



City of Grand Rapids
Corridor Improvement District
Liquor License Packet



CITY OF GRAND RAPIDS
BUSINESS LICENSE APPLICATION

TYPE OF BUSINESS LICENSE _____

1. BUSINESS DATA

Business Name (DBA or other names used): _____

Business Location: _____
(Street Number and Name, City, State, Zip Code)

Mailing Address: _____
(P.O. Box or Street Number and Name, City, State, Zip Code)

Business Telephone: _____ Business FAX: _____

Business E-mail address: _____ Website Address: _____

Is building owned by applicant? (circle one) YES NO If not, Owner's name: _____

Address: _____ Phone Number: _____

Contact person for Inspection: _____ Phone Number: _____

Please check appropriate box(es): [] Existing Building [] New Construction [] Remodel [] Change of Use

Present Use of Building (if vacant, what was last use?): _____ Proposed Start Date: _____

Sales Tax License Number: _____ Federal ID #: _____

Sales Activity (circle one): NONE WHOLESALE RETAIL Do you dispense or sell: liquor _____ food _____
yes/no yes/no

Manager or person principally in charge of operation of business

Name & Title: _____

Other Names Used or Aliases: _____

Home Address: _____
(Street Number and Name, City, State, and Zip Code)

Fax: _____ Home/Cell Phone: _____ Driver's License #: _____

E-mail: _____ Last 4 digits of S.S. #: _____ Date of Birth: _____

Individual in charge of Accounting Records (CEO, CFO, CCO)

Name & Title: _____

Other Names Used or Aliases: _____

Home Address: _____
(Street Number and Name, City, State, and Zip Code)

Fax: _____ Home/Cell Phone: _____ Driver's License #: _____

E-mail: _____ Last 4 digits of S.S. #: _____ Date of Birth: _____

2. OWNERSHIP TYPE

Table with 4 columns: Circle One, Individual/Sole Proprietor, Sole Member LLC, Partnership, Corporation, LLC, Other

A. Complete this section if you circled Individual/Sole Proprietor or Sole Member LLC.

Owner's Name: _____

Other Names Used or Aliases: _____

Home Address: _____
(Street Number and Name, City, State, and Zip Code)

Fax: _____ Home/Cell Phone: _____ Driver's License #: _____

E-mail: _____ Last 4 digits of S.S. #: _____ Date of Birth: _____

Application from

4.	NAME OF OWNER(S)	NATURE OF INTEREST	BIRTHDATE
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

If any owner has been convicted of a crime, give the following information:

NAME AND CONVICTION	DATE	WHERE
_____	_____	_____
_____	_____	_____
_____	_____	_____

5. If you are requesting a license pursuant to P.A. 501 of 2006 (MCL 436.1521a) within a Development District, you must complete this section; otherwise go to Section 6.

In what development district is your business located?

- Corridor Improvement Authority Principal Shopping District (Downtown Improvement District)
 Downtown Development Authority Tax Increment Financing Authority (Monroe North TIFA)

Is your business open to the general public? Yes No What is the seating capacity of your business? _____

Is your business engaged in: Dining Entertainment Recreation

Are you requesting a State permit with your Class C liquor license? Dance Entertainment _____

Please attach the following information:

- A) Documentation verifying that you have a real property interest within the district (deed or lease). If you are not the owner, a signed statement from the property owner concurring in the submission of this application must be attached.
- B) A description of the attempts you have made to secure an available on-premise escrowed license or a quota license and why one was not readily available.
- C) A list of the expenditures you have made over the preceding five years, or will make before issuance of a license, to rehabilitate or restore your building. The supporting documentation must total at least \$75,000.
- D) A description of how the issuance of a license to you will benefit the development district and the City of Grand Rapids. This may include submission of a business plan, architectural plan, a security management plan, or any other information you would like considered in the review of your proposal.


6. I hereby affirm that I have truthfully completed this application to the best of my knowledge and I agree to operate this business in accordance with the City Code and all other applicable Federal, State and local laws, ordinances, rules and regulations.

_____ **Date** _____ **Applicant's Signature**

FOR DEPARTMENT USE ONLY

DATE RECEIVED: _____ **FEE PAID:** _____

CITY COMMISSION POLICY

 GRAND RAPIDS MICHIGAN	NUMBER: 300-08	HISTORY	
	DATE: July 23, 2013	FILE #	DATE
	FILE NUMBER: 82617	76040	March 27, 2007
	DEPARTMENT: Clerk's		

SUBJECT: REQUIREMENTS FOR APPROVAL OF LIQUOR LICENSE REQUESTS IN CITY DEVELOPMENT DISTRICTS

PURPOSE: To establish criteria for the evaluation of liquor license requests submitted pursuant to Public Act 501 of 2006 (MCL 436.1521a) (the "Act") and to establish necessary conditions to ensure that the issuance of a license is consistent with adopted goals and plans of the development areas and will enhance the quality of life for residents and visitors.

BACKGROUND:

The City of Grand Rapids can, pursuant to Public Act 501 of 2006 (MCL 436.1521a), recommend issuance of new liquor licenses for dining, entertainment or recreation businesses located within a development district, as defined in the Act. This policy is intended to: 1) provide guidance to applicants who may be interested in requesting a license under the Act; and 2) establish procedures for review and approval of such requests.

Businesses licensed under the Act must:

- Be engaged in dining, entertainment or recreation at least 5 days per week.
- Be open to the general public at least 10 hours a day, 5 days a week.
- Have a seating capacity of at least 25 people.
- Demonstrate to the satisfaction of the Liquor Control Commission (LCC) that they attempted to purchase an available on-premise escrowed license or quota license within the city, and that one was not readily available as defined in the Act.
- Either have expended at least \$75,000 for the rehabilitation or restoration of the building over a period of the preceding five years, or commit capital investment of at least \$75,000 that will be expended for the building before the license is issued.

