

ORDINANCE NO. _____

An Ordinance to amend the Highland Park Business Regulation & Taxation Code, by adding to Sections 802.06, 802.10, and 802.19.

NOW THEREFORE, The City of Highland Park ordains:

SECTION 802 LICENSING IN GENERAL.

802.01

PURPOSE OF CHAPTER.

Because each commercial establishment located in the City is a basic part of the City and affects the physical and economic well-being of the City, necessitating special services from the City, in the form of fire, building, health and police inspections and services, (industrial and rental), such commercial establishments shall in all respects be in full compliance with this chapter. The purpose of this chapter is to provide for the means whereby the City may render the necessary inspections and services to commercial, industrial and rental establishments in order to promote, protect and safeguard the safety, health and welfare of the residents of the City and also to provide for the keeping of accurate records of commercial, industrial and rental activities and commerce within the City.

(Ord. Unno Passed 3-2-98.)

802.02 APPLICATION OF CHAPTER.

(a) Compliance Required; Accessory Uses and Structures. No business shall be commenced or continued within the City except as specifically, or by necessary implication, authorized by this chapter. Where a location is devoted to a principal use, customary accessory uses and structures are authorized, except as prohibited specifically or by necessary implication.

(Ord. 1118. Passed 11-15-82.)

(b) Relationship With Other Laws. The provisions of this chapter, of other ordinances of the City and of State law, relative to licenses, permits, businesses, premises or anything connected therewith, shall be construed to be complementary and supplemental to each other so far as relevant and, where not otherwise provided or inconsistent herewith, shall constitute a part of the regulations and conditions applicable generally to any particular license or permit in the same manner as though such provisions were fully written into each separate ordinance. Businesses and commercial establishments specifically regulated by other chapters in this Part Eight - Business Regulation and Taxation Code shall be governed by the provisions of such chapters. They shall be governed by the provisions of this chapter only to the extent that such other chapters are silent in any given area of regulation.

(Adopting Ordinance)

(c) Vested Rights. It is hereby expressly declared that nothing in this chapter shall be held or construed to give or grant to any person any vested right, license, privilege or permit. (d) Administrative Standards. Whenever, in the course of administration and enforcement of this chapter, it is necessary or desirable to make any administrative decision, then the decision shall be made so that the result will not be contrary to the spirit and purpose of this chapter or be injurious to the surrounding neighborhood.

(Ord. 1118. Passed 11-15-82.)

802.03 RULES OF CONSTRUCTION.

As used in this chapter:

- (a) The term "used for" includes "arranged for," "designed for," "intended for," "maintained for" and "occupied for."
- (b) "Use," as a verb, shall be construed as if followed by the words "or is intended, arranged, designed, built, altered, converted, rented or leased to be used."
- (c) Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions or events connected by the conjunction "and," "or" or "either or," the conjunction shall be interpreted as follows:
 - (1) "And" indicates that all the connected items, conditions, provisions, or events shall apply.
 - (2) "Or" indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.
 - (3) "Either or" indicates that the connected items, conditions, provisions, or events shall apply singly but not in combination.
- (d) References to sections include the section referred to and any further subsection contained therein.

(Ord. 1118. Passed 11-15-82.)

802.04 DEFINITIONS.

As used in this chapter:

- (a) "Accessory use" means a use customarily incidental and subordinate to the principal use of a building and located on the same lot with the principal use of the building.
- (b) "Commercial establishment" includes food establishments, retail sales establishments and service establishments.
- (c) "Owner" means any individual, firm, association, partnership, corporation, trust or any other legal entity having sufficient proprietary interest in a commercial establishment to maintain and manage its operation.

(Ord. 1118. Passed 11-15-82.)

802.05 LICENSE REQUIRED; TRANSFERABILITY; RELOCATIONS.

- (a) No person shall, directly or indirectly, operate, conduct, maintain or manage any commercial, industrial or rental establishment without first obtaining a license therefor from the City in the manner prescribed in this chapter. All licenses, when issued, shall name a specific person and shall not be transferable to any other person, whether related or unrelated.

(Ord. Unno. Passed 3-2-98.)

- (b) (EDITOR'S NOTE: Subsection (b) was repealed by Ordinance 1166, passed July 20, 1987.)

