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BUSINESS LICENSES ADMINISTRATIVE REGULATIONS

These Administrative Regulations have been promulgated pursuant to authority granted to the City Manager by Chapter 10, Article II, Sec. 10-38 of the Cadillac City Code.

I. GENERAL REGULATIONS

a. Fee Schedule

- i.** Permit fees are set forth by Resolution of City Council which may be amended from time to time.
- ii.** Appropriate fees must be included with all applications for processing.
- iii.** Fees are non-refundable once a permit has been issued by the City Clerk's office.

b. Applications

- i.** Application forms (General Business Licenses & Peddlers/Solicitors/Transient Merchant Permit) may be obtained from the City Clerk's Office.
- ii.** Completed applications and any applicable fees must be submitted to the City Clerk's Office for processing.
- iii.** License approvals may take a week or more to process.
- iv.** Applications for Peddlers/Solicitors/Transient Merchants permits on City property are subject to a bidding process outlined in more detail in Section II.b below.

c. Licenses & Renewals

- i.** Subject to Section 10-27 of the City Code, licenses for non-City directed sale locations are valid for one year from the date of issuance.

- ii. Renewal applications shall be submitted in the manner set forth in Sections 10-27 & 10-28 of the City Code.
- iii. Licenses and permits are subject to all other regulations and procedures set forth in Chapter 10 Article II of the City Code.

II. PEDDLERS, SOLICITORS & TRANSIENT MERCHANTS

a. Vending on non-City Property

- i. Vending on non-City property is allowed with a valid Peddlers/Solicitors/Transient Merchants permit.

b. Vending on City Property

- i. Non-Food Goods and Wares: Vending of non-food goods and wares on City property is allowed with a valid Peddlers/Solicitors/Transient Merchants permit (no sealed bidding process required.)

- 1. Applicants for vending of non-food goods and wares on City property will be contacted by a City representative to discuss specific areas available for parking/vending.

- ii. Food: Vending food items on City property, is only allowed with a valid permit at locations and hours as set forth in these regulations. Those locations, which may be amended from time to time, include those generally on the maps attached in **Appendix I** of these Regulations. Bidders awarded a permit for each site will be contacted by a City representative to discuss specific areas at each general site available for parking/vending.

1. *Sealed Bidding Process.*

- a. Since there are limited City controlled or owned properties available for vending, permits for vending on such properties is offered to interested persons by way of a sealed bidding process.
- b. Except for the first year of this program, the City will post on its website and publish in the newspaper in February of each year notice of Request for Sealed Bids (“RFSB”) for each City directed sale location. The RFSB will designate a due date and time for bids and note any other information that must be included in the bid. Each location will have a designated minimum bid amount as set forth in Section I

above. Note: Minimum bid amounts for each location may not be uniform. Except as provided in subsection II.b.ii.1.g of these Regulations, all permits shall expire on March 31st of each subsequent year.

- c.** Any interested persons may submit a bid pursuant to the RFSB for one or more locations. An applicant must submit a separate bid for each location for which it wishes to apply. All bids shall be submitted in a sealed envelope to the City Clerk by the date and time specified and shall be marked on the outside of the envelope “CITY DIRECTED SITE BID.”
- d.** Permits will generally be awarded to the highest bidder for each location based on the applicant’s ability to address each of the items noted in the RFSB. Notwithstanding, the City may also consider, among others, the following factors:
 - i.** Financial responsibility of the bidder;
 - ii.** City’s past dealings with the bidder;
 - iii.** The type of goods proposed to be sold by the bidder;
 - iv.** Adequacy of equipment if vending from stand, cart and/or any other mobile device;
 - v.** Any other pertinent considerations.
- e.** The City may reject bids for the following reasons, among others:
 - i.** Failure of the bidder to respond to the requirements of the request for bid;
 - ii.** Submission of a late bid, mistake or error by the bidder;
 - iii.** Fraud, collusion, or conflict of interest;
 - iv.** Indebtedness to the City; or
 - v.** Any previous "violations of public trust" by the bidder.
 - vi.** Any other reason in the City’s sole discretion.