CITY COMMISSION POLICY

NUMBER: 300-08

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Licenses may be issued to businesses in one of the following development districts:

1. Tax Increment Financing Authority (Monroe North TIFA)
2. Corridor Improvement Authority
3. Downtown Development Authority
4. Principal Shopping District (Downtown Improvement District)

POLICY:

It is the policy of the City Commission to use the following procedures in reviewing applications for liquor licenses under the Act:

1. The City Assessor shall annually determine the total amount of public and private investment in real and personal property in each development area over a period of the preceding 5 years. The Assessor shall transmit his or her determination to the City Clerk who shall certify the results as needed to the Liquor Control Commission (LCC).
2. Applicants requesting a license must document that they have a real property interest within the district by completing an application documenting the property interest to the satisfaction of the City Clerk (deed, lease, contingent sale, contingent lease, etc.). If the applicant is not the owner, applicant shall include concurrence from the owner. Each application must be accompanied by an application fee in the amount established from time to time by resolution of the City Commission.
3. The applicant shall include, as a part of an application, documentation showing that at least \$75,000 has been expended for the rehabilitation or restoration of the building that would house the licensed premises, or shall make a commitment for capital investment of at least \$75,000 which shall be expended prior to the issuance of the license.
4. The applicant shall document how the issuance of the license will benefit the development district and the city. Such documentation may include a business plan, an architectural plan, a security management plan, and other information necessary to review the proposal.

5. The applicant shall include, as part of an application, documentation of feedback from within the neighborhood and business district in which the subject property is located.
6. The City Clerk shall forward each new application to the development area board for review and consideration and to appropriate City departments for review. In evaluating proposals, the development area board may consider how the issuance of a license would promote economic growth in a manner consistent with adopted goals, plans or policies of the development area. The development area board may also consider the priorities established in paragraph 8 of this policy.
7. The development area board shall transmit its recommendation in writing to the City Clerk. Per Liquor Control Commission (LCC) guidance, the development area board may recommend approval “above all others,” recommend approval, or recommend denial of the request.
8. Upon receipt of the recommendation of the development area board and the City departments reviewing the request, the City Clerk shall publish in the Grand Rapids Press and send notice to property owners and residents within 300’ of the subject property within 15 days prior to the City Commission consideration if the Planning Commission is not required to hold a public hearing on the application and forward the recommendation to the City Commission in accordance with Commission policies for review and approval of liquor licenses.
9. In any given period, highest priority for approval of a license shall be given to:
 - a) Existing restaurant businesses within the development area which meet the criteria for issuance of a license as of January 1, 2006.
 - b) New restaurant businesses occupying space within a major mixed use development project, where the capital investment greatly exceeds the requirements of the Act.
 - c) New restaurant, recreation or entertainment businesses which will contribute a new or unique choice to the mix of establishments within the development area.
 - d) Others.
10. In accordance with Liquor Control Commission (LCC) guidance, the City Commission reserves the right to “approve above all others”, approve or deny any application. The City Commission reserves the right to waive any provision of this policy.
11. The City will not establish a “City redevelopment project area” as provided in Section 1(a) of the Act at this time.

MICHIGAN LIQUOR CONTROL CODE OF 1998 (EXCERPT)
Act 58 of 1998

436.1521a Public on-premises licenses; issuance to businesses; conditions; commercial investment in redevelopment project area; time period; total investment; number of licenses; requirements; fee; transfer of license prohibited; attempt to secure on-premises escrowed license or quota license; definitions.

Sec. 521a. (1) In order to allow cities, villages, and townships to enhance the quality of life for their residents and visitors to their communities, the commission may issue public on-premises licenses in addition to those quota licenses allowed in cities, villages, and townships under section 531(1). The licenses under this section shall be issued to businesses that meet either of the following conditions:

(a) Are located in a redevelopment project area meeting the criteria described in subsections (3) and (4) and are engaged in activities determined by the commission to be related to dining, entertainment, or recreation.

(b) Are located in a development district or area that is any of the following:

(i) An authority district established under the tax increment finance authority act, 1980 PA 450, MCL 125.1801 to 125.1830.

(ii) A development area established under the corridor improvement authority act, 2005 PA 280, MCL 125.2871 to 125.2899.

(iii) A downtown district established under 1975 PA 197, MCL 125.1651 to 125.1681.

(iv) A principal shopping district established under 1961 PA 120, MCL 125.981 to 125.990n.

(2) The commission shall not issue a license under subsection (1)(a) unless the applicant fulfills the following in relation to the licensed premises:

(a) Provides the activity described in subsection (1)(a) not less than 5 days per week.

(b) Is open to the public not less than 10 hours per day, 5 days per week.

(c) Presents verification of redevelopment project area status to the commission that includes the following:

(i) A resolution of the governing body of the city, village, or township establishing its status as a redevelopment project area.

(ii) An affidavit from the assessor, as certified by the clerk of the city, village, or township, stating the total amount of investment in real and personal property within the redevelopment project area of the city, village, or township during the preceding 3 years.

(iii) An affidavit from the assessor, as certified by the clerk of the city, village, or township, separately stating the amount of investment money expended for manufacturing, industrial, residential, and commercial development within the redevelopment project area of the city, village, or township during the preceding 3 years.

(3) Relative to the licenses issued under subsection (1)(a), the amount of commercial investment in the redevelopment project area within the city, village, or township shall constitute not less than 25% of the total investment in real and personal property in that redevelopment project area as evidenced by an affidavit of the assessor of the city, village, or township. This subsection does not prevent the city, village, or township from realigning the redevelopment project area in the presentment of verification provided for under subsection (2)(c).