802.06 APPLICATION FOR LICENSES; CONTENTS.

Each person required to obtain a license from the City under this chapter shall make application for such license to the City Clerk in the form and manner prescribed by the City Clerk and shall state under oath such facts as may be required for, or applicable to, the granting of such license, including the following:

- (a) The full names, business addresses and residence addresses of all owners of the applicant's business and, if the applicant is a corporation, the names and addresses of each officer;
- (b) The place or places in the City where it is proposed to maintain the applicant's business and the length of time during which it is proposed that such business be conducted;
- (c) The nature, character and quality of the goods, wares, merchandise or services to be sold or offered for sale in the City by the applicant;
- (d) The nature and kind of business which the applicant proposes to conduct and the manner of operating the same;
- (e) A list of all assumed, trade or firm names under which the applicant intends to do business; and
- (f) Whether or not the applicant or the person conducting or managing the applicant's business has been convicted of a crime, misdemeanor or a violation of any municipal ordinance and, if so, the full particulars in connection therewith.
- (g) Photo identification of the owner for the new businesses. In cases of ownership by a corporation, the photo identification of the President, Chief Executive Officer, Chief Financial Officer, Head of Operations or the like shall be required.

(Ord. 1118. Passed 11-15-82.)

802.07 RESPONSIBILITIES OF CITY CLERK; REFERRAL OF LICENSE APPLICATIONS FOR REVIEW; ORDERS TO CORRECT VIOLATIONS.

(a) The City Clerk, by and through his or her designee, hereinafter known as the Inspection Division, shall enforce this chapter. The inspection of premises and the issuing of orders in connection therewith under this chapter shall be the responsibility of the Inspection Division.

(Ord. Unno. Passed 3-2-98.)

(b) Prior to the issuance of any business license, the City Clerk shall refer the application to the Zoning Official who shall review the application for compliance with the Zoning Code, to the Building Official who may review the application for compliance with the Property Maintenance Code, and to the Fire Marshal who may review the application for compliance with the Fire Prevention Code. Wherever, in the opinion of the City Clerk, it is necessary or desirable for any other department of the City to inspect any condition, he or she shall arrange for this to be done in such a manner that the owners or occupants of buildings are not subjected to visits by numerous inspectors or to multiple or conflicting orders.

(c) An order to correct any violation under this chapter shall not be issued without informing the Building Official, and it shall be the responsibility of the City Clerk, before issuing any such order, to determine that the order has the concurrence of any other department or official of the City concerned with any matter involved in the case in question.

(Ord. 1118. Passed 11-15-82.)

802.08 ISSUANCE OR DENIAL OF LICENSES.

(a) Upon compliance with the provisions of this chapter, and upon payment in full of the required license fee, the City Clerk shall issue a license tag, sticker, certificate, or similar evidence of the issuance of a license. Such evidence of license shall bear the signature of the City Clerk.

(b) The City Clerk may refuse to issue licenses applied for under this chapter for any one of the causes set forth in Section 802.15(b) as justification for suspension or revocation of licenses.

(Ord. 1118. Passed 11-15-82.)

802.09 GROUNDS FOR MANDATORY DENIAL OF LICENSES.

No license for the operation of a commercial, industrial, or rental establishment in the City shall be issued if one or more of the following conditions are determined by the City Clerk to exist:

(a) The building or premises of the commercial, industrial or rental establishment does not comply with the Zoning Code, the Property Maintenance Code, the Fire Prevention Code or any other ordinance or regulation of the City;

(b) The building or premises of the commercial, industrial, or rental establishment is in such an unsanitary or unsafe condition as to endanger the public safety, health and welfare.

(c) The owner of the commercial, industrial, or rental establishment, or such legal entity comprising the commercial, industrial or rental establishment, is indebted to the City and is delinquent in the payment of such debt.

(Ord. Unno. Passed 3-2-98.)

802.10 LICENSE TERM; FEES; REFUNDS; RENEWALS.

(a) Applications for the license required by Section 802.05 shall be every year or at such time as the applicant desires to commence operations in the City. Application forms for such licenses shall be made available by the City Clerk. Subject to the provisions of this chapter, the City Clerk shall cause to be issued a license to permit the operation of the commercial, industrial or rental establishment in the City for a period of one year which shall terminate within such one-year period. No license shall be issued except for the full license fee.

(Ord. Unno. Passed 3-2-98.)

(b) The required fee for each license issued shall be collected in full prior to or at the time of the issuance and delivery thereof.

(Ord. 1118. Passed 11-15-82.)

(c) No rebate or refund shall be made of any license fee, or part thereof, by reason of the death of the licensee or by reason of nonuse of the license or discontinuance of the operation of the commercial, industrial, or rental establishment.

(Ord. Unno. Passed 3-2-98.)

(d) Unless otherwise provided in this chapter, an application for renewal of a license shall be considered in the same manner as an original application, except that approval by Council shall not be required.

(Ord. 1118. Passed 11-15-82.)

(e) Prior year(s) license fees must be paid in full before renewing for the current year.

