ORDINANCE NO. 3-1200

AN ORDINANCE TO REGULATE THE ISSUANCE, DENIAL, AND REVOCATION
OF LICENSES FOR SECONDHAND DEALERS AND JUNK DEALERS

THE CITY OF ISHPEMING ORDAINS:

Section 1. Purpose. This Ordinance is enacted for the purpose of defining the powers of the Mayor of the City of Ishpeming and to establish standards for the issuance, denial, and revocation of a license under the provisions of M.C.L.A. §445.401, et. seq.

Section 2. Definitions. All terms used herein, unless otherwise indicated, shall have the same meaning as set forth in M.C.L.A. §445.401, et. seq., a statute regulating secondhand dealers and junk dealers.

Section 3. Application for Secondhand Dealer or Junk Dealer License. Every person, corporation, co-partnership, or firm required to be licensed under M.C.L.A. §445.401, et. seq., shall submit an application for a license to the Chief of Police of the City of Ishpeming. The application shall be signed by the applicant, and shall contain the following information, all of which shall be required before the application shall be considered administratively complete:

i)   Name of applicant.

ii)   Proof of name of applicant (if a corporation, proof of corporate existence from the State of Michigan); if an individual, a birth certificate or driver's license.

iii)   Copy of current driver's license of the applicant and every person with an ownership interest in the business, or other valid identification with a current photograph of the applicant and all owners. If the applicant is a co-partnership, a valid photographic identification shall be submitted for each partner.

iv)   The principal address of applicant. If the applicant is an individual, the home address of the applicant shall be disclosed.

v)   The address in the City of Ishpeming where applicant intends to do business.

Section 4. Application Fee. The initial application shall be accompanied by an application fee as set forth in the City's Annual Fee Schedule, to cover the reasonable costs of investigation of the applicant and issuance and administration of the license. Renewal applications shall be required one year from the date of issuance of the license with no charge.

Section 5. Background Check. Upon receipt of an administratively complete application and the application fee, the Chief of Police shall conduct a background check of the owner. The background check shall be completed within thirty (30) days after the date the application is filed and the application fee is paid to the Chief of Police.

Section 6. Grant or Denial of License.

a)   If the Chief of Police approves the application the Mayor shall grant the license. The license shall be for a period of one (1) year from the date of issuance, unless sooner revoked for cause, and is not transferable.

b)   If the report from the Chief of Police discloses that the application contains false, fraudulent or misleading information, or omits any material information, the Mayor shall deny issuance of a license.

Section 7. Revocation of License. The Mayor may revoke any license issued under the terms of this Ordinance if:

a)   The licensee or manager of the business or any employee of the business has failed to comply with any of the requirements of M.C.L.A. §445.404 or §445.405; or

b)   It is determined that at the time the application for the license was submitted, any information on the application was false, fraudulent, or misleading, or the application omitted any material information; or

c)   There is a material change in any of the information included in the application for the license, and the applicant fails to notify the Chief of Police of the City of Ishpeming, in writing, of such change within fifteen (15) days after the date the change becomes effective. A material change in any of the information in the application includes, but is not limited to, a change in ownership of the business or additional owner(s) coming into the business.

Section 8. Penalty. A person who submits false, fraudulent or misleading information on an application for a license hereunder, or who omits any material information from the license application, shall be subject to a municipal civil infraction with the fee as established by Council in the Annual Fee Schedule. Any penalty imposed under this Section 8 may be in addition to or in lieu of license revocation under Section 7 of this Ordinance.

Section 9. Cumulative Remedies. The City of Ishpeming may pursue license revocation or criminal penalties, or both, in the enforcement of this Ordinance.

Section 10. Effective date.

Every person engaged in the business of a secondhand dealer or junk dealer in the City of Ishpeming as of the effective date of this Ordinance, and thereafter, shall be required to obtain a license under this Ordinance and to comply with all the terms and provisions of this Ordinance after said effective date.

Adopted: July 9, 2008
Amended: August 6, 2008
Amended: September 3, 2008
Amended: February 6, 2019

CITY OF ISHPEMING

APPLICATION FORM FOR A LICENCE
FOR SECONDHAND DEALERS AND JUNK DEALERS

☐ *Initial Application-- Fee $100*
☐ *Yearly Renewal Application (no charge)*
Please print all information except where a signature is required.

1.   Name of Applicant. _____

2.   Type of Entity of Applicant (sole proprietorship, partnership, corporation, or LLC).

      _____

3.   Proof of Name of Applicant. (Attach copy of certificate of incorporation, partnership agreement, and assumed name certificate. If applicant is an individual, attach copy of driver's license.)

      _____
      (Identify type of proof being furnished)

4.   Proof of name and identity of every person having an ownership interest in the business. (Attach copies of driver's licenses or other current photographic identification for each owner.)

      _____

      _____
      (Identify type of proof being furnished for each owner)

5.   Principal address of Applicant (home address if an individual).

      _____

6.   Address of business to be located in the City of Ishpeming.

      _____

Date: _____   _____
                                     Signature of Applicant

                                     _____
                                     Printed Name of Person Signing Application

Date: _____   _____
                                     Signature of Applicant

                                     _____
                                     Printed Name of Person Signing Application