

## **CHAPTER 45: LICENSES**

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## **ARTICLE I: BILLIARD AND POOL TABLES, BOWLING ALLEYS AND ARCADES**

### Section

- 45.101 Title
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- 45.104 Exceptions
- 45.105 Application for license
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- 45.107 Investigation; issuance of license
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- 45.199 Penalty

### **§ 45.101 TITLE.**

Sections 45.102 through 45.112 of this Code, inclusive, will be known and cited as the “City of Clio Billiard and Pool Table, Bowling Alley and Arcade Regulations.”  
(Ord. 188, passed 2-1-82; amended by Codification Ordinance)

### **§ 45.102 LICENSE REQUIRED.**

It shall be unlawful for any person, persons, club, firm, partnership, corporation, organization, or association, except church or school organizations, to keep, for play, in any business or commercial establishment, any billiard and/or pool table, bowling alley, mechanical amusement device and/or technical game of skill and science, typical of penny arcades, within the limits of the city, without first obtaining a license therefor as hereinafter provided.  
(Ord. 188, passed 2-1-82; amended by Codification Ordinance)

### **§ 45.103 ZONING ORDINANCE USE RESTRICTIONS.**

No business or commercial establishment, other than a business or commercial establishment operating amusements as defined and permitted within the “C-2” Zoning Districts, being Section 11.01

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of City of Clio Zoning Ordinance No. 181, adopted June 1, 1981, and effective June 3, 1981, shall be permitted to keep for play, either as a principal use, or as use incidental, accessory, or subordinate to a principal use, more than two billiard and/or pool table(s), bowling alley(s), and mechanical amusement device(s) and/or technical game(s) of skill and science, or any combination thereof. Any business or commercial establishment operating more than two billiard and/or pool table(s), bowling alley(s), mechanical amusement device(s), and/or technical game(s) of skill and science, shall be deemed to be in violation of this article and City of Clio Zoning Ordinance No. 181, and subject to penalty for violation thereof as provided therein.

(Ord. 188, passed 2-1-82; amended by Codification Ordinance)

### **§ 45.104 EXCEPTIONS.**

This article shall not apply to billiard and/or pool table(s), mechanical amusement device(s) and/or technical game(s) of skill and science kept in private residences or kept by a church or school organization. For purposes of this article, *PRIVATE RESIDENCE* shall mean only such building or portion of a building used exclusively for dwelling or domestic living purposes.

(Ord. 188, passed 2-1-82; amended by Codification Ordinance)

### **§ 45.105 APPLICATION FOR LICENSE.**

Any person, persons, club, firm, partnership, corporation, organization, or association, except for church or school organizations desiring to keep or operate, for play, within any business or commercial establishment, any billiard and/or pool table(s), bowling alley(s), mechanical amusement device(s) and/or technical game(s) of skill and science, shall first make application for a license to the City Commission, in writing, on forms furnished by the city, setting forth the exact location of the business or commercial establishment wherein said billiard and/or pool table(s), bowling alley(s), mechanical amusement device(s) and/or technical game(s) of skill and science are to be located and the number of the same which said applicant intends to keep or operate.

(Ord. 188, passed 2-1-82; amended by Codification Ordinance)

### **§ 45.106 LICENSE FEES.**

A fee shall be charged as part of the application for license. The City Commission will establish a schedule of fees and a process for their collection; both may be changed from time to time. No action will be taken on any application until all applicable fees have been paid.

(Ord. 188, passed 2-1-82; amended by Codification Ordinance)

## **Billiard and Pool Tables, Bowling Alleys and Arcades**

### **§ 45.107 INVESTIGATION; ISSUANCE OF LICENSE.**

Upon filing the application hereinbefore provided, the same shall be referred to the Chief of Police, and if, after investigation by said Chief of Police, and any other investigation which the City Commission shall deem necessary, said Commission shall determine that said applicant is a fit and proper person to conduct said billiard and/or pool table(s), bowling alley(s), mechanical amusement device(s), and/or technical game(s) of skill and science, and said applicant has complied with all of the requirements of this article, then the City Commission shall authorize the City Clerk to issue said applicant a license, which shall expire on December 31 next, subsequent thereto, and in case the application of said applicant is denied, then the City Clerk shall return to said applicant all license fees which have been paid by applicant as hereinbefore provided.

(Ord. 188, passed 2-1-82; amended by Codification Ordinance)

### **§ 45.108 REVOCATION OF LICENSE.**

The application of any applicant for a license, as provided in this article, shall contain an agreement by said applicant, and all licenses issued in conformity with this article shall contain a provision, that said license may be revoked by a majority vote of the City Commission at any time the City Commission may deem or determine that said applicant is not a fit or proper person to keep billiard and/or pool table(s), bowling alley(s), mechanical amusement device(s), and/or technical game(s) of skill and science in a business or commercial establishment within the limits of the city, or that the place or room where said business is conducted is not being conducted in conformity with this article, and in case of revocation of said license, then said applicant or licensee shall forfeit any and all license fees paid under and by virtue of this article.

(Ord. 188, passed 2-1-82; amended by Codification Ordinance)

### **§ 45.109 HOURS OF PLAY RESTRICTED.**

No billiard and/or pool table(s), bowling alley(s), mechanical amusement device(s), and/or technical game(s) of skill and science, for which a license is required pursuant to the terms of this article, shall be used for play between the hours of 2:30 a.m. and 7:00 a.m. immediately following.

(Ord. 188, passed 2-1-82; amended by Codification Ordinance)

### **§ 45.110 RESTRICTIONS REGARDING MINORS UNDER 17.**

No minor child under 17 years of age shall be permitted during school hours, unless accompanied by a parent or guardian, to remain in any business or commercial establishment keeping billiard and/or pool table(s), bowling alley(s), mechanical amusement device(s), and/or technical game(s) of skill and

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science for use therein. Further, all curfew restrictions applicable to minor children under 17 years of age are hereby specifically deemed to apply to this article.

(Ord. 188, passed 2-1-82; amended by Codification Ordinance)

### **§ 45.111 DISPLAY OF LICENSE.**

Every licensee licensed under the provisions of this article shall display, in a conspicuous place within any room of said business establishment, his and/or her license from the city for keeping the same.

(Ord. 188, passed 2-1-82; amended by Codification Ordinance)

### **§ 45.112 FORFEITURE OF LICENSE.**

Any person or persons who shall be convicted of violating any of the provisions of this article shall thereupon, in addition to all the penalties herein provided, be subject to forfeiture of any license granted under the provisions hereof, and may thereupon become and be disqualified from thereafter holding a license under this article.

(Ord. 188, passed 2-1-82; amended by Codification Ordinance)

### **§ 45.199 VIOLATIONS; PENALTY.**

Any person, club, organization, association, partnership, firm or corporation who violates any provision of the City of Clio Billiard and Pool Table, Bowling Alley and Arcade Regulations shall be responsible for a municipal civil infraction and subject to the penalties and sanctions provided by this Code.

(Ord. 188, passed 2-1-82; amended by Codification Ordinance)

## ARTICLE II: ENTERTAINMENT

### Section

- 45.201 Title
- 45.202 Purpose
- 45.203 Definitions
- 45.204 License required
- 45.205 Application for license
- 45.206 Conditions of license
- 45.207 Exemptions
- 45.208 Revocation of license; abatement
  
- 45.299 Violations; penalties

### § 45.201 TITLE.

Sections 45.202 through 45.208 of this Code, inclusive, will be known and cited as the “City of Clio Entertainment Licensing Regulations.”  
(Ord. 267, passed 6-7-93; amended by Codification Ordinance)

### § 45.202 PURPOSE.

The purpose of this article is to protect the public morals of the residents of the city by regulating entertainment, by prohibiting certain types of entertainment, as to protect the public by establishing a registry of businesses offering entertainment within the city for police protection purposes, fire protection purposes, for the general information of the public and for the promotion of the city.  
(Ord. 267, passed 6-7-93; amended by Codification Ordinance)

### § 45.203 DEFINITIONS.

For the purpose of this article, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

***BUSINESS ESTABLISHMENT.*** A for-profit commercial establishment(s), including but not limited to establishment(s) licensed by the Michigan Liquor Control Commission for the sale of alcoholic beverages and establishments serving food for consumption on the premises.

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**ENTERTAINMENT.** This term means:

- (1) Special event pay per view closed circuit television;
- (2) Contests;
- (3) Dancers;
- (4) Dancing;
- (5) Dialogues;
- (6) Monologues;
- (7) Motion pictures, video films and video cassette tapes;
- (8) Music provided by live musicians or by electronic means previously recorded;
- (9) Still slides;
- (10) Vocalists, single and/or group.

**LICENSING AGENT.** The City Clerk or such other city official or employee as may be designated by resolution of the City Commission.

**NUDITY.** The exposure to the public view of a person's anus, genitals, pubic region, breasts and nipples, either by a person or persons present or by the showing of films, television, slides, or other electronic reproductions with less than a fully opaque complete covering.