(4) In relation to a license issued under subsection (1)(a), an applicant shall be located in a city, village, or township that meets at least 1 of the investment requirements of subsection (1)(a) during the 3 years preceding the submission of its application. The total investment in real and personal property in the redevelopment project area within the city, village, or township over the appropriate time period described in this subsection shall be at least 1 of the following:

(a) Not less than \$50,000,000.00 in cities, villages, or townships having a population of 50,000 or more.

(b) Not less than an amount reflecting \$1,000,000.00 per 1,000 people in cities, villages, or townships having a population of less than 50,000.

(5) The commission may issue a license under subsection (1)(a) for each monetary threshold described in subsection (4)(a) and (b), and, after reaching the initial threshold, 1 additional license for each major fraction thereof above that original threshold.

(6) The following apply to a license issued under subsection (1)(b):

(a) The amount expended for the rehabilitation or restoration of the building that housed the licensed premises shall be not less than \$75,000.00 over a period of the preceding 5 years or a commitment for a capital investment of at least that amount in the building that houses the licensed premises, that must be expended before the issuance of the license.

(b) The total amount of public and private investment in real and personal property within the development district or area shall not be less than \$200,000.00 over a period of the preceding 5 years as verified to the commission by means of an affidavit from the assessor, as certified by the clerk of the city, village, or township.

(c) The licensed business is engaged in dining, entertainment, or recreation, is open to the general public, and has a seating capacity of not less than 25 persons.

(7) The commission may issue 1 license for each monetary threshold described in subsection (6)(b), or for each major fraction thereof. The initial enhanced license fee for a license issued under this section is \$20,000.00.

(8) The commission shall not transfer a license issued under this section to another location. If the licensee goes out of business, the licensee shall surrender the license to the commission. The governing body of the city, village, or township may approve another applicant within a redevelopment project area or development district or area to replace a licensee who has surrendered the license issued under this section provided the new applicant's business meets the requirements of this section but without regard to subsections (2)(c), (3), and (4) or subsection (6)(b).

(9) The individual signing the application for the license shall state and demonstrate that the applicant attempted to secure an appropriate on-premises escrowed license or quota license issued under section 531 and that, to the best of his or her knowledge, an on-premises escrowed license or quota license issued under section 531 is not readily available within the county in which the applicant proposes to operate.

(10) As used in this section:

(a) "Escrowed license" means a license in which the rights of the licensee in the license or to the renewal of the license are still in existence and are subject to renewal and activation in the manner provided for in R 436.1107 of the Michigan administrative code.

(b) "Readily available" means available under a standard of economic feasibility, as applied to the specific circumstances of the applicant, that includes, but is not limited to, the following:

(i) The fair market value of the license based on where the applicant will be located, if determinable.

(ii) The size and scope of the proposed operation.

(iii) The existence of mandatory contractual restrictions or inclusions attached to the sale of the license.

History: Add. 2006, Act 501, Imd. Eff. Dec. 29, 2006;—Am. 2010, Act 369, Imd. Eff. Dec. 22, 2010;—Am. 2014, Act 270, Imd. Eff. July 2, 2014.

MICHIGAN LIQUOR CONTROL CODE OF 1998 (EXCERPT)
Act 58 of 1998

436.1521 Limitation on tavern or class C licenses; renewal of license; conditions; revocation; transfer of license; issuance of certain licenses prohibited; "development district" defined.

Sec. 521. (1) Beginning on the effective date of the amendatory act that added section 521a, the commission shall not issue any tavern or class C licenses under this section. However, those licenses issued under this section before the effective date of the amendatory act that added section 521a remain valid and may be renewed if in compliance with this section. The commission shall renew licenses issued under this section before the effective date of the amendatory act that added section 521a for persons who operate businesses that meet all of the following conditions:

- (a) The business is a full service restaurant, is open to the public, and prepares food on the premises.
- (b) The business is open for food service not less than 10 hours per day, 5 days a week.
- (c) At least 50% of the gross receipts of the business are derived from the sale of food for consumption on the premises. For purposes of this subdivision, food does not include beer and wine.
- (d) The business has dining facilities to seat not less than 25 persons.

(e) The business is located in a development district with a population of not more than 50,000, in which the district, after a public hearing, has found that the issuance of the license would prevent further deterioration within the development district and promote economic growth within the development district.

(2) If in any licensing year the sale of food for consumption on the premises of the business represents less than 50% of the gross receipts for the business, the commission, after due notice and proper hearing, shall revoke the license issued under subsection (1).

(3) A license issued under this section is transferable as to ownership or location only within the development district.

(4) The commission shall not issue a specially designated merchant license, specially designated distributor license, or any other license that allows the sale of alcoholic liquor for consumption off the premises in conjunction with a license issued under this section or at the premises for which a license has been issued under this section.

(5) As used in this section, "development district" means any of the following:

(a) An authority district established under the tax increment finance authority act, 1980 PA 450, MCL 125.1801 to 125.1830.

(b) An authority district established under the local development financing act, 1986 PA 281, MCL 125.2151 to 125.2174.

(c) A downtown district established under 1975 PA 197, MCL 125.1651 to 125.1681.

(d) A principal shopping district established under 1961 PA 120, MCL 125.981 to 125.990m, before January 1, 1996.

History: 1998, Act 58, Imd. Eff. Apr. 14, 1998;—Am. 1998, Act 282, Imd. Eff. July 27, 1998;—Am. 2006, Act 502, Imd. Eff. Dec. 29, 2006.

City of Grand Rapids Municipal Code

Chapter 157 - ALCOHOLIC LIQUOR

FOOTNOTE(S):

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Cross reference— Public intoxication, § 9.134; operating a motor vehicle while under the influence of intoxicating liquor, § 10.16.

State Law reference— Liquor Control Act, MCL 436.1 et seq., MSA 18.971 et seq.

Sec. 9.241. - Consumption in Public Places.

