

event concessionaire listed on the temporary event sponsor's application to participate in the special event.

(Ord. No. 721, § 3, 4-21-03)

Secs. 22-111—22-130. Reserved.

ARTICLE IV. USED CAR LOTS

DIVISION 1. GENERALLY

Sec. 22-131. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Used car lot means any lot or parcel of land where used motor vehicles are displayed and offered for sale in the open.

(Ord. No. 175, § I, 9-26-73; Ord. No. 187, § 1, 2-13-74)

Cross reference—Definitions generally, § 1-2.

Sec. 22-132. Penalty for violation.

Any person violating any of the provisions of this article shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than \$100.00 or by being confined to the county jail for not more than 90 days, or both.

(Ord. No. 175, § XIII, 9-26-73)

Sec. 22-133. Location prohibitions.

No used car lot shall be permitted on any lot or parcel of ground containing any house used or intended for family or residence purposes.

(Ord. No. 175, § III, 9-26-73)

Sec. 22-134. Alterations of premises.

No alterations in size, dimensions or location of the premises licensed, or the buildings located thereon, shall be made without the permission of the city council and compliance with the requirements of the city zoning ordinance.

(Ord. No. 175, § XI, 9-26-73)

Sec. 22-135. Condition of premises.

The licensed premises shall be kept in good repair, properly painted, clean and free from rubbish, and proper sanitary facilities shall be available.

(Ord. No. 175, § X, 9-26-73)

Secs. 22-136—22-145. Reserved.

DIVISION 2. LICENSE

Sec. 22-146. Required.

No person shall hereafter manage, operate or maintain a used car lot within the city unless such person shall first obtain from the city council a license permitting him to carry on such business.

(Ord. No. 175, § II, 9-26-73)

Sec. 22-147. Application.

Application for a license under this article shall be made in writing and under oath to the city clerk upon a form to be provided by the city and shall set forth, among other things:

- (1) Whether the applicant has at any time been convicted of any crime or misdemeanor and, if so, the date and nature of the offense.
- (2) The location of the proposed business.
- (3) The owner of the business.
- (4) Whether the business is to be carried on under the immediate supervision of the applicant or of others.
- (5) An agreement on the part of the applicant that the city council may revoke the license for cause at any time after a public hearing.

(Ord. No. 175, § IV, 9-26-73)

Sec. 22-148. Submission of application to the city council.

Upon receipt of such application the city clerk shall, at the next regular or special meeting of the city council, submit the application to the city council for its consideration, and the city council

may continue the consideration thereof from time to time and may, in its discretion, provide for a public hearing on the matter.

(Ord. No. 175, § V, 9-26-73)

Sec. 22-149. Basis for denial.

The city council may, in its discretion, refuse to grant a license when, in its judgment, the public health, interest, safety or general welfare of the city shall so require.

(Ord. No. 175, § VI, 9-26-73)

Sec. 22-150. Granting; display.

If the city council shall approve the application, a license shall be granted to the applicant in a form provided by the city, which license shall be issued by the city clerk and countersigned by the supervisor. Upon receipt of the license by the applicant, it shall be displayed prominently in the place of business covered by such license.

(Ord. No. 175, § VII, 9-26-73)

Sec. 22-151. Fees.

The license fee for the operation of a used car lot shall be as adopted by the city council from time to time.

(Ord. No. 175, § VIII, 9-26-73)

Sec. 22-152. Term.

All licenses shall expire on May 1 following the issuance thereof.

(Ord. No. 175, § IX, 9-26-73)

Sec. 22-153. Cancellation.

If the licensee shall make a false statement in his application, or shall fail to obey and perform any of the requirements made of him by the city council, the city council may thereupon revoke and cancel the license issued and retain the fees paid by the licensee.

(Ord. No. 175, § XII, 9-26-73)

Secs. 22-154—22-164. Reserved.

ARTICLE V. PRECIOUS METAL AND GEM DEALERS

Sec. 22-165. Purpose.

This article shall regulate and license all precious metal and gem dealers located within the city.

(Ord. No. 640, 4-5-99)

Sec. 22-166. State law adopted.

The city hereby adopts by reference Act No. 95 of the Public Acts of 1981, as amended, being MCLA 445.481 through MCLA 445.492.

(Ord. No. 640, 4-5-99)

Sec. 22-167. Requirement of registration.

A dealer shall not conduct business in the city unless the dealer has obtained a valid certificate of registration from the police department.

(Ord. No. 640, 4-5-99)

Sec. 22-168. Administration of ordinance.

The chief of police for the police department or his/her designee shall be responsible for reviewing all applications for a certificate of registration.

(Ord. No. 640, 4-5-99)

Sec. 22-169. Applicant fingerprints and thumbprints required.