**PERSON.** Any individual, partnership, association or corporation.

**PUBLIC VIEW.** Visible to a person present within a business establishment into which establishment a person may enter without charge, by the payment of a fee or charge, or by maintaining a membership which entitles the member to enter the establishment.  
(Ord. 267, passed 6-7-93; amended by Codification Ordinance)

### **§ 45.204 LICENSE REQUIRED.**

No person may commence or continue a business establishment offering entertainment, as herein defined, within the city without having first obtained a city license therefor as hereinafter provided and without maintaining such license in current effect during any business operation of activity.  
(Ord. 267, passed 6-7-93; amended by Codification Ordinance)

## **Entertainment**

### **§ 45.205 APPLICATION FOR LICENSE.**

No license to commence or continue a business shall be issued until the owner or operator thereof shall have first submitted an application to the licensing agent of the city on a form provided by the licensing agent for the such purposes. A fee shall be charged as part of the application for license. The City Commission will establish a schedule of fees and a process for their collection; both may be changed from time to time. Upon the filing of a properly completed application and upon payment of the fee, the licensing agent shall issue a license to the person to commence or continue the business designated in said application if the business complies with the terms of this article.

(Ord. 267, passed 6-7-93; amended by Codification Ordinance; Am. Ord. 419, passed 2-1-10)

### **§ 45.206 CONDITIONS OF LICENSE.**

(A) The license issued under this article shall be effective until January 1 of the succeeding year with renewals of the same to be issued upon application in the same manner as set forth herein for the original issuance of the license.

(B) No license shall be issued if:

(1) The business establishment would be illegal under any law or ordinance of the United States of America, the State of Michigan, County of Genesee or of the city.

(2) The business real estate or its goods, fixtures, equipment or inventory has any delinquent, unpaid real property taxes, personal property taxes, water bills, sewer connection fees, or sewer bills outstanding.

(3) The business building is in violation of the City Building Code.

(C) No license may be transferred by the holder to any other person except upon prior approval of the City Commission.

(D) The licensing agent shall have the right of inspection of the business premises to assure compliance with this article.

(Ord. 267, passed 6-7-93; amended by Codification Ordinance)

### **§ 45.207 EXEMPTIONS.**

No license shall be required of any political, charitable or religious establishment situated within the city. The provisions of this article are not applicable to any agent of the United States of America, the State of Michigan, or any political subdivision thereof.

(Ord. 267, passed 6-7-93; amended by Codification Ordinance)

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### **§ 45.208 REVOCATION OF PERMIT; ABATEMENT.**

(A) In the event of a violation of any provision of this article after a license has been issued, the license may be revoked by action of the City Commission following a public hearing.

(B) The violation of this article is hereby declared to be a public nuisance per se and a court of competent jurisdiction shall order the nuisance abated.

(Ord. 267, passed 6-7-93; amended by Codification Ordinance)

### **§ 45.299 VIOLATIONS; PENALTY.**

Any person, club, organization, association, partnership, firm or corporation, who violates any provision of the City of Clio Entertainment Licensing Regulations shall be responsible for a municipal civil infraction and subject to the penalties and sanctions provided by this Code.

(Ord. 267, passed 6-7-93; amended by Codification Ordinance)

### **ARTICLE III: GARAGE AND RUMMAGE SALES**

#### Section

- 45.301 Title
- 45.302 Definitions
- 45.303 Conditions for conducting rummage and garage sales
  
- 45.399 Violations; penalties

#### **§ 45.301 TITLE.**

Sections 45.302 and 45.303 of this Code will be known and cited as the “City of Clio Rummage Sale Regulations.”

(Ord. 267, passed 6-7-93; amended by Codification Ordinance)

#### **§ 45.302 DEFINITIONS.**

For the purpose of this article, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

***GARAGE SALES, YARD SALES, AND BASEMENT SALES.*** These terms shall have the same meaning or definition as “Rummage Sales.”

***RUMMAGE SALE.*** A sale or offering for sale of more than five items of new or used merchandise, clothing, household goods, or rummage on premises not zoned for such sale.

(Ord. 267, passed 6-7-93; amended by Codification Ordinance)

#### **§ 45.303 CONDITIONS FOR CONDUCTING RUMMAGE AND GARAGE SALES.**

It shall be unlawful for any person, firm, corporation or organization to conduct or operate a rummage sale, garage sale, yard sale, or basement sale in the city, unless all of the following conditions are met:

(A) Such sale shall be conducted only by the owners or occupants of the premises on which the sale is located, or by a church, charitable organization or service club with the written consent of the owners or occupants of the premises.

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(B) Such sale shall be discontinued at the end of the eighth calendar day following the date that the sale was commenced, regardless of whether or not the sale was operated continuously or on consecutive days.

(C) No signs advertising such sale shall be posted except upon the premises where the sale is being conducted.

(D) Not more than two such sales shall be conducted on any particular premises in any calendar year.

(E) No person, firm, corporation or organization shall commence such sale until a permit for same has been obtained from the City Clerk on forms provided by the city.  
(Ord. 267, passed 6-7-93; amended by Codification Ordinance)

### **§ 45.399 VIOLATIONS; PENALTY.**

Any person, club, organization, association, partnership, firm or corporation, who violates any provision of the City of Clio Entertainment Licensing Regulations shall be responsible for a municipal civil infraction and subject to the penalties and sanctions provided by this Code.  
(Ord. 267, passed 6-7-93; amended by Codification Ordinance)

## **ARTICLE IV: OUTDOOR AMUSEMENTS AND ENTERTAINMENT**

### Section

- 45.401 Title
- 45.402 Registration and permit required
- 45.403 Insurance coverage required
- 45.404 Application for permit
- 45.405 Investigation and issuance
- 45.406 Revocation of permit
- 45.407 Permit not transferrable
- 45.408 Appeal
  
- 45.499 Violations; penalties

### **§ 45.401 TITLE.**

Sections 45.402 through 45.408 of this Code, inclusive, will be known and cited as the “City of Clio Outdoor Amusements and Entertainment Regulations.”  
(Ord. 195, passed 2-7-83; amended by Codification Ordinance)

### **§ 45.402 REGISTRATION AND PERMIT REQUIRED.**

No person, firm, club, organization, church, or corporation will engage in the business of offering a public amusement, entertainment, exhibition or performance out of doors on private property within the corporate limits of the city without having obtained a permit therefor from the City of Clio in compliance with the provisions of these regulations.  
(Ord. 195, passed 2-7-83; amended by Codification Ordinance)

### **§ 45.403 INSURANCE COVERAGE REQUIRED.**

(A) The applicant will enclose with the application evidence that he or she has secured public liability insurance coverage from a company or companies approved by the State of Michigan Commission of Insurance and naming the city as one of the protected parties with policy limits as follows:

- (1) Property damage: \$100,000.

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(2) Bodily injury.

(a) One person: \$300,000.

(b) One occurrence: \$1,000,000.

(B) Said insurance shall insure applicant, his employees, and agents, against liability for death or injury to persons or damages to property which may result from the conduct of such business, which policy or policies shall remain in full force and effect in the specified amounts during the term of the permit.

(Ord. 195, passed 2-7-83; amended by Codification Ordinance)

### **§ 45.404 APPLICATION FOR PERMIT.**

Applicant shall submit an application not less than 30 days prior to the proposed commencement of such business showing that provisions have been made during the proposed times of the activity for:

(A) Adequate security and traffic control;

(B) Adequate cleanup of all rubbish, papers and garbage from the site, including papers and rubbish blown from the activity site upon adjacent public or private lands;

(C) Adequate pollution control and self-contained public sanitary facilities;

(D) The hours of such activity shall be limited to:

(1) Sunday through Thursday, 10:00 a.m. to 10:00 p.m., with the grounds cleared of all persons by 11:00 p.m.

(2) Friday and Saturday, 10:00 a.m. to 12:00 midnight, with the grounds cleared of all persons by 1:00 a.m.

(E) Adequate off-street parking facilities sufficient to accommodate all persons to be admitted to the place of business based on the maximum capacity specified in the application.

(Ord. 195, passed 2-7-83; amended by Codification Ordinance)

### **§ 45.405 INVESTIGATION AND ISSUANCE.**

(A) The city will review the application against the standards of § 45.404 of this code, the City of Clio Zoning Ordinance, other applicable city regulations, county ordinances and state statutes and

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approve or deny the application accordingly. If the city has not approved or denied the application by the thirty-first day after receiving it, the application will be deemed approved.

(B) If the permit is denied, the city will provide the applicant with the reason(s) in writing by first class mail or by personal service.

(C) In granting the permit, the city may attach any conditions or requirements it deems necessary to protect the public health, safety, morals and general welfare of the city and its inhabitants

(D) Permit holder shall not admit to his premises any person who is then under the influence of intoxicating beverages or of drugs, nor shall he knowingly permit the possession, sale or consumption of intoxicating beverages, narcotics or hallucinogenic drugs on his business premises, except the possession, sale or consumption of intoxicating beverages on appropriately licensed premises.

(E) Permit holder shall so conduct his business that it shall not give rise to a nuisance of noise, smoke, vibration, odor or dust.

(F) Permit holder shall insure that sound producing equipment, including but not limited to, public address systems, radios, phonographs, musical instruments and other recording devices, shall not be operated on the premises of the assembly so as to be unreasonably loud or raucous, or so as to be a nuisance or disturbance to the peace and tranquility of the citizens of the city.

(G) Permit holder shall post a copy of his permit in his place of business in a location where it can be easily seen and read.

