



City of Petoskey

101 East Lake Street, Petoskey, Michigan 49770 • 231 347-2500 • Fax 231 348-0350

APPLICATION FOR TRANSIENT BUSINESS LICENSE

DATE _____

Petoskey City Ordinance No. 540 (attached) requires that all Transient businesses obtain a City license. After completing the above information, return this form to the Petoskey City Clerk. **NO SUCH LICENSE SHALL BE ISSUED OR BECOME EFFECTIVE UNTIL SEVENTY-TWO (72) HOURS EXCLUDING SUNDAYS AND HOLIDAYS HAVE ELAPSED FROM THE TIME OF APPLICATION THEREFORE.**

APPLICANT INFORMATION

Name (Management): _____

Local Address: _____

Permanent Address: _____

City, State, Zip Code: _____

Title of Person Applying: _____

BUSINESS INFORMATION

Business Name: _____

Street Address: _____

City, State, Zip Code: _____

If Incorporated, What State: _____

GENERAL INFORMATION

ATTACHED

___ Fingerprints OR

___ Three letters of recommendation from reliable property owners in the County of Emmet, Michigan, certifying as to the applicant's good character and business responsibility.

Local Transient Place of Business: _____

Dates for License: _____

ATTACHED

___ Statement from Owner of Private Property for Permission to sell on such private property.

Previous places of business (names & addresses) within last six months. _____

Type of wares to be sold: _____

Value of goods for sale: _____

GENERAL INFORMATION

Goods are to be sold from:

- Stock in possession
- By Sample
- By Direct Sale
- By taking order for future delivery

Items for sale are:

- Manufactured or
- Produced

Present location of goods to be sold:

Type of advertising (copy attached):

Has applicant ever been convicted of a crime, misdemeanor or violation of a municipal ordinance?

- YES
- NO

If "YES", state nature of offense and punishment:

I hereby authorize the release of all criminal history information to the City of Petoskey Department of Public Safety on file at the Michigan State Police Central Records Division that pertains to me:

Signature of Applicant: _____ (please provide full name)

Printed Name of Applicant: _____ (please provide full name)

Driver's License Number: _____ (please attach copy of license)

Social Security Number: _____

Date of Birth: _____

ATTACHED – Authorization of applicant to act as representative from the person, firm, or corporation for which the applicant is to act as such representative.

ATTACHED – (One of the following):

- State Transient License (Michigan Compiled Laws 445.371-378)
- \$1,000 Cash Bond
- \$1,000 Surety Bond

ATTACHED

- Copy of State of Michigan Sales Tax License or proof of application to such.

AFFIDAVIT

I hereby agree to comply with all requirements of the Petoskey Code of Ordinances, and I confirm that all information that I have provided in this application is accurate to the best of my knowledge.

_____ Date

_____ Signature

CITY USE ONLY

Approved
License No.: _____

Denied

\$25 Day Fee Attached
Date: _____

\$75 Week Fee Attached
Date: _____

\$200 Season Fee Attached
Date: _____

CONSENT TO SERVICE OF PROCESS

The undersigned, does hereby nominate and appoint Alan Terry, City Clerk of the City of Petoskey, or any other person performing the duties of such position, as his true and lawful agent, with full power and authority to acknowledge service or notice of process for and on behalf of the undersigned, in respect to any matters connected with or arising out of business transacted under the transient merchants license issued by the City Clerk of the City of Petoskey on the ___ day of _____, 20__.

The undersigned consents and agrees that service of any notice or process may be made upon the said City Clerk or any other person performing the duties of such position in the City of Petoskey and when said service is so made, it shall be taken and held to be as valid as personally served upon the undersigned.

The undersigned hereby specifically waives all claim or right of error by reason of such acknowledgement of service or manner of service. It is understood by the undersigned that immediately upon service of process upon the City Clerk as herein provided, the City Clerk shall send to the undersigned, at his last known address, by registered mail, a copy of said process.

This consent is made freely and voluntarily in connection with the application of the undersigned for a transient merchants license under the Ordinances of the City of Petoskey.

Subscribed and sworn to before me this ___ day of _____, 20__.

Notary Public, Emmet County, Michigan
My commission expires: _____

AN ORDINANCE TO REPEAL SECTION 8-125 OF THE PETOSKEY CITY CODE AND ENACT A NEW SECTION 8-125 AND TO AMEND SECTION 8-126 OF THE PETOSKEY CITY CODE.

THE CITY OF PETOSKEY ORDAINS:

1. Section 8-125 of the Petoskey City Code is hereby repealed and a new Section 8-125 is hereby enacted to read as follows:

Section 8-125. Application: Investigation and Issuance.

(a) Application. Applicants for license under this Ordinance, whether a person, firm or corporation, shall file a written sworn application signed by the applicant, if an individual, by all partners if a partnership, and by the president if a corporation, with the City Clerk, showing:

(1) The name or names of the person or persons having the management or supervision of applicant's business during the time that it is proposed that it will be carried on in the City of Petoskey; the local address or addresses of such person or persons while engaged in such business; the permanent address or addresses of such person or persons; the capacity in which such person or persons will act (that is, whether as proprietor, agent or otherwise); the name and address of the person, firm or corporation for whose account the business will be carried on, if any; and if a corporation, under the laws of what state the same is incorporated;

(2) The fingerprints of the person or persons having the management or supervision of applicant's business or in lieu thereof, at least three (3) letters of recommendation from reliable property owners in the County of Emmet, Michigan, certifying as to the applicant's good character and business responsibility, or other evidence which establishes to the satisfaction of the Mayor, the good character and responsibility of such person or persons;

(3) The place or places in the City of Petoskey where it is proposed to carry on applicant's business, and the length of time during which it is proposed that said business shall be conducted, together with a statement in writing from the owner of any private property upon which the business is proposed to be carried on that applicant has appropriate permission to carry on such business. If the proposed business is to be carried on upon public property, a copy of a resolution of the City Council permitting such activity shall be submitted.

