

AN ORDINANCE TO ADD § 110.35 "GENERAL BUSINESS LICENSE" TO CHAPTER 110 "GENERAL PROVISIONS" OF TITLE XI "BUSINESS REGULATIONS" OF THE SAGINAW CODE OF ORDINANCES O-1.

The City of Saginaw Ordains:

Section 1. § 110.35, "General Business License" is hereby added to Chapter 110, "General Provisions", of Title XI, "Business Regulations" of the City of Saginaw Code of Ordinances, O-1, and shall read as follows:

§ 110.35. GENERAL BUSINESS LICENSE

(A) Purpose. *The purpose of this ordinance shall be to generate general fund revenue to offset the cost of enforcing existing city ordinances and regulate business activity as it relates to zoning, permits, income tax, property tax and the like.*

(B) License Required. All persons who conduct, engage in, maintain, operate, carry on, or manage a business for which a license is not otherwise required under any other provisions of this code shall be required to obtain a general business license for said business. A separate license shall be required for each separate place of business. A business shall include but not be limited to: for profit businesses and not for profit businesses.

- Exceptions:
- Churches
 - Public Libraries
 - Schools (Public, Parochial and Charter, K-12)
 - Government Offices or Operations

(C) Application. An application for a license required by this code shall be made in writing on a form prescribed by the City Clerk. Each application shall contain any information as may be required to determine whether a license should be issued.

(D) Issuance of License. The City Clerk shall issue the license pursuant to the application if:

- (1) The appropriate fees have been paid according to the table contained in this ordinance.
- (2) The Planning and Development Division has approved the use of said parcel for the requested use.
- (3) There are no outstanding building code violations.
- (4) There are no outstanding fire code violations.
- (5) All current and past due fees and/or fines associated with the property or applicant have been paid or arrangements have been made to pay, including but not limited to:
 - (a) Permit fees.
 - (b) Zoning fees.
 - (c) Water or Sewer services.
 - (d) Engineering fees.
 - (e) False Alarm fees.
 - (f) Property Tax (Real & Personal).
 - (g) Income Tax.

(E) Term of License, Renewal. All licenses provided in this ordinance shall expire on September 15th following the date of issuance.

(F) License Fees.

- (1) General Fee:

(a) Business with a gross floor area of 0 – 2,500 square feet.	\$ 50.00
(b) Business with a gross floor area in excess of 2,500 square feet and less than 10,000 square feet.	\$100.00
(c) Business with a gross floor area in excess of 10,000 square feet.	\$150.00
- (2) Proration of fees: The fee to be paid for any license which shall expire less than six months from the date such license was required to be issued, shall be one half (1/2) the annual fee provided by this code.
- (3) Late Payment Penalty: An additional late charge of fifty (50%) percent of the base fee shall be incurred as a result of the following:

(OVER)

- (a) Failure to obtain a business license within thirty (30) days from the effective date of the ordinance or any applicable amendment;
- (b) Failure to obtain a business license within thirty (30) days of commencement of a business; or

(c) Failure to renew a business license within thirty (30) days of license expiration.

(G) *Regulations.*

- (1) No license shall be assigned, sold or transferred, nor shall any license authorize any person other than the applicant to conduct business under such license.
- (2) The applicant or licensee shall have a duty to notify the City Clerk of any changes in the information contained in an application which is pending or which was the basis for the issuance of a license.
- (3) All licenses shall be prominently displayed on the business premises at all times.
- (4) No person shall add to, alter, deface, forge, or counterfeit any license, which has been issued by the City.
- (5) All licensees shall comply with all applicable City, State, and Federal Laws.

(H) *Suspension and Revocation.* In addition to any other penalty provided for in this code or other City ordinances, the City Clerk may suspend or revoke any license issued pursuant to this ordinance for:

- (1) Failure to comply with any provisions of this Chapter and any applicable ordinances;
- (2) Failure to allow required inspection.

The City Clerk shall notify the licensee that their license has been suspended or revoked and the reason for said suspension or revocation. Notification may be made by first class mail and shall state that the licensee has the right to appeal the suspension or revocation provided the appeal is made in writing to the City Clerk within ten (10) days of notification. Upon receipt of the written appeal the City Clerk shall proceed with scheduling an appeal hearing as provided for in Paragraph (I) and (J).

(I) *Notice of Hearing.* Notice of the above described hearing shall be served on the licensee by first class mail and posting at the location of the licensed business not less than five (5) days before the date of said hearing.

(J) *Hearings.* The hearing shall be conducted by the Chief Inspector or his designee affording the licensee an opportunity to appear and defend the charges. The Chief Inspector shall make a final decision in writing, including the reasons for such decision and shall serve said decision on the licensee within ten (10) days after conclusion of the hearing.

(K) *Summary Suspension.* Where the Chief Inspector presents to the City Manager sufficient evidence demonstrating probable cause to believe that the licensee has violated the provisions of this code or the laws of the United States or the State of Michigan, and that said violation will immediately threaten the public health, safety or welfare, the City Manager may, upon the issuance of a written order stating the reason for such conclusion and without prior notice or hearing, order the licensed premises closed and the license summarily suspended pending a public hearing and determination on suspension or revocation. Said hearing shall be commenced not more than seventeen (17) days following entry of such an order, unless the licensee shall agree to a longer period of time. Upon entry of an order of summary suspension, the licensee shall be served with a copy of the order and notice of violation and hearing in the manner provided in this ordinance.

(L) *Penalties and Remedies.* Any person who violates or fails to perform any duty imposed by this ordinance may be subject to a Class C Civil Infraction Citation. A separate offense shall be deemed committed for each day that a violation occurs.

(M) *Severability.* The provisions of this ordinance shall be interpreted so as not to be in conflict with the laws of the State of Michigan or any other limitations imposed by law. In the event, however, that any section, provision, sentence, or clause of this ordinance is declared unconstitutional by a court of competent jurisdiction, that determination will not affect the other remaining provisions of this ordinance.

Section 2. That this Ordinance shall take effect on August 3, 2005.
Enacted: July 25, 2005

Note: Paragraph (b), "Licenses Required," (O-60) and Subparagraph (3), "Late Payment Penalty", of Paragraph (F), "License Fees" (O-61) were enacted on July 16, 2007 and became effective July 26, 2007.