(H) City Commission may establish a fee for such permit.  
(Ord. 195, passed 2-7-83; amended by Codification Ordinance)

### **§ 45.406 REVOCATION OF PERMIT.**

Permits issued under the provisions of these regulations may be revoked by the city upon a finding that one or more of the following has occurred:

(A) Fraud, misrepresentation or false statement contained in the application for permit under this article;

(B) Any violation of the provisions of this article or of any requirement imposed by the Building Inspector upon which the issuance of said permit is conditioned; or

(C) Conducting business in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety or general welfare of the public.  
(Ord. 195, passed 2-7-83; amended by Codification Ordinance)

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### **§ 45.407 PERMIT NOT TRANSFERRABLE.**

No permit issued under these regulations will be transferred to any other person, club, organization, association, partnership, firm or corporation.

(Ord. 195, passed 2-7-83; amended by Codification Ordinance)

### **§ 45.408 APPEAL.**

(A) Any person, club, organization, association, partnership, firm or corporation aggrieved by an action of the city under these regulations may appeal such action to the City Commission. If an appeal is taken, it must be taken within seven days of receipt of the notice or of the action of the official, department or board of the city giving rise to the appeal.

(B) The hearing will take place at the next City Commission meeting following submission of such appeal with the City Clerk or at a specially called meeting of the City Commission. The City Clerk will send by first class mail or deliver by personal service a notice or confirmation of the hearing to the appellant at the address shown on the application for permit at least 18 hours before the meeting at which the appeal will be heard.

(C) The decision and order of the City Commission on such appeal will be final and conclusive. The city will send by first mail or deliver by personal service written confirmation of the decision and order within seven days of the meeting at the City Commission made the decision and order.

(Ord. 195, passed 2-7-83; amended by Codification Ordinance)

### **§ 45.499 VIOLATIONS; PENALTY.**

Any person, club, organization, association, partnership, firm or corporation, who violates any provision of the City of Clio Outdoor Amusements and Entertainment Regulations shall be responsible for a municipal civil infraction and subject to the penalties and sanctions provided by this Code.

(Ord. 267, passed 6-7-93; amended by Codification Ordinance)

## **ARTICLE V: PAWNBROKERS**

### Section

- 45.501 Title
- 45.502 Legal basis
- 45.503 Definitions
- 45.504 Pawnbroker's application and license; appeal; issuance; contents; term; transferability; fee; bond
- 45.505 Action on bond
- 45.506 Record of property received; contents; inspections
- 45.507 Statement to police of property received; contents
- 45.508 Memorandum of pawn for purchaser; contents; interest on certain loans
- 45.509 Loan interest rates and similar provisions
- 45.510 Sale of pawned property at public auction; time, place, notice, affidavit of publication of notice
- 45.511 Tender of debt and costs before sale; effect on right to property
- 45.512 Disposition of surplus resulting from sale
- 45.513 Destruction of or defacing pawned property
- 45.514 Acceptance of property from posted person or one under certain age
- 45.515 Transaction of business on Sunday
- 45.516 Taking thumb prints of persons from whom property received; forwarding copies and statement to local and state police
  
- 45.599 Violations; penalties

### **§ 45.501 TITLE.**

Sections 45.502 through 45.516 of this Code, inclusive, will be known and cited as the "City of Clio Pawnbroker Regulations."

(Ord. 173, passed 7-7-80; amended by Codification Ordinance)

### **§ 45.502 LEGAL BASIS.**

These regulations are enacted in accordance with M.C.L.A. §§ 446.201 *et seq.* and M.C.L.A. §§ 445.471 *et seq.*, as amended and regulated and promulgated thereunder.

(Ord. 173, passed 7-7-80; amended by Codification Ordinance)

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### **§ 45.503 DEFINITIONS.**

For the purpose of this article, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

***PAWNBROKER.*** Any person, corporation or member, or members of a copartnership or firm, who loans money on deposit, or pledge of personal property, or other valuable thing, other than securities or printed evidence of indebtedness, or who deals in the purchasing of personal property or other valuable thing on condition of selling the same back again at a stipulated price.

(M.C.L.A. § 446.203) (Ord. 173, passed 7-7-80; amended by Codification Ordinance)

### **§ 45.504 PAWNBROKER'S APPLICATION AND LICENSE; APPEAL; ISSUANCE; CONTENTS; TERM; TRANSFERABILITY; FEE; BOND.**

(A) Upon making an application for a pawnbroker's license, the city will review the application and render a decision within 45 days of its receipt. If the city has not rendered a decision by the forty-sixth day after receiving it, the application shall be deemed to be approved. If denied, the applicant will be given the reason(s) for denial in writing and sent by first class or delivered by personal service to the address on the application.

(B) Any applicant aggrieved by the denial of a pawnbroker's license may appeal such action to the City Commission. If an appeal is taken, it must be taken within 21 days of receipt of the denial. The hearing will take place at a City Commission meeting following submission of such appeal with the City Clerk. The City Clerk will post the hearing notice and send by first class mail or deliver by personal service a copy of the notice of the hearing to the appellant at the address shown on the application for permit at least five days before the meeting at which the appeal will be heard. The decision and order of the City Commission on such appeal will be final and conclusive. The city will send by first mail or deliver by personal service written confirmation of the decision and order within seven days of the meeting at which the City Commission made the decision and order.

(C) The license will designate the premises on which the pawnbroker may conduct business. The licence will be valid for one year from issuance by the City Clerk unless revoked for cause following a hearing by the City Commission under its rules of procedure. The license is not transferable.

(D) Before any license is issued the licensee, in the corporate name, will give the city a bond in a penal sum of \$5,000, with at least two sureties, to be approved by the city, conditioned on the faithful performance of the duties and obligations pertaining to the business.

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(E) The City Commission will establish a schedule of fees and charges for accepting applications and appeals and issuing licenses and a process for their collection; both may be changed from time to time. No action will be taken on any application, appeal or license until all applicable fees have been paid.

(M.C.L.A. § 446.202) (Ord. 173, passed 7-7-80; amended by Codification Ordinance)

### **§ 45.505 ACTION ON BOND.**

If any person shall be aggrieved by the conduct of any such licensed pawnbroker, and shall recover judgment against him therefor, such person may after the return unsatisfied, either in whole or in part, of any execution issued upon said judgment, maintain an action in his own name upon the bond of the said pawnbroker in any court having jurisdiction of the amount of said judgment remaining unsatisfied.

(M.C.L.A. § 446.204) (Ord. 173, passed 7-7-80; amended by Codification Ordinance)

### **§ 45.506 RECORD OF PROPERTY RECEIVED; CONTENTS; INSPECTIONS.**

Every such pawnbroker shall keep a book to be inspected by the Chief of Police, in which shall be written in English, at the time he shall receive any article of personal property, or other valuable thing by way of pledge or pawn, a description of such article, the amount of money loaned thereon, the rate of interest to be paid on such loan, the name, residence and general description of the person from whom, and the day and hour when such property was received; and such book, and the place where such business is carried on, and all articles of property therein, shall be subject to examination at any time by the City Commission, City Attorney, or police officers of the city, or by the prosecuting attorney or the sheriff or other police officer of the County of Genesee and the State of Michigan.

(M.C.L.A. § 446.205) (Ord. 173, passed 7-7-80; amended by Codification Ordinance)

### **§ 45.507 STATEMENT TO POLICE OF PROPERTY RECEIVED; CONTENTS.**

Every such pawnbroker shall make daily, except Sunday, a sworn statement of his transactions, describing the goods or pledge received, and setting forth the name, residence and description of the person from whom the goods or pledge were received, to the Chief of Police of the city.

(M.C.L.A. § 446.206) (Ord. 173, passed 7-7-80; amended by Codification Ordinance)

### **§ 45.508 MEMORANDUM OF PAWN FOR PURCHASER; CONTENTS; INTEREST ON CERTAIN LOANS.**

A pawnbroker, at the time of such loan, shall deliver to the person pawning or pledging any goods, article or thing, a memorandum or note signed by him, containing the substance of the entry required to be made by him in his book by § 45.507. No charge shall be made or received by any pawnbroker

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for any such entry, memorandum or note. The memorandum or note shall be consecutively numbered and upon its back shall be printed in English in type as large as that in which the public acts of this state are printed, the following words: "If interest or charges in excess of 3% per month, plus storage charges hereinafter provided, are asked or received, this loan is void and of no effect; and the borrower cannot be made to pay back the money loaned or any interest, or any charges or any part thereof, and the pawnbroker loses all right to the possession of the goods, article or thing pawned, and shall surrender the same to the borrower or pawner upon due demand therefor."

(M.C.L.A. § 446.208) (Ord. 173, passed 7-7-80; amended by Codification Ordinance)

### **§ 45.509 LOAN INTEREST RATES AND SIMILAR PROVISIONS.**

(A) A licensed pawnbroker may charge upon any loan a rate of interest not to exceed 3% per month and is not required to accept any interest less than \$.50 on a single loan.

(B) A pawnbroker may also charge \$1.00 per month or fraction of a month for the storage of property under any single pledge or pawn.

(C) A pawnbroker or the pawnbroker's agent or employee shall not charge or receive interest on the loan in excess of the amounts provided for in this section.

(D) Interest on any loan is not payable in advance and shall be computed on unpaid monthly balances without compounding.

(E) A pawnbroker is not entitled to any examination fee and shall not make any charge in excess of the amounts provided for in this section.