- (1) It shall hereafter be unlawful for any person to consume alcoholic liquor in any public place in this City, or in any place to which the public is admitted, except those places which are properly licensed therefor by the Liquor Control Commission and then only the particular kind or style of alcoholic liquor which is licensed for sale on said premises, and the owner or operator of any such place shall be deemed to be a violator.

(Ord. No. 71-81, 12-28-71; Ord. No. 2014-55, § 1, 7-22-14)

Cross reference— Public intoxication, § 9.134.

Sec. 9.242. - False Representation as to Age.

No person under twenty-one (21) years of age shall falsely represent himself or herself to be twenty-one (21) years of age or older to purchase, acquire or attempt to purchase or acquire for himself or herself, or for any other person, any alcoholic liquor.

(Ord. No. 80-64, 8-6-80)

Sec. 9.243. - Uncapped Liquor in Passenger Compartment.

No person shall transport or possess any alcoholic liquor in a container which is open, uncapped or upon which the seal is broken within the passenger compartment of a vehicle upon any street or roadway or any other place open to the general public, including any area designated for the parking of motor vehicles, provided, that in vehicles not having a trunk or compartment separate from the passenger compartment any container which is open, uncapped or upon which the seal is broken may be permitted in a passenger compartment if such container is encased or enclosed so as to not be readily accessible to the occupants of such vehicle. This Section shall not apply to any chartered passenger vehicle licensed by the Michigan Public Service Commission.

(Ord. No. 74-6, 1-22-74)

State Law reference— Similar provisions, MCL 436.34a.

Sec. 9.244. - False or Altered Identification.

No person under twenty-one (21) years of age shall produce, supply or use false or altered identification to purchase, acquire or attempt to purchase or acquire any alcoholic liquor for himself or herself or for any other person.

(Ord. No. 66-31, 6-28-66; Ord. No. 67-46, 8-1-67; Ord. No. 71-81, 12-28-71; Ord. No. 80-64, 8-26-80)

Sec. 9.245. - False Representation of Age to Gain Entry or to Acquire Alcohol.

No person shall make false representations as to his or her age or the age of another:

- (1) In gaining entry or attempting to gain entry to any establishment which sells, serves or furnishes alcoholic liquor;
or
- (2) In obtaining or attempting to obtain any alcoholic liquor for himself or herself or for any other person.

(Ord. No. 71-81, 12-28-71; Ord. No. 72-10, 2-8-72; Ord. No. 80-64, 8-26-80)

Sec. 9.246. - Furnishing to Minors.

- (1) No person shall knowingly sell, give, furnish or offer to sell, give or furnish alcoholic liquor to any person who shall not have attained the age of twenty-one (21) years.
- (2) No person engaged in the business of selling alcoholic liquor within an establishment licensed therefor by the State of Michigan, or his or her designated agent or employee, shall give, furnish or sell, or offer to give, furnish or sell alcoholic liquor to any person who shall not have attained the age of twenty-one (21) years except upon authority of and pursuant to the prescription of a duly licensed physician. Provided, that in any criminal prosecution brought for violation of this subsection proof may be introduced in defense of said prosecution that prior to delivery of any alcoholic liquor, the defendant demanded and was shown a valid motor vehicle operator's license or State of Michigan identification card of the person purchasing the alcoholic liquor which license or identification card indicated the purchaser was twenty-one (21) years of age or older.

(Ord. No. 66-31, 6-28-66; Ord. No. 70-35, 6-2-70; Ord. No. 71-81, 12-28-71; Ord. No. 79-32, 6-5-79)

State Law reference— Similar provisions, MCL 436,33.

Sec. 9.247. - Definitions.

For purposes of this Chapter, the following definitions shall apply:

- (1) The term "alcoholic liquor" shall include any spirituous, vinous, malt or fermented liquor, liquids and compounds, whether or not medicated, proprietary, patented, and by whatever name called, containing one-half of one (0.5) percent or more of alcohol by volume, which are fit for use for beverage purposes.
- (2) The word "alcohol" shall mean the product of distillation of fermented liquid, whether rectified or diluted with water or not, whatever may be the origin thereof. It does not mean ethyl and/or industrial alcohol, diluted or not, that has been denatured or otherwise rendered unfit for beverage purpose.

(Ord. No. 66-31, 6-28-66)

Sec. 9.248. - Application for License and Payment of Fee.

- (1) Where State law requires the approval of the local legislative body for the issuance of an alcoholic liquor license or for the transfer, change of classification or other modification of an alcoholic liquor license, the person requesting the issuance, transfer, change or modification of the license shall make an application for such action by the City Commission by filing an application with the City Clerk.
- (2) Upon the filing of an application as provided for in this Section, a fee as specified in Chapter 92 shall be paid.

(Ord. No. 82-43, 5-4-82)

Cross reference— Liquor license fee, § 7.48(34).

Sec. 9.249. - Establishments Open During Prohibited Hours of Sale.

Any licensee licensed by the Michigan Liquor Control Commission to sell alcoholic beverages who shall remain open for business during the hours of any day when such sales are prohibited, shall at all times during such hours of prohibited sales, securely lock, remove from the retail sales area, or otherwise secure any alcoholic beverages so as to prevent their sale or possible sale during such hours. The licensee shall be exempt from this requirement during any such prohibited hours in which a person employed solely as a security guard is present.

(Ord. No. 78-43, 6-20-78)

Sec. 9.250. - Standards for City Commission Recommended for Denial, Nonrenewal or Revocation of an Alcoholic Liquor License.

