

ORDINANCE NO. 3-400

AN ORDINANCE REGULATING TRANSIENT PHOTOGRAPHERS, IMPOSING A
LICENSE FEE FOR TRANSIENT PHOTOGRAPHERS, PROVIDING FOR A CASH
BOND AND THE PENALTIES FOR VIOLATION OF SAID ORDINANCE

THE CITY OF ISHPEMING ORDAINS:

Section 3-401. No person shall engage in or follow the business or occupation of a transient photographer either as owner, employer, agent, solicitor or representative of said transient photographer within the City of Ishpeming, Michigan, without having first obtained a license authorizing him or them to carry on such business within the City of Ishpeming. Any person or persons desiring such license shall file an application therefor with the City Clerk, which application shall contain the applicant's name, his home address, the name of his or her employer, if any, and the number of days for which such license is desired. Such applicant shall pay to the City Clerk the sum of Twenty Dollars (\$20.00) for himself and Five Dollars (\$5.00) for each and every agent, solicitor or representative in his employ for each and every day he proposes to carry on such business. Said applicant shall also at the time of making such application for said license deposit with the City Clerk the sum of Five Hundred Dollars (\$500.00) in cash bond to be retained by the City Clerk for a period of twelve months after the issuance of the license to secure payment of any claims ordered paid therefrom by any court of competent jurisdiction upon any claims against said licensee arising from the transaction of his business as a transient photographer during the period of said license. After the expiration of twelve months the City Clerk shall return said cash bond to licensee, less any amount ordered paid therefrom by any court of competent jurisdiction as above provided.

Section 3-402. Upon filing the application and cash bond, as provided in Section 3-401, the City Clerk shall issue to applicant a local license according to the terms of said application, which license shall be signed by the City Clerk. And every such license shall authorize the person or persons receiving the same to carry on the business of a transient photographer within the City of Ishpeming, for the length of time and in the manner set forth in his application and license.

Section 3-403. A transient photographer, within the meaning of this ordinance, is defined as one who has not been a continuous resident of the City of Ishpeming, Michigan, for at least one year prior to date of application and who engages in the business of photography by soliciting from house to house, from an office, room, hotel, store, home or in conjunction with any local bona fide photographer of the City of Ishpeming, Michigan. Said term "transient photographer" shall include any and all agents, solicitors, representatives and operators of such transient photographer whether or not they be resident of the City of Ishpeming, Michigan.

Section 3-404. Any transient photographer who shall establish himself with a regularly equipped photograph studio in a manner that indicates a permanent business, declaring intent to become a permanent resident of the City of Ishpeming, engaging in photography, shall deposit the sum of Five Hundred Dollars (\$500.00) as a cash bond with the City Clerk, subject to the provisions set forth in the preceding paragraphs but shall not be required to pay the stipulated license fee herein provided unless said photographer fails to maintain a regular place of business in the City of Ishpeming, Michigan, for one year, in which case a daily license fee provided for in this ordinance and set forth in the preceding section shall be deducted from the cash bond deposit of \$500.00.

Section 3-405. Violation of any of the provisions of this ordinance shall constitute a

municipal civil infraction. A person, firm or corporation determined to be responsible or responsible "with explanation" for a municipal civil infraction shall be subject to a civil fine of not more than One Hundred (\$100.00) Dollars plus costs, and if applicable, damages and expenses as provided by law. A municipal civil infraction action brought for any violation of this ordinance shall follow the procedures set forth in Act No. 12, P.A. 1994, as amended, and a Defendant charged with a municipal civil infraction violation shall have all of the rights, duties, responsibilities, and obligations set forth therein.

Section 3-406. The provisions of any ordinance of the City of Ishpeming in conflict herewith are hereby repealed.

Passed: February 6, 1957

Amended: June 8, 1994