(M.C.L.A. § 446.209) (Codification Ordinance)

### **§ 45.510 SALE OF PAWNED PROPERTY AT PUBLIC AUCTION; TIME, PLACE, NOTICE, AFFIDAVIT OF PUBLICATION OF NOTICE.**

No pawnbroker shall sell any pawn or pledge until the same shall have remained six months in his possession, and all such sales shall be at public auction to the highest bidder, and not otherwise. Such sale shall be held under the direction and control of the pawnbroker and in his regularly established place of business. Notice of such sale shall be published for at least six days previous thereto in one of the daily newspapers to be designated by the mayor of the city, published in English, in the city; provided, that if there be no daily newspaper in the city, said notice shall be published at least two successive weeks, in a weekly newspaper, to be designated by the Mayor, published in English, in the city. Such notice shall specify the time and place at which such sale is to take place and by whom it is to be conducted, and shall contain the same description of the articles or goods to be sold as was given in the memorandum or note delivered to the pawner under § 45.508, and shall give the number of such memorandum or note. An affidavit of the printer of such paper or of his foreman, or his principal clerk,

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annexed to a printed copy of such notice taken from the paper in which it was published and specifying the times when and papers in which it was published, shall be filed after the last day of such publication and before the day fixed for such sale with the County Clerk of Genesee County. Such affidavit shall be kept in the office of the Genesee County Clerk as a public document, and open to the inspection of any person.

(M.C.L.A. § 446.210) (Ord. 173, passed 7-7-80; amended by Codification Ordinance)

### **§ 45.511 TENDER OF DEBT AND COSTS BEFORE SALE; EFFECT ON RIGHT TO PROPERTY.**

The borrower, at any time prior to the sale, may pay or tender to the pawnbroker the debt and interest and charges thereon, together with the cost of advertising the sale, if the sale has been advertised. The payment or tender shall reinvest the pawner with the title and right of possession to the property pledged.

(M.C.L.A. § 446.211) (Ord. 173, passed 7-7-80; amended by Codification Ordinance)

### **§ 45.512 DISPOSITION OF SURPLUS RESULTING FROM SALE.**

The surplus money, if any, arising from the sale, after deducting the amount of the loan, the interest and charges then due on the same, and the expense of advertising, shall be paid by the pawnbroker to the person who would be entitled to redeem the pledge or pawn if no sale had taken place.

(M.C.L.A. § 446.212) (Ord. 173, passed 7-7-80; amended by Codification Ordinance)

### **§ 45.513 DESTRUCTION OF OR DEFACING PAWNED PROPERTY.**

No pawnbroker shall deface, scratch, obliterate, melt, separate or break into parts any particle or thing received by him in pawn or otherwise, or in any manner do, cause or suffer to be done by others, anything which shall destroy or tend to destroy the identity of such article or render the identification thereof more difficult.

(M.C.L.A. § 446.213) (Ord. 173, passed 7-7-80; amended by Codification Ordinance)

### **§ 45.514 ACCEPTANCE OF PROPERTY FROM POSTED PERSON OR ONE UNDER CERTAIN AGE.**

No pawnbroker shall receive any pledge, pawn, articles, or thing whatever from any person after receiving from any one of the officers mentioned in § 45.506, or the parent or guardian of any minor or person of unsound mind, written notice that such person is a minor, or is of unsound mind, or neglects all lawful business, or that he habitually spends his time in frequenting houses of ill-fame, gambling houses, or tippling houses, or that from drinking, gaming, idleness, or debauchery of any kind

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he is squandering his earnings or wasting his estate, or that he is likely to bring himself or family to want or to render himself or family a public charge, or that he is suspected of thievery. No pawnbroker shall receive any pawn from any person under 18 years of age.

(M.C.L.A. § 446.214) (Ord. 173, passed 7-7-80; amended by Codification Ordinance)

### **§ 45.515 TRANSACTION OF BUSINESS ON SUNDAY.**

No license granted under the provisions of these regulations shall authorize any business to be transacted by pawnbrokers on the first day of the week, commonly known as Sunday.

(M.C.L.A. § 446.215) (Ord. 173, passed 7-7-80; amended by Codification Ordinance)

### **§ 45.516 TAKING THUMB PRINTS OF PERSONS FROM WHOM PROPERTY RECEIVED; FORWARDING COPIES AND STATEMENT TO LOCAL AND STATE POLICE.**

At the same time any pawnbroker, second-hand dealer or junk dealer in this state shall receive any article of personal property, or other valuable thing, by way of pledge or pawn, or shall acquire or purchase any article of personal property, or other valuable thing, except new articles, wares, or merchandise purchased at wholesale from manufacturers, wholesale distributors or jobbers for retail sales to customers, except also motor vehicles, old rags, waste paper, books, magazines, tapestries, antiques, and household furniture, he shall take in duplicate the legible imprint of the right thumb of the person from whom such property was received, or if that be not possible, of the left thumb or some other finger of such person. Such fingerprint shall be taken under such rules and regulations as prescribed by the Commissioner of the Michigan State Police. One copy shall be forwarded within 48 hours to the Chief of Police, together with a statement of the nature of the property received. The second copy shall be forwarded within 48 hours, together with a statement of the nature of the property received, to the Commissioner of the Michigan State Police in East Lansing.

(M.C.L.A. § 445.472) (Ord. 173, passed 7-7-80; amended by Codification Ordinance)

### **§ 45.599 VIOLATIONS; PENALTY.**

Any person who shall violate any of the provisions of this chapter, whether as owner, or as clerk, agent, servant or employee, shall be guilty of a misdemeanor and upon conviction thereof in any court of competent jurisdiction be fined not less than \$25 nor more than \$100, or by imprisonment in the county jail not less than ten days nor more than three months, or by both such fine and imprisonment in the discretion of the court.

(M.C.L.A. § 446.218) (Ord. 173, passed 7-7-80; amended by Codification Ordinance)

## ARTICLE VI: SOLICITORS AND CANVASSERS

### Section

- 45.601 Title
- 45.602 Registration and permit required
- 45.603 Definitions
- 45.604 Applications and permit fees
- 45.605 Investigation and issuance
- 45.606 Exhibition of permit
- 45.607 Records
- 45.608 Revocation of permit
- 45.609 Appeal
  
- 45.699 Violations; penalties

### § 45.601 TITLE.

Sections 45.602 through 45.609 of this Code, inclusive, will be known and cited as the “City of Clio Solicitors and Canvassers Regulations.”  
(Ord. 184, passed 9-21-81; amended by Codification Ordinance)

### § 45.602 REGISTRATION AND PERMIT REQUIRED.

No person shall solicit or canvass in residential districts of the city as determined by the City of Clio Zoning Ordinance without first having registered for and obtained a permit pursuant to these regulations.  
(Ord. 184, passed 9-21-81; amended by Codification Ordinance)

### § 45.603 DEFINITIONS.

For the purpose of this article, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**CANVASSER** or **SOLICITOR**. Any individual, whether resident of the city or not, traveling either by foot, wagon, automobile, motor truck, or any other type of conveyance, from place to place, from house to house, or from residence to residence, taking or attempting to take orders for sale of goods, wares, and merchandise, or personal property of any nature whatsoever, for future delivery, or for

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services to be furnished or performed in the future, whether or not such individual has, carries, or exposes for sale a sample of the subject of such sale, or whether he is collecting advance payments on such sales or not; provided that such definition shall include any person who, for himself or for another person, firm, or corporation, hires, leases, uses, or occupies any building, structure, tent, railroad box car, boat, hotel room, lodging house, apartment, shop, or any other place within the city for the sole purpose of exhibiting samples and taking orders for future delivery. This definition shall not include any person soliciting for donations or contributions for the benefit of any established society, labor union, association, or corporation that is organized and operated exclusively for educational, philanthropic, benevolent, fraternal, charitable or reformatory purpose, not operated for pecuniary profits. (Ord. 184, passed 9-21-81; amended by Codification Ordinance)

### **§ 45.604 APPLICATIONS AND LICENSE FEES.**

Applicants for permits under these regulations must register with the City Clerk by filing a sworn statement attesting to the following information which must be furnished by said application:

(A) Name and description of the applicant, including

(1) Permanent name and address and a local address, if not one in the same.

(2) A social security number and driver's license number.

(3) Other identification necessary to ascertain that the city is not giving a permit to a company who hires unauthorized aliens in defiance of Federal law.

(B) Name and identification of anyone else soliciting or canvassing within the city.

(C) A description of all vehicles used in connection with the applicant.

(D) A brief description of the nature of the business and the goods to be sold.

(E) The name address of the employer, if goods are sold, together with credentials establishing the relationship or the sponsoring organization, if soliciting for donations.

(F) The length of time for which the applicant seeks the right to do business or to solicit donations within the city.

(G) The place where the goods or property proposed to be sold, or orders taken for the sale thereof, are manufactured or produced, where such goods or products are located at the time the application is filed, and the proposed method of delivery.

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(H) A fee shall be charged as part of the application for license. The City Commission will establish a schedule of fees and a process for their collection; both may be changed from time to time. Such fee shall be waived for not-for-profit groups and for such other groups or persons as provided for by state statute.

(Ord. 184, passed 9-21-81; amended by Ord. 281, passed - - , by Codification Ordinance; Am. Ord. 420, passed 2-1-10)

### § 45.605 INVESTIGATION AND ISSUANCE.

(A) Upon making an application for a solicitor's permit, the city will review the application and render a decision within five business days of its receipt. If the city has not rendered a decision by the sixth business day after receiving it, the application shall be deemed to be approved. If denied, the applicant will be given the reason(s) for denial in writing sent by first class or delivered by personal service to the local address on the application.