Pursuant to the authority granted by Section 17 of Act No. 8 of the Public Acts of 1933, Extra Session (MCL 436.17), as amended, the City Commission may recommend to the Liquor Control Commission denial of an application for a new alcoholic liquor license, denial of the transfer of location of an existing license, denial of the renewal of an existing license, or revocation of an existing license. Prior to making any such recommendation for the denial of transfer, the denial of renewal or the revocation of any such existing license, the City Commission shall hold a public hearing, after due notice to the licensee of the hearing and the reasons for the proposed recommendations, at which hearing the licensee may present evidence and testimony and confront adverse witnesses. The licensee shall be provided with a written statement of the findings of the City Commission based upon the evidence presented.

- (1) Any recommendation to the Liquor Control Commission by the City Commission pursuant to this Section shall be based upon a finding that the applicant or the licensee has engaged in, or has permitted to occur on or involving the licensed premises, any one or more of the following:
 - (a) The consumption of spirits, if licensed to sell only beer or wine or both beer and wine.
 - (b) Dancing or live entertainment open to the public, with or without an admission charge, unless holding a valid dance or dance-entertainment permit.
 - (c) Any disorderly conduct or action which disturbs the peace and good order of the neighborhood.
 - (d) Any incidents of prostitution, solicitation for prostitution, or larceny.
 - (e) Any gambling activity or the placing or using of any gambling apparatus or paraphernalia therein.
 - (f) Any possession, sale or use of any illegal drug or controlled substance.
 - (g) Use of interior lighting which is insufficient to enable a person with average vision to clearly see all persons within the premises.
 - (h) Any violation of the Building Code of the City of Grand Rapids.
 - (i) Any violation of the Fire Code of the City of Grand Rapids.
 - (j) Any violation of any other provision of the City Code or State or Federal law which is designed to protect the public health, safety or welfare or any rule or regulation adopted pursuant to any such provision of this Code or of such State or Federal law.
 - (k) Serving alcoholic beverages to anyone at any time or in any manner which is prohibited by the State liquor law or any rule or regulation promulgated pursuant to said law.

(Ord. No. 85-20, § 1, 4-9-85)

State Law reference— Liquor control act, MCL 436.1 et seq., MSA 18.971 et seq.

Secs. 9.251—9.280. - Reserved.

City of Grand Rapids Municipal Code

Chapter 91 - LICENSING AND REGULATION GENERALLY

FOOTNOTE(S):

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Charter reference— Ordinances and Regulations, Title V, Sec. 2; Collection of Specific Taxes—License Fees, Rents, etc., Title V, Sec. 16.

Cross reference— Department of Community Improvement and Inspection Services, § 1.101; Department of Weights and Measures, § 1.121; property tax levy and collection, Ch. 9, special assessments, Ch. 10; purchases, contracts and sales, Ch. 11; uniform City income tax, Ch. 14; investments, Ch. 18; fees for processing industrial and commercial facilities exemption certificates, Ch. 19; Tax Increment Finance Authority, Ch. 22; license required for solid waste haulers, § 2.10; Water System, Ch. 26; Sewage Disposal System, Ch. 27; City markets, Ch. 44; Monroe Center, Ch. 46; Monroe Center Mall vendors, § 3.104; permits for use of Lyon Square, § 3.205; sales in Lyon Square, § 3.207; sidewalk builder's license, § 4.81; snowplow operator's license, § 4.91 et seq.; drilling permits, § 5.311; fees and bonds, Ch. 92; plumbing licenses, § 8.28 et seq.; plumbing permits, § 8.30 et seq.; water service and drainage system contractor license, § 8.35; electrical permits, § 8.57 et seq.; electrical licenses, § 8.72 et seq.; mechanical contractor's license, §§ 8.157, 8.158; boiler engineer's license, § 8.159; mechanical permits, § 8.160 et seq.; grading permit, § 8.856; sound trucks, § 9.71 et seq.; license required for operation of lodging accommodations, § 9.169; firearm licenses, §§ 9.173, 9.174, 9.178—9.180; alcoholic liquor, Ch. 157; consumer protection, Ch. 158; alarms, Ch. 163; registration of bicycles, § 10.141 et seq.

State Law reference— Licensing regulations, MCL 339.201 et seq., MSA 18.425(201) et seq.

Sec. 7.1. - Definitions.

As used in this Title, the following words and phrases shall have the meanings ascribed to them in this Section.

- (1) City Clerk and Clerk shall mean the City Clerk of the City of Grand Rapids.
- (2) City Commission and Commission shall mean the City Commission of the City of Grand Rapids or a Committee of the City Commission designated by it to act on behalf of the full City Commission as permitted by the provisions of this Chapter.
- (3) City Manager and Manager shall mean the City Manager of the City of Grand Rapids or the City Manager's designee as permitted by this Chapter.
- (4) County shall mean Kent County, Michigan, and shall include all Boards, Commissions, agencies, instrumentalities, officers, and employees of the government of Kent County.
- (5) License shall mean any license, permit, certificate or any other type of approval required by this Title.

(Ord. No. 82-23, 5-4-82)

Sec. 7.2. - License Required.

No person, as owner, agent, manager, employee, or otherwise, shall operate, conduct, maintain, or otherwise be engaged in the carrying on of any trade, business, profession, occupation, amusement, activity, or privilege for which any license is required by any provision of this Code without first obtaining a license from the City in the manner provided for herein.

(Ord. No. 82-23, 5-4-82)

Sec. 7.3. - Multiple Licenses Required.

The granting of a license or permit to any person operating, conducting, maintaining, or otherwise carrying on or engaging in any trade, business, profession, occupation, amusement or privilege required by this Code to be licensed shall

not relieve the person so licensed from the necessity of securing such other licenses or permits as may be required by this Code, except as specifically provided elsewhere in this Code.

(Ord. No. 82-23, 5-4-82)

Sec. 7.4. - State Licensed Businesses.

