, safety and for providing for the usual daily operation of the City Clerk's Office. This Ordinance or a summary shall be published in a newspaper generally circulated in the City of Wyandotte within ten (10) days after adoption. Any summary shall designate the location in the City where a true copy of the ordinance can be inspected or obtained.

Motion unanimously carried.

2019-260 SET BUSINESS REGISTRATION FEE

By Councilperson Sabuda, supported by Councilperson Alderman

WHEREAS, Section 40-10 of the Wyandotte Municipal Code of Ordinances calls for the setting of Business Registration Fees by Council resolution.

THEREFORE, BE IT RESOLVED that the annual fee for Business Registration fee shall be \$100.

Motion unanimously carried.

2019-261 DEMOLITION OF VARIOUS STRUCTURES

By Councilperson Sabuda, supported by Councilperson Alderman

RESOLVED that Council agrees with the recommendation of the City Engineer and APPROVES the award to Pro Excavation of Wyandotte, MI, for the Various Demolition of Structures (Bid File #4760) in the amount of \$145,600.00 to be funded from account 492-200-850-519 in the amount of \$99,000.00 and account 492-000-041-040 in the amount of \$46,600.00,

BE IT FURTHER RESOLVED that the Mayor and City Clerk are authorized to proceed with the execution of this contract.

Motion unanimously carried.

2019-262 CLEANING CONTRACT – POLICE & COURT BLDGS.

By Councilperson Sabuda, supported by Councilperson Alderman

BE IT RESOLVED that Council hereby concurs with the recommendation of the City Engineer to enter into contractual agreement with Veteran's Cleaning for the Cleaning of the Police and Court building and further authorizes the Mayor and City Clerk to sign said amendment; AND

BE IT FURTHER RESOLVED that the work will be funded from account #101-301-825-420 in the amount of \$44930; AND

BE IT RESOLVED that the Finance Director prepare the necessary budget amendment.

Motion unanimously carried.

2019-263 CLEANING CONTRACT – CITY HALL

By Councilperson Sabuda, supported by Councilperson Alderman

BE IT RESOLVED that Council hereby concurs with the recommendation of the City Engineer to enter into contractual agreement with Veteran's Cleaning for the cleaning of City Hall and further authorizes the Mayor and City Clerk to sign said amendment; AND

BE IT FURTHER RESOLVED that the work will be funded from account #530-444-825-215 in the amount of \$56,762.00; AND

BE IT RESOLVED that the Finance Director prepare the necessary budget amendment.

Motion unanimously carried.

2019-264 INTERGOVERNMENTAL AGREEMENT/PENNSYLVANIA RD PROJECT

By Councilperson Sabuda, supported by Councilperson Alderman

RESOLVED that Council agrees with the recommendation of the City Engineer and APPROVES the Intergovernmental Agreement for the Improvements to Pennsylvania Road Project. The project will be funded from account 202-440-825-460 in the amount of \$27,708.

BE IT FURTHER RESOLVED the Finance Department will provide Wayne County with a working capital advance for the project.

BE IT FURTHER RESOLVED that the Mayor is authorized to execute this contract.

Motion unanimously carried.

2019-265 CLEANING & TELEVISIONING SANITARY & STORM SEWERS

By Councilperson Sabuda, supported by Councilperson Alderman

BE IT RESOLVED by the City Council that Council hereby extends United Resource LLC contract in an amount of \$200,000 for the Cleaning and Televisioning of Sanitary and Storm Sewers services from Account No. 590-200-926-310 for; AND

BE IT FURTHER RESOLVED that the Mayor and City Clerk are authorized to sign all the required documentation.

Motion unanimously carried.

2019-266 SANITARY SEWER SLIP LINING

By Councilperson Sabuda, supported by Councilperson Alderman

RESOLVED that Council concurs with the recommendation of the City Engineer and approves the Contract with Liquiforce, Romulus MI, to perform sewer lining and emergency repair work for the period of June 17, 2019 thru November 15, 2019, and further, approves Liquiforce to perform the 2019 Sanitary Sewer Slip Lining work in the amount of \$399,004.65, which shall be funded from account 590-200-926-310; AND

BE IT RESOLVED that the Mayor and City Clerk are authorized to sign said Contract with Liquiforce. Motion unanimously carried.

2019-267 PURCHASE OF PROPERTY – 405 CHERRY

By Councilperson Sabuda, supported by Councilperson Alderman

RESOLVED BY THE CITY COUNCIL that Council concurs with the recommendation of the City Engineer to acquire the property at 405 Cherry in the amount of \$37,500.00 to be appropriated from TIFA Area Funds; AND

BE IT RESOLVED that the Department of Legal Affairs, William R. Look, is hereby directed to prepare and sign the necessary closing documents and the Mayor and City Clerk be authorized to execute the Purchase Agreement.

BE IT FURTHER RESOLVED that the City Engineer is directed to demolish same upon completion of the Wyandotte Historical Commission inspection of the home as it pertains to the preservation of historical and cultural items for the City of Wyandotte.

Motion unanimously carried.

2019-268 PURCHASE OF PROPERTY – 504 POPLAR

By Councilperson Sabuda, supported by Councilperson Alderman

RESOLVED BY THE CITY COUNCIL that Council concurs with the recommendation of the City Administrator to acquire the property at 504 Poplar in the amount of \$35,000.00 to be appropriated from TIFA Area Funds; AND

BE IT RESOLVED that the Department of Legal Affairs, William R. Look, is hereby directed to prepare and sign the necessary closing documents and the Mayor and City Clerk be authorized to execute the Purchase Agreement.

Motion unanimously carried.

2019-269 BILLS & ACCOUNTS

By Councilperson Sabuda, supported by Councilperson Alderman

RESOLVED that the total bills and accounts of \$2,225,973.31 as presented by the Mayor and City Clerk are hereby APPROVED for payment.

Motion unanimously carried.

REPORTS & MINUTES

Beautification Commission

May 8, 2019

Fire Commission

May 14, 2019

Municipal Service Commission

May 29, 2019

Police Commission

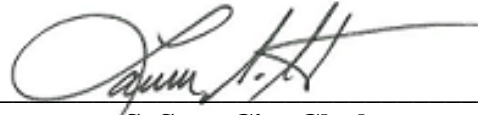
May 14, May 28, & June 11, 2019

REMARKS OF THE MAYOR, COUNCIL, & ELECTED OFFICIALS**ADJOURNMENT****2019-270 ADJOURNMENT**

By Councilperson Sabuda, supported by Councilperson Alderman

RESOLVED, that this regular meeting of the Wyandotte City Council be adjourned at 8:24 p.m.

Motion unanimously carried.



Lawrence S. Stec, City Clerk