(B) The application will be forwarded to the Clio Police Department for verification of the information supplied on the application.

(C) No permit will be issued to anyone on the application who has been convicted in the last five years of fraud or misrepresentation or of any crimes against people or who has a record of poor business responsibility.

(D) Upon receiving a positive report from the Clio Police Department, the City Clerk will issue one or more solicitor's permit to the name(s) on the application.

(Ord. 184, passed 9-21-81; amended by Codification Ordinance)

### § 45.606 EXHIBITION OF PERMIT.

(A) A badge, supplied by the city, will be worn prominently on the outer clothing and displayed to the general public to see at all times that a solicitation is being made by the applicant or the applicant's agents under the terms of the permit.

(B) Solicitors and canvassers are required to show their permits at the request of any citizen.

(Ord. 184, passed 9-21-81; amended by Codification Ordinance)

### § 45.607 RECORDS.

The Chief of Police shall report to the City Clerk all convictions for violation of this article and the City Clerk shall maintain a record for each permit issued and record the reports of violation therein.

(Ord. 184, passed 9-21-81; amended by Codification Ordinance)

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### **§ 45.608 REVOCATION OF LICENSE.**

Permits issued under the provisions of these regulations may be revoked by the City Clerk upon finding that one or more of the following occurred:

(A) Fraud, misrepresentation, or false statement made in the course of carrying on his business as solicitor or as canvasser;

(B) Fraud, misrepresentation, or false statement contained in the application for license;

(C) Any violation of this article;

(D) Conducting the business of soliciting, or of canvassing in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety, or general welfare of the public; or

(E) Furnishing a quality of goods or workmanship which is unsatisfactory, or failing to furnish any goods or services ordered in compliance with such order.

(Ord. 184, passed 9-21-81; amended by Codification Ordinance)

### **§ 45.609 APPEAL.**

Any person aggrieved by an action of the city has the right to appeal to the City Commission. If an appeal is taken, it must be taken within 14 days of the action being appealed. The hearing will take place at a City Commission meeting following submission of such appeal with the City Clerk. The City Clerk will post the hearing notice and send by first class mail or deliver by personal service a copy of the notice of the hearing to the appellant at the address shown on the application for permit at least five days before the meeting at which the appeal will be heard. The decision and order of the City Commission on such appeal will be final and conclusive. The city will send by first mail or deliver by personal service written confirmation of the decision and order within seven days of the meeting at the City Commission made the decision and order.

(Ord. 184, passed 9-21-81; amended by Codification Ordinance)

### **§ 45.699 VIOLATIONS; PENALTY.**

Any person, club, organization, association, partnership, firm or corporation, who violates any provision of the City of Clio Solicitors and Canvassers Regulations shall be responsible for a municipal civil infraction and subject to the penalties and sanctions provided by this Code.

(Ord. 184, passed 9-21-81; amended by Codification Ordinance)

## ARTICLE VII: MULTICHANNEL VIDEO SYSTEMS

### Section

45.701 Regulations

45.702 Definitions

### § 45.701 REGULATIONS.

(A) No person may construct a multichannel video system in the city to provide multichannel video service in the city without first obtaining from the city a franchise authorizing the construction of such a system.

(B) No multichannel video provider may provide multichannel video service to any person in the city unless a franchise from the city authorizing same is in full force and effect at all times while such service is being provided.

(C) To provide persons in the city with competition and a choice in multichannel video service, multichannel video providers (other than “cable operators” and “open video system operators”, as defined in § 45.702) providing multichannel video service in the city shall make up to two-thirds of the channels on their system available for the carriage of programming from other video programming providers in accordance with the principles and procedures established by the Federal Communications Commission for the carriage of such programming by open video system operators.

(Ord. 309, passed 4-17-00)

### § 45.702 DEFINITIONS.

#### *CONSTRUCT.*

(1) The installation of lines, fibers, or facilities that are in or cross any of the streets, highways or public rights of way within the city for use as part of a multichannel video system; or

(2) The connection of other facilities directly or indirectly to previously existing lines, fibers or facilities that are in or cross any of the streets, highways or public rights of way within the city for use as part of a multichannel video system.

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***MULTICHANNEL VIDEO PROVIDER.*** A person who meets one or more of the following tests:

(1) The person is a “cable operator”, as such term is defined in Title VI of the Federal Communications Act of 1934, being 47 U.S.C. §§ 521 et seq., or is otherwise required to obtain a “franchise” as such term is defined in such Act.

(2) The person is an “open video system operator”, as such term is defined under Title VI of the Federal Communications Act of 1934 and implementing regulations.

(3) The person provides multichannel video service, where such service is transmitted in whole or in part via wires or lines that are in or cross any of the streets, highways or public rights of way within the city. This subsection shall apply whether the provider owns, leases or otherwise obtains the right to use such wires or lines including wires or lines of a telecommunications provider used pursuant to tariff or otherwise for such purpose.

(4) The person provides multichannel video service and is otherwise required to obtain a franchise or similar approval under the City Charter, state law or federal law.

***MULTICHANNEL VIDEO SERVICE.*** Multiple channels of video programming where some or all of the video programming is generally considered comparable to programming provided by a television broadcast station. Multichannel cable video service specifically includes, but is not limited to, “cable service”, as such term is defined in Title VI of the Federal Communications Act of 1934.

***MULTICHANNEL VIDEO SYSTEM.*** Includes all of the following:

(1) A “cable system”, as such term is defined in Title VI of the Federal Communications Act of 1934;

(2) An “open video system”, as such term is defined under Title VI of the Federal Communications Act of 1934 and implementing regulations;

(3) A system which provides multichannel video service, where such service is transmitted in whole or in part via wires or lines that are in or cross any streets, highways or public rights of way within the city. This subsection shall apply whether the provider owns, leases or otherwise obtains the right to use such wires or lines, including wires or lines of a telecommunications provider used pursuant to tariff or otherwise for such purpose; and

(4) Any other system providing multichannel video service within the city where under applicable law a franchise or similar permission or approval from the city is required.

***PERSON.*** Individuals, corporations, partnerships, limited liability corporations, limited liability partnerships and any other form of legal entity.

(Ord. 309, passed 4-17-00)

## ARTICLE VIII: TELECOMMUNICATIONS PROVIDERS

### Section

- 45.801 Purpose
- 45.802 Conflict
- 45.803 Definitions
- 45.804 Permit required
- 45.805 Issuance of permit
- 45.806 Construction/engineering permit
- 45.807 Conduit or utility poles
- 45.808 Route maps
- 45.809 Repair of damage
- 45.810 Establishment and payment of maintenance fee
- 45.811 Modification of existing fees
- 45.812 Savings clause
- 45.813 Use of funds
- 45.814 Annual report
- 45.815 Cable television operators
- 45.816 Existing rights
- 45.817 Compliance
- 45.818 Reservation of police powers
- 45.819 Authorized city officials
  
- 45.899 Violation; penalty

### § 45.801 PURPOSE.

The purposes of this chapter are to regulate access to and ongoing use of public rights-of-way by telecommunications providers for their telecommunications facilities while protecting the public health, safety, and welfare and exercising reasonable control of the public rights-of-way in compliance with the Metropolitan Extension Telecommunications Rights-of-Way Oversight Act, being M.C.L.A §§ 484.3101 *et seq.* and other applicable law, and to ensure that the city qualifies for distribution under M.C.L.A §§ 484.3101 *et seq.* by modifying the fees charged to providers and complying with M.C.L.A §§ 484.3101 *et seq.*

(Ord. 346, passed 10-7-02)

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### § 45.802 CONFLICT.

Nothing in this chapter shall be construed in such a manner as to conflict with M.C.L.A §§ 484.3101 *et seq.* or other applicable law.  
(Ord. 346, passed 10-7-02)

### § 45.803 DEFINITIONS.

(A) For the purposes of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**ACT.** The Metropolitan Extension Telecommunications Rights-of-Way Oversight Act, being M.C.L.A §§ 484.3101 *et seq.*, as amended from time to time.

**CITY.** The City of Clio, Michigan.

**CITY ADMINISTRATOR.** The City Administrator or Manager or his or her designee.

**CITY COMMISSION.** The City Commission of the city or its designee. This section does not authorize delegation of any decision or function that is required by law to be made by the City Commission.

**PERMIT.** A non-exclusive permit issued pursuant to the Act and this chapter to a telecommunications provider to use the public rights-of-way in the city for its telecommunications facilities.

(B) All other terms used in this chapter shall have the same meaning as defined or as provided in the Act, including without limitation the following:

**AUTHORITY.** The Metropolitan Extension Telecommunications Rights-of-Way Oversight Authority created pursuant to M.C.L.A. § 484.3103.

**MPSC.** The Michigan Public Service Commission in the Department of Consumer and Industry Services, and shall have the same meaning as the term **COMMISSION** in the Act.

**PERSON.** An individual, corporation, partnership, association, governmental entity, or any other legal entity.

**PUBLIC RIGHT-OF-WAY.** The area on, below, or above a public roadway, highway, street, alley, easement or waterway. **PUBLIC RIGHT-OF-WAY** does not include a federal, state, or private right-of-way.