802.11 FEES; EXEMPTIONS.

(a) Council shall, by resolution, set the amount of the fee, and regulations pertaining thereto, to be paid by an applicant for any license issued by the City. (b) No license fee shall be required from any person exempt from payment of the fee by State or Federal law. However, such persons shall comply with all other provisions of this chapter. The City Clerk shall, in all such cases, issue to such persons licenses which are clearly marked as to such exemption and the reason therefor.

(Ord. 1118. Passed 11-15-82.)

802.12 CITY AND STATE LICENSES.

(a) The fact that a license has been granted to any person by the State to engage in the operation, conduct, maintenance or management of any business or premises shall not exempt such person from the necessity of obtaining a license from the City.

(b) No license required by this chapter shall be issued to any person who is required to have a license from the State until such person submits evidence of such State license and proof that all fees appertaining thereto have been paid.

(Ord. 1118. Passed 11-15-82.)

802.13 LOCATION RESTRICTIONS.

No license for the operation of a commercial, industrial or rental establishment in the City shall authorize the operation of a commercial establishment in more than one location, in the City. A separate license shall be required for each location of a commercial, industrial or rental establishment. For the purpose of this chapter, the determination of one location shall be construed such that all buildings containing the principal or accessory uses are connected or on the same lot or parcel, are operated and managed by the same person or owner and are a commercial, industrial or rental establishment with the same classification. However, two or more buildings separated by one or more dedicated public rights of way or by one or more buildings or vacant lots or parcels shall not be considered as one location.

(Ord. Unno. Passed 3- 2-98.)

802.14 DISPLAY OF LICENSES.

(a) Display of Current License. No licensee shall fail to display conspicuously on each vehicle or mechanical device, or machine required to be licensed by this chapter such tags or stickers as are furnished by the City Clerk and required by this chapter.

(b) Display of Expired License. No person shall display any expired, suspended, or revoked license or any license for which a duplicate has been issued.

(Ord. 1118. Passed 11-15-82.)

802.15 SUSPENSION OR REVOCATION OF LICENSES.

(a) Written Notice Required. Written notice of suspension or revocation of a license issued under this chapter, stating the cause for the suspension or revocation, shall be delivered to the licensee personally or mailed to his or her address, as stated in his or her application for the license.

(b) Causes. Licenses may be revoked or suspended by the City Clerk or the Mayor at any time for any of the following causes:

- (1) Fraud, misrepresentation or false statement contained in the application for the license;
- (2) Fraud, misrepresentation or false statement made in the operation of a business;
- (3) A violation of any of the provisions of this chapter;
- (4) Conducting a business in an unlawful manner or in such a manner as to constitute a breach of the peace or a menace to the health, morals, safety, or welfare of the public; or
- (5) Failure or inability of the applicant to meet and satisfy the requirements and provisions of this chapter.

(Ord. 1118. Passed 11-15-82.)

802.16 APPEALS.

(a) Appeal to Mayor. Any person whose license is revoked or suspended, or who has not been permitted to renew his or her license, or who has been denied a license on an original application, shall have the right to a public hearing under oath before the Mayor, provided that a written request therefor is filed with the City Clerk within ten days following the delivery or mailing of the notice of revocation or suspension or within ten days following the refusal to issue or renew a license. Such public hearing shall comply with the requirements of the Open Meetings Act. The decision of the Mayor shall become final five days after mailing a copy of the decision of the Mayor to the license applicant and filing such decision with the City Clerk, unless within such five-day period the license applicant or the City Clerk has filed a written appeal to the Uniform Board of Appeals.

(b) Appeal to Uniform Board of Appeals. The Uniform Board of Appeals may reverse any refusal to issue or renew a license or any suspension or revocation of a license, and the Board may grant or reinstate any license. No revocation, suspension, or refusal to issue or renew a license shall become final until the license applicant has exhausted his or her remedies under this section.

(Ord. 1118. Passed 11-15-82.)

802.17 RECORDS.

The City Clerk, by and through his or her designee, hereinafter referred to as the Inspection Division, shall cause to be maintained a record of all commercial, industrial, and rental establishments in the City for the purpose of classifying, serving, inspecting, and licensing such establishments. Such record shall be made available, in total, to the Planning Commission, the Economic Development Corporation and the Chamber of Commerce in order to assist such bodies in maintaining their records of business conditions in the City and/or to compile a directory of all businesses in the City.

(Ord. Unno. Passed 3-2-98.)

802.18 GENERAL BUSINESS REGULATIONS.

(a) Closing Out Sales. No person shall advertise, represent or hold out that any sale of goods is an insurance, bankruptcy, mortgage, insolvent, assignee's executor's, administrator's, receiver's, trustee's, "removal or sale" or going out of business sale, or a sale of goods damaged by fire, smoke, water or otherwise, unless he or she first obtains a license to conduct the sale from the City Clerk under Act 39 of the Public Acts of 1961, as amended, being MSA Sections 19.401(1) et seq.