- f. The City Clerk shall open all bids submitted at the date and time indicated in the RFSB. Bid opening shall be open to the public. All bidders will be timely notified of any award of permit or of a decision not to award a permit.
- g. If no bids are received or if City directed sale locations remain available, the City Manager may award such permits for any available location and may determine the duration and scope of any permit offered, which shall not be less than thirty days, nor shall extend beyond March 31st of any subsequent year and the fee shall be prorated on a daily basis pursuant to the minimum bid required by the fee schedule. By way of example and not limitation the fee for a mobile cart location would be \$500/365 days and would equal a daily fee of \$1.37 per day and the fee for a food truck would be \$1,225/365 days and would equal \$3.36 per day.
- h. The City reserves the right to accept or reject any or all bids and, to waive informalities or errors in the bidding process.

c. Miscellaneous Rules (City & non-City Property)

- i. Except as otherwise allowed by the City, vending may occur between sunrise and 11 p.m., except for solicitors working in a residential location who may only solicit between 9 a.m. and 9 p.m. or sunset, whichever is earlier. No vending unit may be present on City property, including for set up or tear down, except during this time.
- ii. Vendors must provide appropriate waste receptacles at the site of the unit and remove all litter, debris and other waste attributable to the vendor on a daily basis. Waste shall not be disposed of in City receptacles.
- iii. If parked on public streets, vendors shall conform to all applicable parking restrictions.
- iv. Vendors may not operate on a street, City property or within an area which has been closed by the city council or the city manager for an art fair, street fair or other special event, unless otherwise included in the special event. Notwithstanding, the City Manager may authorize an alternative location for vendors at his or her discretion.
- v. Vendors shall not use flashing, blinking or strobe lights.

- vi. Vendors shall not use loud music, amplification devices or other audible methods to gain attention that causes a disruption or safety hazard.
- vii. Vendors may have one free standing sign that is not more than six square feet. The sign must be located within 5 feet of the unit and may not be placed in an area that impedes pedestrian or vehicle traffic/safety.
- viii. No unit may be left unattended on City property for more than two hours.
- ix. The use of any electricity or generator must be authorized by the city. No power cables may be extended at or across any City street, alley or sidewalk except in a safe manner.
- x. All waste and water shall be disposed of in accordance with federal, state and local regulations. Untreated waste shall not be disposed of in City sewers.
- xi. Vendors may not approach drivers of motor vehicles or customers in stores without store manager permission.
- xii. Solicitors must identify themselves and the name of the organization they represent.
- xiii. Solicitors must immediately and peacefully depart from any premises when requested.

III. EXEMPTIONS. The following are specifically exempted from the peddler, solicitor or transient merchant permit requirements only if vending occurs on non-City owned property and/or involves the vending of only non-food goods and wares:

- a. Special Events Approved by City: Any person operating as part of a larger special event (like arts and crafts fairs, farmers' markets, festivals, and exhibitions), which has been specifically approved by the city under other applicable provisions of the city code, provided that any such person was included within the original application for the special event by the organizer of the event and further provided that any person engaged in the business of selling prepared food from any motor vehicle, conveyance, cart, stand, booth or other similar structure or fixture that is cooked or heated with a device or appliance using any gas or liquid until and unless the motor vehicle, conveyance, cart, stand, booth or other similar structure or fixture, device or appliance is reviewed or inspected by appropriate city departments. However, no person shall be permitted to operate beyond the date of the special event approved by the city without an approved permit.
- b. Limousine carriers, taxicab carrier, or transportation network company: To the extent limousine and taxicab carriers and transportation network companies are exempt

from fees and licenses pursuant to Public Act 345 of 2016, such limousine and taxicab carriers and transportation network companies are exempt.

c. Veterans: A veteran, as defined by Public Act 359 of 1921, shall be excluded from this article, but only to the extent such veteran is in compliance with Act 359, sells his or her own goods, and only if the proceeds from the sale of the goods are to be used for his or her direct personal benefit or gain. For purposes of this subsection, "goods" shall not include any food or services the sale of which shall require a permit.

d. Any person under the age of 18 years of age is exempt, unless such persons under age 18 are peddling or vending from a motor vehicle. Then those persons shall be required to obtain a permit.

e. Any person representing any established public or private school; provided that sales are under the sponsorship of the school.

f. Any person exempt from the permitting requirements by virtue of state or federal law.