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**TELECOMMUNICATIONS FACILITIES or FACILITIES.** The equipment or personal property, such as copper and fiber cables, lines, wires, switches, conduits, pipes, and sheaths, which are used to or can generate, receive, transmit, carry, amplify, or provide telecommunications services or signals. **TELECOMMUNICATIONS FACILITIES or FACILITIES** do not include antennas, supporting structures for antennas, equipment shelters or houses, and any ancillary equipment and miscellaneous hardware used to provide federally licensed commercial mobile service as defined in Section 332(d) of Part I of Title III of the Communications Act of 1934, Chapter 652, 48 Stat. 1064, 47 U.S.C. 332 and further defined as commercial mobile radio service in 47 CFR 20.3 and service provided by any wireless, two-way communication device.

**TELECOMMUNICATIONS PROVIDER, PROVIDER and TELECOMMUNICATIONS SERVICES.** Those terms as defined in M.C.L.A. § 484.2102. **TELECOMMUNICATIONS PROVIDER** does not include a person or an affiliate of that person when providing a federally licensed commercial mobile radio service, as defined in Section 332(d) of Part I of the Communications Act of 1934, Chapter 652, 48 Stat. 1064, 47 U.S.C. 332 and further defined as commercial mobile radio service in 47 CFR 20.3, or service provided by any wireless, two-way communication device. For the purpose of the Act and this chapter, a **PROVIDER** also includes all of the following:

(a) A cable television operator that provides a telecommunications service.

(b) Except as otherwise provided by the Act, a person who owns telecommunication facilities located within a public right-of-way.

(c) A person providing broadband internet transport access service.

(Ord. 346, passed 10-7-02)

### § 45.804 PERMIT REQUIRED.

(A) *Permit required.* Except as otherwise provided in the Act, a telecommunications provider using or seeking to use public rights-of-way in the city for its telecommunications facilities shall apply for and obtain a permit pursuant to this chapter.

(B) *Application.* Telecommunications providers shall apply for a permit on an application form approved by the MPSC in accordance with M.C.L.A. § 484.3106(1). A telecommunications provider shall file one copy of the application with the City Clerk, one copy with the City Administrator, and one copy with the City Attorney. Upon receipt, the City Clerk shall make copies of the application and distribute to additional recipients. Applications shall be complete and include all information required by the Act, including without limitation a route map showing the location of the provider's existing and proposed facilities in accordance with M.C.L.A. § 484.3106(5).

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(C) *Confidential information.* If a telecommunications provider claims that any portion of the route maps submitted by it as part of its application contain trade secret, proprietary or confidential information, which is exempt from the Freedom of Information Act, being M.C.L.A. §§ 15.231 - 15.246, pursuant to M.C.L.A. § 484.3106(5), the telecommunications provider shall prominently so indicate on the face of each map.

(D) *Application fee.* Except as otherwise provided by the Act, the application shall be accompanied by a one-time non-refundable application fee in the amount of \$500.

(E) *Additional information.* The City Administrator may request an applicant to submit such additional information which the City Administrator deems reasonably necessary or relevant. The applicant shall comply with all such requests in compliance with reasonable deadlines for such additional information established by the City Administrator. If the city and the applicant cannot agree on the requirement of additional information requested by the city, the city or the applicant shall notify the MPSC as provided in M.C.L.A. § 484.3106(2).

(F) *Previously issued permits.* Pursuant to M.C.L.A. § 484.3105(1), authorizations or permits previously issued by the city under M.C.L.A. § 484.2251 and authorizations or permits issued by the city to telecommunications providers prior to the 1995 enactment of M.C.L.A. § 484.2251 but after 1985 shall satisfy the permits requirements of this chapter.

(G) *Existing providers.* Pursuant to M.C.L.A. § 484.3105(3), within 180 days from November 1, 2002, the effective date of the Act, a telecommunications provider with facilities located in a public right-of-way in the city as of such date, that has not previously obtained authorization or a permit under M.C.L.A. § 484.2251, shall submit to the city an application for a permit in accordance with the requirements of this chapter. Pursuant to M.C.L.A. § 484.3105(3), a telecommunications provider submitting an application under this subsection is not required to pay the \$500 application fee required under division (D) above. A provider under this subsection shall be given up to an additional 180 days to submit the permit application if allowed by the Authority, as provided in M.C.L.A. § 484.3105(4). (Ord. 346, passed 10-7-02)

### **§ 45.805 ISSUANCE OF PERMIT.**

(A) *Approval or denial.* The authority to approve or deny an application for a permit is hereby delegated to the City Administrator. Pursuant to M.C.L.A. § 484.3115(3), the City Administrator shall approve or deny an application for a permit within 45 days from the date a telecommunications provider files an application for a permit under § 45.804(B) for access to a public right-of-way within the city. Pursuant to M.C.L.A. § 484.3106(6), the City Administrator shall notify the MPSC when the City

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Administrator has granted or denied a permit, including information regarding the date on which the application was filed and the date on which permit was granted or denied. The City Administrator shall not unreasonably deny an application for a permit.

(B) *Form of permit.* If an application for permit is approved, the City Administrator shall issue the permit in the form approved by the MPSC, with or without additional or different permit terms, in accordance with M.C.L.A. §§ 484.3106(1), 484.3106(2) and 484.3115.

(C) *Conditions.* Pursuant to M.C.L.A. § 484.3115(4), the City Administrator may impose conditions on the issuance of a permit, which conditions shall be limited to the telecommunications provider's access and usage of the public right-of-way.

(D) *Bond requirement.* Pursuant to M.C.L.A. § 484.3115(3), and without limitation on division (C) above, the City Administrator may require that a bond be posted by the telecommunications provider as a condition of the permit. If a bond is required, it shall not exceed the reasonable cost to ensure that the public right-of-way is returned to its original condition during and after the telecommunications provider's access and use.

(Ord. 346, passed 10-7-02)

### § 45.806 CONSTRUCTION/ENGINEERING PERMIT.

A telecommunications provider shall not commence construction upon, over, across, or under the public rights-of-way in the city without first obtaining a construction or engineering permit as required by this Code, as amended, for construction within the public rights-of-way. No fee shall be charged for such a construction or engineering permit.

(Ord. 346, passed 10-7-02)

### § 45.807 CONDUIT OR UTILITY POLES.

Pursuant to M.C.L.A. § 484.3104(3), obtaining a permit or paying the fees required under the Act or under this chapter does not give a telecommunications provider a right to use conduit or utility poles.

(Ord. 346, passed 10-7-02)

### § 45.808 ROUTE MAPS.

Pursuant to M.C.L.A. § 484.3106(7), a telecommunications provider shall, within 90 days after the substantial completion of construction of new telecommunications facilities in the city, submit route maps

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showing the location of the telecommunications facilities to both the MPSC and to the city. The route maps should be in paper or electronic format unless and until the Commission determines otherwise, in accordance with M.C.L.A. § 484.3106(8).  
(Ord. 346, passed 10-7-02)

### **§ 45.809 REPAIR OF DAMAGE.**

Pursuant to M.C.L.A. § 484.3115(5), a telecommunications provider undertaking an excavation or construction or installing telecommunications facilities within a public right-of-way or temporarily obstructing a public right-of-way in the city, as authorized by a permit, shall promptly repair all damage done to the street surface and all installations under, over, below, or within the public right-of-way and shall promptly restore the public right-of-way to its preexisting condition.  
(Ord. 346, passed 10-7-02)

### **§ 45.810 ESTABLISHMENT AND PAYMENT OF MAINTENANCE FEE.**

In addition to the non-refundable application fee paid to the city set forth in § 45.804(D), a telecommunications provider with telecommunications facilities in the city's public rights-of-way shall pay an annual maintenance fee to the Authority pursuant to M.C.L.A. § 484.3108.  
(Ord. 346, passed 10-7-02)

### **§ 45.811 MODIFICATION OF EXISTING FEES.**

In compliance with the requirements of M.C.L.A. § 484.3113(1), the city hereby modifies, to the extent necessary, any fees charged to telecommunications providers after November 1, 2002, the effective date of the Act, relating to access and usage of the public rights-of-way, to an amount not exceeding the amounts of fees and charges required under the Act, which shall be paid to the Authority. In compliance with the requirements of M.C.L.A. § 484.3113(4), the city also hereby approves modification of the fees of providers with telecommunications facilities in public rights-of-way within the city's boundaries, so that those providers pay only those fees required under M.C.L.A. § 484.3108. The city shall provide each telecommunications provider affected by the fee with a copy of this chapter, in compliance with the requirements of M.C.L.A. § 484.3113(4). To the extent any fees are charged telecommunications providers in excess of the amounts permitted under the Act, or which are otherwise inconsistent with the Act, such imposition is hereby declared to be contrary to the city's policy and intent, and upon application by a provider or discovery by the city, shall be promptly refunded as having been charged in error.  
(Ord. 346, passed 10-7-02)

## **Telecommunications Providers**

### **§ 45.812 SAVINGS CLAUSE.**

Pursuant to M.C.L.A. § 484.3113(5), if M.C.L.A. § 484.3108 is found to be invalid or unconstitutional, the modification of fees under § 45.811 shall be void from the date the modification was made.