The fact that a license or permit has been granted to any person by the State of Michigan to engage in the operation of, conduct of or carrying on of, any trade, business, profession, occupation, amusement, activity or privilege shall not exempt such person from the necessity of securing a license or permit from the City if such a license or permit is required by this Code. No license required by this Code shall be issued to any person who is required to have a license or permit from the State of Michigan until such person shall submit evidence of having obtained the required State license or permit.

(Ord. No. 82-23, 5-4-82)

Sec. 7.5. - Application.

Unless otherwise provided for by law or ordinance or in this Code, every person required to obtain a license as provided for in this Code shall make application to the City Clerk for such license on forms provided or prescribed by the City Clerk. The application shall require such information to be provided as will enable the Clerk to determine whether the applicant, if licensed, will serve the public in a fair, honest, safe and competent manner and in compliance with the requirements of this Code and all other applicable Federal, State and local laws, ordinances, rules and regulations. The person making application for any license shall state under oath or affirmation that the information provided on such application is true and shall provide, under oath or affirmation, such other information relative to the granting of the license or to the applicant's qualifications as the Clerk may require. No person shall make a false statement or false representation on any license application or in connection with the application for any license provided for in this Code.

(Ord. No. 82-23, 5-4-82)

Sec. 7.6. - License Term and Fees.

- (1) The license year applicable to all annual licenses, (Chapter 92, Section 7.48), shall begin on July 1 of each year and shall end on June 30 of the following year.
- (2) Any license not issued prior to the beginning of a license year shall be issued for the balance of the license year. The fee charged for each license, whether for a full or partial license year, shall be the fee provided for in Chapter 92 of this Code.
- (3) Where provision is made in Chapter 92 or elsewhere in this Code for the issuance of a license for a period of less than one (1) year, the effective date of such a license shall be as provided on the face of the license by the City Clerk and such a license shall be in effect only for the period provided on the face of the license by the Clerk. In the absence of a provision by the Clerk on the face of a license, the license shall be valid only on the date upon which it is issued.
- (4) Notwithstanding any other provision of this Code, licenses which have been duly issued pursuant to the provisions of this Code which have an expiration date of April 30, 2007 shall be valid until June 30, 2007 and no penalty shall accrue for failure to renew such licenses until July 1, 2007.

(Ord. No. 82-23, 5-4-82; Ord. No. 89-24, § 1, 4-4-89; Ord. No. 2003-11, § 1, 4-1-03; Ord. No. 2007-03, § 1, 1-9-07)

Sec. 7.7. - Conditions for Issuance.

No license shall be issued to any applicant until the applicant has complied with all the provisions of this Code and all provisions of the laws of the State of Michigan applicable to the trade, business, profession, occupation, amusement, activity or privilege for which the license is sought have been complied with.

(Ord. No. 82-23, 5-4-82)

Sec. 7.8. - Agreement by Applicant.

All licenses are issued subject to the following conditions, which shall be noted on the application form:

- (1) The applicant agrees to permit inspection of the licensed premises and/or activity at reasonable times by any properly identified officer or employee of the City.
- (2) The applicant agrees to the temporary suspension of the license without prior notice or hearing when, in the judgment of the appropriate officials, such a suspension is necessary to preserve the public health, safety or welfare.
- (3) The applicant agrees that he or she will keep aware of and comply with all applicable Federal, State and local laws, ordinances, rules and regulations during the term of the license.
- (4) The applicant agrees that he or she will not engage in the licensed trade, business, profession, occupation, amusement, activity or privilege at any time after the license has expired, without having been reissued, or at any time when the license is suspended or revoked.
- (5) No license shall be issued unless and until the applicant has paid all personal property taxes assessed him or her and unless the applicant has paid all other debts due and owing to the City.

Each applicant shall sign a statement indicating that he or she has read the foregoing and agrees with its provision prior to the issuance of any license.

(Ord. No. 82-23, 5-4-82)

Sec. 7.9. - Certification Required.

In each case where the certification by any of the following officials or employees shall be required prior to the issuance of the license by the City Clerk, such certification shall be based upon such inspection or investigation as may be deemed appropriate by the officer or employee named and shall indicate a determination that the requirements following the official's or employee's title have been complied with.

- (1) Fire Chief: That the provisions of the Fire Code and all other applicable regulations and requirements of the City and the State of Michigan relative to fire safety have been complied with.
- (2) Police Chief: That the criminal history of the applicant, if any, has been checked and that there is no indication that the applicant cannot serve the public in the licensed area in a fair, honest and open manner.
- (3) Building Official: That the building requirements of this Code and of the State of Michigan have been complied with.
- (4) Zoning Official: That the zoning and other land use provisions of this Code will permit the licensed activity at its proposed location.

(Ord. No. 82-23, 5-4-82; Ord. No. 2013-35, § 1, 7-23-13)

Sec. 7.10. - Title Includes Subordinates.

As provided for in Chapter 1 of this Code, whenever, by a provision of this Title, any officer or employee of the City of Grand Rapids is assigned any duty or empowered to perform any act or duty, the title of such officer or employee shall mean and include any authorized subordinate of the officer or employee or any other employee authorized to act on behalf of the officer or employee named.

(Ord. No. 82-23, 5-4-82)

Cross reference— Title of officer includes deputy or subordinate, § 1.9. insurance and bonds, § 1.12.

Sec. 7.11. - Bonds.

Where a provision of this Code requires that the applicant for any license or permit furnish a bond, such bond shall be furnished in an amount deemed adequate by the proper City officer, or, where the amount thereof is specified in the schedule of fees and bonds set out in Chapter 92 or elsewhere in this Code, in the amount so required. The form of such bond shall be acceptable to the City Attorney. In lieu of a bond, an applicant for a license or permit may furnish one (1) or more policies of insurance as authorized in Chapter 1 of this Code.

(Ord. No. 82-23, 5-4-82)

Cross reference— Insurance and bonds, § 1.12.