(4) A place or places, other than the permanent place of business of the applicant where applicant within the six (6) months next preceding the date of said application conducted a transient business, stating the nature thereof and giving the post office and street address of any building or office in which such business was conducted;

(5) A statement of the nature, character and quality of the goods, wares or merchandise to be sold or offered for sale by applicant in the City of Petoskey, the invoice value and quality of such goods, wares and merchandise, whether the same are proposed to be sold from stock in possession or from stock in possession and by sample; at auction, by direct sale or by direct sale and by taking orders for future delivery; where the goods or property proposed to be sold are manufactured or produced and where such goods or products are located at the time said application is filed.

(6) A brief statement of the nature and character of the advertising done or proposed to be done in order to attract customers, and, if required by the City Clerk, copies of all said advertising whether by hand bills, circular, newspaper advertising, or otherwise, shall be attached to said application as exhibits thereto;

(7) Whether or not the person or persons having the management or supervision of the applicant's business have been convicted of a crime, misdemeanor or the violation of any municipal ordinance, the nature of such offense and the punishment assessed thereof;

(8) Credentials from the person, firm or corporation for which the applicant proposed to do business authorizing the applicant to act as such representative, and;

(9) Proof that the applicant has obtained a transient merchant's license under the provisions of Act 51, Public Acts 1925, as amended, and has posted a bond pursuant thereto. In lieu of submission of such proof, applicant may furnish a cash or surety bond running to the City of Petoskey in the amount of One Thousand (\$1,000.00) Dollars, executed by the applicant as principal; said bond, if a surety bond, to be approved by the City Attorney shall be conditioned that the applicant shall fully comply with all of the provisions of the ordinances of the City of Petoskey and the statutes of the State of Michigan regulating and concerning the sale of goods, wares and merchandise, and will pay all judgments rendered against said applicant for any

violation of said ordinances or statutes, or any of them, together with all judgments and costs that may be recovered against him by any person or persons for damage growing out of any misrepresentation or deception practiced on any person transacting such business with such applicant, whether said misrepresentations or deceptions were made or practiced by the owners or by their servants, agents, or employees, either at the time of making the sale or through any advertisement of any character whatsoever, printed or circulated with reference to the goods, wares, and merchandise sold or any part thereof. Action on the bond may be brought in the name of the city to the use of the aggrieved person. Such bond must be approved by the City Attorney, both as to form and as to the responsibility of the sureties thereon.

(10) Such other reasonable information as to the identity or character of the person or persons having the management or supervision of applicant's business or the method or plan of doing such business as the City Clerk may deem proper to fulfill the purpose of this ordinance in the protection of the public good.

(b) Investigation and Issuance. Upon receipt of such application, the City Clerk shall cause such investigation of such person's or persons' business responsibility or moral character to be made as he deems necessary to the protection of the public good. If, as a result of such investigation, the applicant's character and business responsibility are found to be unsatisfactory, the application shall be denied. If, as a result of the investigation, the character and business reputation appear to be satisfactory, the City Clerk shall so certify in writing, and a license shall be issued by the City Clerk. The City Clerk shall keep a full record in his office of all licenses issued. Such license shall contain the number of license, the date the same is issued, the nature of the business authorized to be carried on, the amount of the license fee paid, the expiration date of said license, the place where said business may be carried on under said license, and the name or names of the person or persons authorized to carry on the same. No such license shall be issued or become effective until seventy-two (72) hours have elapsed from the time of application therefor, excluding Sundays and holidays.

(c) Service of Process. Before any license as herein provided shall be issued for engaging in business as an itinerant merchant, as herein defined, in the City of Petoskey, such applicant shall file with the City Clerk an instrument nominating and appointing the City Clerk,

or the person performing the duties of such position, his true and lawful agent with full power and authority to acknowledge service or notice of process for and on behalf of said applicant in respect to any matters connected with or arising out of the business transacted under said license and the bond given as required by Section 5(a)(9) of this ordinance, or for the performance of the conditions of said bond or for any breach thereof, which said instrument shall also contain recitals to the effect that said applicant for said license consents and agrees that service of any notice or process may be made upon said agent, and when so made shall be taken and held to be as valid as if personally served upon the person or persons applying for said license under this ordinance, according to the law of this or any other state, and waiving all claim or right of error by reason of such acknowledgement of service or manner of service. Immediately upon service of process upon the City Clerk, as herein provided, the City Clerk shall send to the licensee at his last know address, by registered mail, a copy of said process.

(d) Exhibition of License. The license issued under this ordinance shall be posted conspicuously in the place of business named therein. In the event that such person or persons applying for said license shall desire to do business in more than one place within the City, separate licenses may be issued for each place of business, and shall be posted conspicuously in each place of business.

2. Section 8-126 of the Petoskey City Code is hereby amended to read as follows:

Section 8-126.

(a) At the time of making an application under this division, such applicant shall also pay to the City Clerk, for the use of the city, on account of the license fees herein prescribed, as follows:

- (1) For each day, Twenty-Five Dollars, (\$ 25.00), or
- (2) For each week, Seventy-Five Dollars. (\$ 75.00), or,
- (3) For any number of months, a total fee of Two Hundred Dollars (\$ 200.00).

3. In all other respects Section 8-126 is ratified and confirmed.

4. This ordinance shall take effect fourteen (14) days after its enactment.

Adopted, enacted and ordained by the City Council of the City of Petoskey, this 5th day of April, 1982.


JOE Q. KILBORN, Mayor


LEONA REISENER, Clerk