(Ord. 346, passed 10-7-02)

### **§ 45.813 USE OF FUNDS.**

Pursuant to M.C.L.A. § 484.3109(4), all amounts received by the city from the Authority shall be used by the city solely for rights-of-way related purposes. In conformance with that requirement, all funds received by the city from the Authority shall be deposited into the Major Streets Fund and/or the Local Street Fund maintained by the city under M.C.L.A. §§ 247.651 *et seq.*

(Ord. 346, passed 10-7-02)

### **§ 45.814 ANNUAL REPORT.**

Pursuant to M.C.L.A. § 484.3110(5), the City Administrator shall file an annual report with the Authority on the use and disposition of funds annually distributed by the Authority.

(Ord. 346, passed 10-7-02)

### **§ 45.815 CABLE TELEVISION OPERATORS.**

Pursuant to M.C.L.A. § 484.3113(6), the city shall not hold a cable television operator in default or seek any remedy for its failure to satisfy an obligation, if any, to pay after November 1, 2002, the effective of the Act, a franchise fee or similar fee on that portion of gross revenues from charges the cable operator received for cable modem services provided through broadband internet transport access services.

(Ord. 346, passed 10-7-02)

### **§ 45.816 EXISTING RIGHTS.**

Pursuant to M.C.L.A. § 484.3104(2), except as expressly provided herein with respect to fees, this chapter shall not affect any existing rights that a telecommunications provider or the city may have under a permit issued by the city or under a contract between the city and a telecommunications provider related to the use of the public rights-of-way.

(Ord. 346, passed 10-7-02)

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### **§ 45.817 COMPLIANCE.**

The city hereby declares that its policy and intent in adopting this chapter is to fully comply with the requirements of the Act, and the provisions hereof should be construed in such a manner as to achieve that purpose. The city shall comply in all respects with the requirements of the Act, including but not limited to the following.

(A) Exempting certain route maps from the Freedom of Information Act, being M.C.L.A. §§ 15.231 - 15.246, as provided in § 45.804(C).

(B) Allowing certain previously issued permits to satisfy the permit requirements of this chapter, in accordance with § 45.804(F).

(C) Allowing existing providers additional time in which to submit an application for a permit, and excusing such providers from the \$500 application fee, in accordance with § 45.804(G).

(D) Approving or denying an application for a permit within 45 days from the date a telecommunications provider files an application for a permit for access to and usage of a public right-of-way within the city, in accordance with § 45.805(A).

(E) Notifying the MPSC when the city has granted or denied a permit, in accordance with § 45.805(A).

(F) Not unreasonably denying an application for a permit, in accordance with § 45.805(A).

(G) Issuing a permit in the form approved by the MPSC, with or without additional or different permit terms, as provided in § 45.805(B).

(H) Limiting the conditions imposed on the issuance of a permit to the telecommunications provider's access and usage of the public right-of-way, in accordance with § 45.805(C).

(I) Not requiring a bond of a telecommunications provider which exceeds the reasonable cost to ensure that the public right-of-way is returned to its original condition during and after the telecommunications provider's access and use, in accordance with § 45.805(D).

(J) Not charging any telecommunications providers any additional fees for construction permits, in accordance with § 45.806.

(K) Providing each telecommunications provider affected by the city's right-of-way fees with a copy of this chapter, in accordance with § 45.811.

## **Telecommunications Providers**

(L) Submitting an annual report to the Authority, in accordance with § 45.814.

(M) Not holding a cable television operator in default for a failure to pay certain franchise fees, in accordance with § 45.815.

(Ord. 346, passed 10-7-02)

### **§ 45.818 RESERVATION OF POLICE POWERS.**

Pursuant to M.C.L.A. § 484.3115(2), this chapter shall not limit the city's right to review and approve a telecommunication provider's access to and ongoing use of a public right-of-way or limit the city's authority to ensure and protect the health, safety and welfare of the public.

(Ord. 346, passed 10-7-02)

### **§ 45.819 AUTHORIZED CITY OFFICIALS.**

The City Administrator or his or her designee is hereby designated as the authorized city official to issue municipal civil infraction citations (directing alleged violators to appear in court) or municipal civil infraction violation notices (directing alleged violators to appear at the Municipal Ordinance Violations Bureau) for violations under this chapter as provided by this Code.

(Ord. 346, passed 10-7-02)

### **§ 45.899 VIOLATION; PENALTY.**

A person who violates any provision of this chapter or the terms or conditions of a permit is responsible for a municipal civil infraction and shall be subject to the penalties and sanctions provided by this Code. Nothing in this section shall be construed to limit the remedies available to the city in the event of a violation by a person of this chapter or a permit.

(Ord. 346, passed 10-7-02)

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## ARTICLE IX: FIREWORKS

### Section

- 45.901 Purpose
- 45.902 Application and site plan
- 45.903 Requirements and restrictions

45.999 Enforcement; penalty

#### ***Cross-reference:***

*Additional fireworks regulations, see §§ 30.201 et seq.*

#### **§ 45.901 PURPOSE.**

The purpose of this chapter is to establish a safe environment for the discharge of fireworks and to ensure protection for the viewing public and the property owners surrounding the discharge site.  
(Ord. 394, passed 4-16-07)

#### **§ 45.902 APPLICATION AND SITE PLAN.**

(A) Any party wishing to stage a fireworks display shall, at least 60 days prior to the display, submit an application on a form furnished by the city and shall secure permission from the City Commission prior to the fireworks display.

(B) A site plan of the area where the fireworks display is to be conducted shall be submitted with the application. The site plan shall set forth all structures in the area and the discharge site fallout area. The site plan shall furthermore set forth the distance separating the mortars used to launch the fireworks and the structures and also set forth the distance separating the mortars and the spectators viewing the display. All site plans must be approved by the Clio Area Fire Department prior to City Commission approval.  
(Ord. 394, passed 4-16-07)

#### **§ 45.903 REQUIREMENTS AND RESTRICTIONS.**

(A) The fireworks company conducting the display shall follow National Fire Protection Association (NFPA) Code 1123 for fireworks display and/or the city requirements, whichever is more restrictive.

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(B) The fireworks company shall maintain personal injury liability insurance/property damage liability insurance in the amount of \$1,000,000 during each event. The city shall be named as an additional insured on the insurance policy. The insurance policy must be submitted with the aforementioned application and shall be subject to the Risk Management review. The insurance policy shall also include coverage for the cleanup after the fireworks display has ended.

(C) The fireworks company shall be responsible for all shells being fired. In the event one of the shells does not explode, the fireworks company shall secure the area until the unexploded shell is found and properly disposed of.

(D) The consumption of alcohol prior to and during display by the shooters or any person on site employed by the fireworks company is strictly prohibited.  
(Ord. 394, passed 4-16-07)

### **§ 45.999 ENFORCEMENT; PENALTY.**

(A) This chapter shall be enforced by such persons who shall be so designated by the City Commission.

(B) Violation of this chapter shall be a misdemeanor which shall be punishable upon convictions thereof by a fine not exceeding \$500 or by imprisonment for not exceeding 90 days in the County Jail, or by both such fines and imprisonment at the discretion of the Court.  
(Ord. 394, passed 4-16-07)

## ARTICLE X: LICENSING

### Section

- 45.1001 Unlawful business
- 45.1002 Registration of businesses

#### § 45.1001 UNLAWFUL BUSINESS.

No license or permit issued under the provisions of this chapter shall be construed as authorizing the conduct of or continuance of any illegal or unlawful business or practice, or the furnishing, sale or provisioning of any service, good, or product that is illegal under this code of ordinances, the laws of the State of Michigan or the laws of the United States of America.  
(Ord. 410, passed 4-20-09)

#### § 45.1002 REGISTRATION OF BUSINESSES.

(A) *Purpose.* The purpose of business registration in the city is to identify business locations and operations within the city to ensure the efficient delivery of services: including police, fire water and wastewater services and to promote compliance with all building, planning, zoning, tax and related city ordinances and codes.

(B) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**BUSINESS.** Any trade, occupation, work, commerce, profession, and all devices, machines, vehicles, and appurtenances used therein, new or existing, any of which are conducted for private profit or benefit, either directly or indirectly on any premises in the city or anywhere else within its jurisdiction.

**PERSON.** Any individual, partnership, association, or corporation sharing in the profits of the business.

(C) *License: registration required.*

(1) No person shall engage in a business without having first obtained a business registration from the city in the manner provided for in this section. Any person duly registered on the effective date of this section shall be deemed registered hereunder for the balance of the current registration year.

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(2) It shall be the duty of every person or registered business to report any changes in the information furnished with the current registration within five business days of such change occurring.

(3) *Multiple businesses.* The granting of a business registration shall not relieve the person to whom such registration is granted from the necessity of securing individual licenses or permits for each individual business.

(4) *State licensed businesses.* The granting of a business registration to any person or business by the state in the operation, conduct or carrying on of any trade, profession, business, or privilege shall not exempt such person from the necessity of securing a business registration from the city if such registration is required by this section.

### (D) *Registration year.*

(1) The registration year shall begin July 1 of each year and shall terminate at midnight on June 30 of the following year.

(2) The registration for periods of less than one year shall commence with the date of issuance thereof and terminate at midnight on June 30 immediately following registration.

(E) *Registration application.* Unless otherwise provided in this section, every person or business required to obtain a registration from the city to engage business or to continue business shall make application for such registration to the City Administrator, or his or her designee, upon forms provided by the City Administrator, or his or her designee, and shall state under oath or affirmation such facts as may be required for, or applicable to, the granting of such registration.