Sec. 7.12. - Exemption.

The licensing provisions of this Title shall not apply to the governments of the United States, the State of Michigan, the County of Kent or the City of Grand Rapids, or to any public board of education located wholly or partially within the City.

(Ord. No. 82-23, 5-4-82)

Sec. 7.13. - Exemption from Fee.

No license fee shall be required for any person exempt from such fee by State or Federal law. Such person shall comply with all other provisions of this Code.

(Ord. No. 82-23, 5-4-82)

Sec. 7.14. - Suspension or Revocation.

(1) Any license issued by the City may be suspended or revoked by the City Clerk for cause as herein defined. Any permit issued by the City may be suspended or revoked by the issuing officer or Authority for cause as herein defined. In either case, a hearing shall be scheduled to be held by the City Manager or the City Manager's designee or the issuing Authority.

Depending upon the necessity for prompt action, the hearing shall be held in accordance with one (1) of the following provisions:

- (a) If there is no immediate threat to the public health, safety or welfare, the hearing shall be held to determine whether the license or permit should be suspended or revoked. The holder of the license or permit shall be notified of the time, date and place of the hearing and shall be notified of the reason or reasons for the proposed suspension or revocation. The license or permit holder shall be entitled to be represented by counsel, to submit evidence, to cross-examine testifying witnesses, and to make arguments concerning the factual and legal issues. The hearing officer or body shall render a written decision stating the reasons for the decision.
 - (b) If there is an immediate threat to the public health, safety or welfare, the license or permit may be suspended prior to the hearing. If a license or permit is suspended prior to the hearing, the hearing shall be commenced as soon as is practical, but in no case more than ten (10) days after the suspension. The hearing shall be held to determine whether to terminate or extend the suspension or whether the suspension should be converted into a revocation of the license or permit. The holder of the license or permit shall be notified of the time, date and place of the hearing and shall be notified of the reason or reasons for the already-imposed suspension and for any contemplated future action. The license or permit holder shall be entitled to be represented by counsel, to submit evidence, to cross-examine testifying witnesses, and to make arguments on factual and legal issues. The hearing officer or body shall render a written decision stating the reasons for the decision.
- (2) In any hearing held pursuant to the provisions of this Chapter, the rules of evidence shall be followed as far as practicable, but a hearing officer or body may admit and give probative effect to evidence of a type commonly relied upon by reasonably prudent people in the conduct of their affairs. Irrelevant, immaterial or unduly repetitious evidence may be excluded. Notice may be taken of facts within the general knowledge of the community.
- (3) Any person dissatisfied with the decision of the City Manager or other appropriate hearing officer or body may appeal to the City Commission, provided that a written request for such an appeal shall be filed within seven (7) days of the date of the decision to be appealed. The City Commission shall schedule a hearing on the appeal within eight (8) days

of the receipt of the request for appeal by the City Clerk. The hearing shall be scheduled and held before the entire City Commission or a Committee thereof, as the City Commission shall determine. The factual record made in the hearing below shall constitute the basic record for the appeal. The City Commission may, but need not, allow the presentation of additional evidence by a majority vote. Argument as to relevant factual and legal issues shall be permitted. The decision of the City Commission shall be by majority vote. The Commission may affirm, reverse or modify any action taken relative to a license. The decision of the City Commission shall be final.

(Ord. No. 82-23, 5-4-82)

Sec. 7.15. - Issuance of License.

Where proper application is made for a license or permit and the conditions, requirements and prerequisites for the issuance of the license or permit have been met, the license or permit applied for shall be issued by the City Clerk, provided that no cause, as that term is defined herein, exists for denial of the license.

(Ord. No. 82-23, 5-4-82)

Sec. 7.16. - Denial of a License.

Where proper application is made for a license or permit and such a license or permit is denied by the City Clerk or other issuing person or body, the applicant shall have the right to appeal such a denial as elsewhere provided for by the law or in this Code. If no such provision is made for an appeal of a denial, the applicant may appeal as set out herein. For purposes of this Section, denial of a license shall include refusal to issue an original license or refusal to renew or reissue an existing license. Denial shall be made only for cause as herein defined. Within the (10) days of notification of denial of a license from the City Clerk, an applicant shall file with the City Clerk a written notice of appeal. The Clerk shall refer a copy of this notice to the City Manager. Upon receipt of a notice of appeal, the City Clerk shall confer with the City Manager or the City Manager's designee to set a hearing time as soon as is practical but not later than ten (10) days after the filing of the notice of appeal with the City Clerk. The hearing provided for may be conducted by the City Manager or the City Manager's designee and it shall be conducted as provided for in Section 7.14 except that the issue to be determined is whether the denial of the license was proper. The person conducting the hearing shall render a written decision stating the reasons for the decision.

(Ord. No. 82-23, 5-4-82)

Sec. 7.17 - Fees.

Fees required by this Code for license applications shall be paid to the City Treasurer prior to submission of the application. Fees required by this Code for the issuance of a license shall be paid to the City Treasurer prior to the issuance of the license. Except as otherwise provided for by law or in this Code, fees required by this Code shall be set out in Chapter 92 of this Code. No fees shall be refunded.

(Ord. No. 82-23, 5-4-82)

Sec. 7.18. - License Reissuance.

It shall be the responsibility of all persons engaging in any trade, business, profession, occupation, amusement, activity or privilege required to be licensed to obtain all licenses required by this Code prior to engaging in or continuing in the licensed trade, business, profession, occupation, amusement, activity or privilege. To assist in the reissuance of licenses to license holders, the City Clerk may send a license renewal application and invoice for the license fee to license holders prior to the end of a license year. Upon receipt of the completed application and the appropriate fee, and after such investigation as he or she deems necessary, the clerk may issue a license for the following year. If a licensee fails to file an application for renewal and/or fails to pay the license renewal fee prior to the expiration of a license year or within the thirty-one (31) day renewal grace period following the end of a license year, that application shall be considered to be an application for a new license and compliance with the provisions of Section 7.28 shall be required prior to the granting of a license.