All fingerprints and thumbprints required to be submitted by an applicant with their application shall be taken by the police utilizing the livescan process and/or other similar process at the discretion of the police department, and said fingerprints and/or thumbprints shall be taken by the police department at no charge to the applicant.

(Ord. No. 640, 4-5-99)

Sec. 22-170. Applicants to inform police of locations of business.

A dealer shall disclose to the police department all locations within the city within which such dealer intends to conduct business regulated by this article.

(Ord. No. 640, 4-5-99)



STATE OF MICHIGAN
TERRI LYNN LAND, SECRETARY OF STATE
DEPARTMENT OF STATE
LANSING

DEALER BULLETIN

DATE: January 21, 2005
TO: Michigan Vehicle Dealers and Interested Parties
FROM: Michigan Department of State
SUBJECT: New Legislation

Public Act 495 of 2004 was recently signed by Governor Granholm and will become effective **January 31, 2005**. The Act expands the established place of business requirements for new and used vehicle dealers, provides grounds for license denial, suspension, or revocation pertaining to Sunday vehicle sales, amends the eligibility requirements for supplemental dealer licenses, requires written verification that the business meets all applicable zoning and municipal requirements, and effective **April 1, 2005**, establishes a "wholesaler" dealer license classification.

Established Place of Business Requirements for New and Used Vehicle Dealers

Currently licensed class "a" and "b" vehicle dealers, who intend to maintain their current license classification, must comply with the expanded established place of business requirements beginning with the 2006 license renewal cycle.

- The premises must contain a permanently enclosed building or structure either owned, leased, or rented by a dealer, which is not a residence, tent, temporary stand, or any temporary quarters;
- The building or structure is required to be continuously occupied in good faith for the purpose of selling, buying, trading, leasing, or otherwise dealing in motor vehicles;
- All books, records, and files necessary to conduct the business of a class (a) or class (b) dealer must be maintained in the building or structure;
- A building or structure housing an office of at least 150 square feet in size, equipped with standard office furniture, working utilities, a working restroom, and a working telephone listed in the name of the business on the dealer's license;
- Land space of no less than 1,300 square feet to accommodate the display of a minimum of 10 vehicles of the kind and type that the dealer is licensed to sell and an additional 650 square feet for customer parking. The display and customer parking areas must be adequately surfaced and well lit during business hours;
- An exterior sign displaying the name of the dealership that is permanently affixed to the building or land with letters clearly visible from a highway identifies the premises;
- Conspicuous posting of the dealer's regular hours of operation. The posted hours must be not less than 30 hours per week;

- The premises must contain a registered repair facility on site for the repair and servicing of motor vehicles of a type sold at the established place of business, unless the dealer has entered into a written servicing agreement with a registered repair facility at a location not to exceed 10 miles' distance from the established place of business. If repairs are conducted pursuant to a servicing agreement, the servicing agreement must be conspicuously posted in the office;
- The premises meet all applicable zoning and municipal requirements;

Zoning Requirements

The application for a dealer license must include written verification from the appropriate governing and/or zoning authority that the business meets all applicable zoning and municipal requirements. The secretary of state may deny the application for a license as a dealer, refuse to issue or may suspend or revoke a license already issued, if it finds the applicant or licensee is not in compliance with all applicable zoning and municipal requirements.

Supplemental License

A supplemental dealer license can only be issued for a location within the county where the dealer's established place of business is located. Dealers will not be permitted to conduct temporary or tent sales in counties other than where their business is located.

Wholesaler License Classification

P.A. 495 establishes a new wholesale dealer license classification. A wholesaler engages in the business of buying and selling used vehicles from and to licensed vehicle dealers. Wholesalers may not buy, sell or otherwise deal in vehicles to a person other than a licensed vehicle dealer.

Currently licensed dealers who only engage in the business of wholesaling, and who do not meet the expanded established place of business requirements for class "a" and "b" vehicle dealers, will be required to convert to the new wholesaler's license classification with the 2006 license renewal cycle. The expanded established place of business requirements for class "a" and "b" dealers do not apply to wholesalers.

Sunday Sales

The secretary of state may deny the application for a license as a dealer, refuse to issue or may suspend or revoke a license already issued, if it finds the applicant or licensee has engaged in the business of buying, selling, trading, or exchanging new, used, or secondhand motor vehicles or has offered to buy, sell, trade, or exchange, or participate in the negotiation thereof, or attempted to buy, sell, trade, or exchange any motor vehicle or interest in any motor vehicle or any written instrument pertaining to a motor vehicle on a Sunday. Sunday sales are permitted in counties having population fewer than 130,000 inhabitants according to the latest or each succeeding federal decennial census.

Updates

Regularly check the Secretary of State Web site for future dealer bulletins and newsletters. Dealer information can be found on the Secretary of State website by clicking on "Services to Businesses" at www.michigan.gov/sos.