(b) Sale of Defective or Deteriorated Merchandise. No licensee of a commercial establishment shall sell or offer for sale any defective, faulty, incomplete, or deteriorated articles of merchandise, unless the goods are so represented to prospective customers.

(c) Sale of Goods not Enclosed in a Structure. The sale of any goods, wares or merchandise from premises which are not completely enclosed within a building is hereby expressly prohibited except for those items commonly sold as incidental to the prime operation or those items which by their nature must be or are usually stored out of doors. However, any organization based within the City may apply to Council for a permit to operate an outdoor enterprise, such as is commonly known as a flea market, for a limited time, which time shall be set by Council when granting such permit.

(Ord. 1118. Passed 11-15-82.)

(d) Sale of Gasoline, Kerosene and Other Flammable Liquids; Purchaser Information Required.

(1) Effective October 20, 1997, merchants of gasoline, kerosene and other flammables sold in containers must require the purchaser thereof to have directory information (i.e. name, address, telephone number and driver's license number.) Such directory information must be made available to law enforcement officers upon request.

(2) Failure to comply with paragraph (d)(1) hereof is punishable to the fullest extent of the law and may result in revocation of a business license.

(Res. Unno. Passed 10-20-97.)

802.19 VIOLATIONS.

(a) No person shall:

(1) Knowingly violate any of the provisions of this chapter or the rules for the enforcement of this chapter;

(2) Knowingly fail to comply with an order issued pursuant to this chapter by the City Clerk, the Mayor, the Uniform Board of Appeals or a court;

(3) Knowingly make a false or misleading written statement, or knowingly omit required information or a statement in an inspection report, application, petition, request for approval or appeal, to the City Clerk, the Mayor or the Uniform Board of Appeals;

(4) Knowingly refuse entry or access to an inspector lawfully authorized to inspect any premises, building or structure pursuant to this chapter;

(5) Unreasonably interfere with an authorized inspection;

(6) Knowingly issue, fail to issue, cause to be issued or assist in the issuance of a certificate, permit or license in violation of this chapter or a rule promulgated under this chapter or other applicable laws; or

(7) Having a duty to report a violation of this chapter or a rule promulgated under this chapter or other applicable laws, knowingly conceal such violation.

(b) With respect to a violation of paragraph (a)(2) hereof, a person is guilty of a separate offense for each week that he or she fails to comply with any order validly issued by an enforcing agency. With respect to violations of paragraphs (a)(1) and (3) hereof, a person is guilty of a separate offense for each knowing violation of this chapter, or a rule promulgated under this chapter, and for each false or misleading written

statement or omission of required information or a statement knowingly made in an application, petition, request for approval or appeal to the City Clerk, the Mayor or the Uniform Board of Appeals. With respect to the other paragraphs, a person is guilty of a separate offense for each knowing violation of this chapter.

(Ord. 1118. Passed 11-15-82.)

(c) In addition to any other remedies available by law to restrain, prevent, or abate further violation of this chapter; the City Clerk shall have the authority to summarily order the cessation of business and the close of premises.

802.20 LICENSE WITHHELD FOR DEBT TO CITY.

No license to maintain, conduct or engage in a business or commercial activity which is now, or may hereafter be, required to be licensed by the City shall be issued to a person unless and until such person has fully paid or satisfied any indebtedness to the City, except real estate taxes, on account of any previous business or commercial activity heretofore maintained, conducted, or engaged in by such person.

(Ord. 925; 1959 Code Sec. 6-2001)

802.21 CARDS IN LIEU OF BADGES. A person, licensed to maintain, conduct, or engage in a business or commercial activity required to be licensed by the City, who is required by any ordinance of the City to possess a badge therefor, shall be given a suitable card in lieu of such badge.

(Ord. 602; 1959 Code Sec. 6-1702)

802.99 PENALTY. (EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.) If, after thirty days, a commercial, industrial, or residential owner fails to respond to the City's request for inspection, the Code Enforcement Official may issue a citation that will require adherence within ten working days, or a five-hundred-dollar (\$500.00) fine will be imposed and a fifty dollar (\$50.00) a day fine will be imposed afterwards. If the owner does not respond within ten days after the imposition of fines, the individual may be charged with a misdemeanor, and shall be subject to ninety days in jail if found guilty.

(Ord. Unno. Passed 3-2-98.)

PASSED AND ADOPTED THIS _____ DAY OF _____ 2022.

ATTEST:

CITY CLERK.