(Ord. No. 82-23, 5-4-82; Ord. No. 98-36, § 1, 8-4-98)

Sec. 7.19. - Exhibition of License.

Where certain premises are licensed or where a licensed trade, business, profession, occupation, amusement, activity or privilege is carried on at a fixed place or establishment, all licenses shall be conspicuously displayed upon the premises, or at the fixed place or establishment. All licenses shall be displayed in an area of the premises, fixed place or establishment that is open to the public. Where there is no premises, fixed place or establishment, the licensee shall have the license or licenses issued in his or her possession at all times when conducting, carrying on, or otherwise engaging in the licensed trade, business, profession, occupation, amusement, activity or privilege. The license shall be promptly displayed upon the request of any police officer or any properly identified officer or employee of the City.

(Ord. No. 82-23, 5-4-82)

Sec. 7.20. - Exhibition on Vehicle and Machine.

- (1) Each license granted for the operation of a vehicle as required under this Code shall include the issuance of a tag, insignia, license plate or number. This tag, insignia, license plate or number shall be prominently displayed on the vehicle in a place where it can readily be seen and read at all times when the vehicle is being used in the licensed activity.
- (2) Every person who owns or operates any vending machine, amusement device or other coin-operated device which is required to be licensed under this Code shall conspicuously display on each such machine or device his or her name, address and City license number, in a form approved by the City Clerk.

(Ord. No. 82-23, 5-4-82)

Sec. 7.21. - Displaying Invalid License and Surrender of Invalid License.

No person shall display any expired license, any license for which a duplicate has been issued, or any license which has been suspended or revoked, nor shall any person display any license which has not been duly and regularly issued to or on behalf of the person displaying it for the trade, business, profession, occupation, amusement, activity or privilege in, at, or for which the license is displayed. It shall be the duty of every licensee or any employee, agent or representative of a licensee to surrender to any properly identified representative of the City, upon demand, any license which is expired, suspended, revoked, altered, amended, modified, changed or damaged or any license for which a duplicate has been issued.

(Ord. No. 82-23, 5-4-82)

Sec. 7.22. - Transfer, Alteration or Misuse of a License.

No license issued under the provisions of this Code shall be transferable or assignable unless specifically and explicitly authorized by this Code. No person shall transfer or assign or attempt to transfer or assign any license and no person shall receive or attempt to receive a transferred or assigned license. No person shall, except as authorized by this Code or by the City Clerk, write upon, alter, amend, modify, change or damage any license.

(Ord. No. 82-23, 5-4-82)

Sec. 7.23. - Revocation.

In addition to any other penalties or actions permitted or authorized by this Code, any transfer or assignment of a license or any attempted transfer or assignment shall be void and shall result in the automatic revocation of the license.

(Ord. No. 82-23, 5-4-82)

Sec. 7.24. - Curb Stands Prohibited.

No person, whether licensed pursuant to this Title or not, shall park at the curb for the purpose of conducting business, nor shall any person establish a stand, booth or other place of business on any street, curb, sidewalk, public right-of-way or thoroughfare without having obtained permission to do so from the City Manager. This Section shall not be interpreted to prohibit parking for the purpose of making deliveries or for the purpose of consummating sales to persons waiting at the curb provided that the seller leaves the curb immediately after such deliveries or sales are completed.

(Ord. No. 82-23, 5-4-82)

Sec. 7.25. - Curb Service Prohibited.

No person shall engage in the giving of curb service. For purposes of this Section, "curb service" is defined as the use of a public street, highway, thoroughfare or right-of-way by a person operating from a store or other fixed location for the sale, solicitation for sale, or delivery of any goods, services or property.

(Ord. No. 82-23, 5-4-82)

Sec. 7.26. - Responsibility.

Any person who aids, abets, counsels, procures, commands or assists in the commission of any violation of the provisions of this Title shall be punishable as a principal.

(Ord. No. 82-23, 5-4-82)

Sec. 7.27. - Cause Defined.

The term "cause" as used in this Title shall include the doing or omitting of any act, the permitting of any condition to exist in any trade, business, profession, occupation, amusement, activity or privilege for which a license is provided under the provisions of this Code, or upon the premises or facilities used in connection therewith, which act, omission or condition is:

- (1) A violation of this Code.
- (2) A violation of any other applicable Federal, State or local law, ordinance, rule or regulation.
- (3) Unlawful or fraudulent in nature.
- (4) Beyond the scope of the license granted.
- (5) Abandonment of the licensed trade, business, profession, occupation, amusement, activity or privilege.
- (6) A deceptive practice as defined in Section 9.290 of this Code.

(Ord. No. 82-23, 5-4-82)

Sec. 7.28. - Late Application Penalty.

Any person who shall fail to file an application for a license at or prior to the time required by this Code or within the thirty-one (31) day renewal grace period, shall be assessed a late application fee of ten (10) percent of the fee provided for in Chapter 92 of each calendar month or fraction thereof that the person should have been licensed or Twenty-Five dollars (\$25.00), whichever is greater. No new or renewal license shall be issued until such fee shall have been paid. Any application filed after the thirty-one (31) day renewal grace period following the end of a license year shall be treated as an application for a new license and no such license shall be issued until the fees for a new license, as provided for in Chapter 92, shall have been paid. The provision of this Section shall be cumulative to the provisions of Section 1.13 of this Code and to the provisions of this Code relating to the suspension, revocation and denial of a license.

(Ord. No. 82-23, 5-4-82; Ord. No. 98-36, § 2, 8-4-98)

Secs. 7.29—7.40. - Reserved.