### (F) *Conditions of issuance.*

(1) The issuance of a business registration from the city does not waive mandated licenses (i.e. state, building inspection, fire inspection, health, and the like).

(2) Acceptance by any person or business of a business registration under this section shall constitute permission to any officer of the city to enter upon and inspect the licensed premises at all reasonable times.

(G) *Registration transferal.* No registration may be transferred from one business to another. A registration may be transferred to a change in location of a business within the city's jurisdiction. Each registration holder shall immediately notify the City Administrator, or his or her designee, of any changes in the location of a business, address, or any other changes in the information provided in the registration application.

(H) *Penalty.* Any person violating any provision of this chapter shall be responsible for a municipal civil infraction and subject to the penalties and sanctions provided by this code.  
(Ord. 432, passed 7-5-11)

## ARTICLE XI: PRECIOUS METAL AND GEM CERTIFICATE OF REGISTRATION

### Section

45.1101	Definitions
45.1102	Administration of article; investigation
45.1103	Application by a dealer
45.1104	Allocation of fees
45.1105	Violations; penalty

### § 45.1101 DEFINITIONS.

For the purpose of this article, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**AGENT** or **EMPLOYEE**. A person who, for compensation or valuable consideration, is employed either directly or indirectly by a dealer.

**DEALER**. Any person, corporation, partnership, or association, which, in whole or in part, engages in the ordinary course of repeated and recurrent transactions of buying or receiving precious items from the public within this state.

**GOLD**. Elemental gold having an atomic weight of 196.967 and the chemical element symbol of Au, whether found by itself or in combination with its alloys or any other metal.

**JEWELRY**. An ornamental item made of a material that includes a precious gem.

**LOCAL POLICE AGENCY**. The Police Department, City of Clio.

**PLATINUM**. Elemental platinum having an atomic weight of 195.09 and the chemical element symbol of Pt, whether found by itself or in combination with its alloys or any other metal.

**PRECIOUS GEM**. A diamond, alexandrite, ruby, sapphire, opal, amethyst, emerald, aquamarine, marganite, garnet, hadeite, topaz, tourmaline, or pearl.

**PRECIOUS ITEM**. Jewelry, a precious gem, or an item containing gold, silver, or platinum. Precious item does not include the following:

(1) Coins, commemorative medals, and tokens struck by, or on behalf of, a government or private mint.

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(2) Bullion bars and disc of the type traded by banks and commodity exchanges.

(3) Items at the time they are purchased directly from a dealer registered under this act, a manufacturer, or a wholesaler who purchased them directly from a manufacturer.

(4) Industrial machinery or equipment.

(5) An item being returned to or exchanged at the dealer where the item was purchased and which is accompanied by a valid sales receipt.

(6) An item which is received for alteration, redesign, or repair in a manner that does not substantially changes its use and returned directly to the customer.

(7) An item which does not have a jeweler's identifying mark or a serial mark and which the dealer purchases for less than \$5.

(8) Scrap metal which contains incidental traces of gold, silver, or platinum which are recoverable as a by-product.

(9) Jewelry which a customer trades for other jewelry having a greater value, and which difference in value is paid by the customer.

**SILVER.** Elemental silver having an atomic weight of 107.869 and the chemical element symbol of Ag, whether found by itself or in combination with its alloys or any other metal.  
(Ord. 438, passed 4-2-12)

### **§ 45.1102 ADMINISTRATION OF ARTICLE; INVESTIGATION.**

The Police Chief for the city or his or her designee shall be responsible for reviewing all applications for a certificate of registration and after investigation and upon approval shall transmit a copy of the application and the certificate of registration to the City Clerk.  
(Ord. 438, passed 4-2-12)

### **§ 45.1103 APPLICATION BY A DEALER.**

(A) A dealer who applies for a certificate of registration shall submit the following information on the form provided:

(1) His or her name, home address, phone number, driver's license number, date of birth, and right thumb print (print to be affixed to the application by the Police Department). Applications for more than one establishment shall be made on separate application forms.

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(2) The name, address, telephone number, and hours of the dealer's business. If the dealer's business is a corporation, an updated copy of the Articles of Incorporation or a valid certified copy of the assumed name certificate from the Clerk of Genesee County must be provided.

(3) The name, address, date of birth, and right thumb print of each employee or agent of the dealer.

(B) The dealer shall also submit a signed statement indicating that he or she has read and understands the provisions of Public Act 95 of 1981, as provided to him or her by the Police Department, and further that said dealer has informed his or her agents or employees, and will immediately inform all new agents or employees, as to the provisions of said Public Act 95 of 1981.

(C) The dealer shall submit a signed statement that neither he or she, nor any of his or her agents or employees has been convicted of a felony under Public Act 95 of 1981, or under Public Act 328 of 1931 § 535, as amended, within the five year period preceding the date of the application, or convicted of a misdemeanor under said laws within a one year period preceding the date of this application.

(D) The dealer shall submit proof of proper zoning or other special exception permits as required by the Zoning Board of Appeals or Planning Commission of the city.

(E) The dealer shall pay an annual fee of \$50 or such fee as established by resolution of the City Commission from time to time in compliance with Public Act 95 of 1981 for each licensed establishment in the city.

(Ord. 438, passed 4-2-12)

### § 45.1104 ALLOCATION OF FEES.

The funds collected pursuant to this article shall be credited to the revenue of the Police Department, for the administration of this article.

(Ord. 438, passed 4-2-12)

### § 45.1105 VIOLATIONS; PENALTY.

Any person violating any provision of this article, shall be guilty of a misdemeanor and upon conviction thereof, be sentenced to pay a fine of not more than \$500 and costs of prosecution, or by imprisonment in the Genesee County Jail for a period not to exceed 93 days or by both such fine and imprisonment in the discretion of the court.

(Ord. 438, passed 4-2-12)

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## ARTICLE XII: SECONDHAND DEALERS AND JUNK DEALERS

### Section

45.1201	License required
45.1202	Licensing generally; license fee; adoption of state law
45.1203	Pawning and security transactions prohibited
45.1204	Violation and penalties

### **§ 45.1201 LICENSE REQUIRED.**

No person shall engage in the business of a secondhand dealer or junk dealer without first obtaining a license therefore. No license shall be granted until the city shall find that the proposed business will not tend to create a hazard to the public health in the area, or restrict the natural development of the area, or be a violation of any provisions of this code and the City Zoning Ordinance.  
(Ord. 441, passed 5-21-2012)

### **§ 45.1202 LICENSING GENERALLY; LICENSE FEE; ADOPTION OF STATE LAW.**

(A) Licenses under this article shall be issued by the Chief of Police for a period of one year unless sooner revoked for cause and shall otherwise be subject to the provisions of Public Act 350 of 1917, as amended, in all respects. Except as otherwise provided in Public Act 350 of 1917, the provisions of Chapter 45, Article XII, §§ 45.1201 et al of this code shall be applicable to licenses issued hereunder and the fee for such license shall be as prescribed by resolution of the City Commission. Section 1 to Section 7 of Public Act 350 of 1917 (M.C.L.A. §§ 445.401 through 445.407), relating to secondhand dealers and junk dealers, is hereby expressly incorporated into and made a part of this code by reference.

(B) The secondhand dealer or junk dealer shall pay an annual fee of \$50.00 or such fee as established by resolution of the City Commission from time to time in compliance with Public Act 350 of 1917 for each licensed establishment in the city. The funds collected pursuant to this article shall be credited to the revenue of the Police Department, for the administration of this article.  
(Ord. 441, passed 5-21-2012)

### **§ 45.1203 PAWNING AND SECURITY TRANSACTIONS PROHIBITED.**

No licensee hereunder shall receive, in the course of his or her business, any article by way of pledge or pawn, nor shall he or she loan or advance any sum of money or the security of any article or thing.  
(Ord. 441, passed 5-21-2012)

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### **§ 45.1204 VIOLATION AND PENALTIES.**

Any person, firm or corporation violating any of the provisions of this article shall, upon conviction thereof, be guilty of a misdemeanor and be subject to a fine not exceeding \$500 or imprisonment for not more than 93 days in the Genesee County Jail, or both such fine or imprisonment in the discretion of the court.

(Ord. 441, passed 5-21-2012)

## **ARTICLE XIII: PROHIBITION OF MARIHUANA ESTABLISHMENTS**

### Section

45.1301	Purpose
45.1302	Prohibition
45.1303	Review

### **§ 45.1301 PURPOSE.**

The purpose of this article is to exercise the City of Clio's authority to prohibit marihuana establishments pursuant to the Michigan Regulation and Taxation of Marihuana Act (the "Act"). (Ord. 503, passed 2-4-19)

### **§ 45.1302 PROHIBITION.**

(A) Pursuant to § 6.1 of the Act, the city completely prohibits marihuana establishments within its boundaries.

(B) Any person violating any provisions of this article shall be responsible for a municipal civil infraction and subject to the penalties and sanctions provided by this code. (Ord. 503, passed 2-4-19)

### **§ 45.1303 REVIEW.**

It is the City Commission's intent to review this article 18 months from the date of its adoption to determine whether to amend or repeal it following the promulgation of rules by the department pursuant to § 8.1 of the Act. Unless amended or repealed, this article shall remain in effect. (Ord. 503, passed 2-4-19)

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