



CITY COUNCIL ACTION REPORT

DATE: November 20, 2008

TO: Phillip L. Nelson, City Manager

FROM: Brian P. Murphy, Assistant City Manager/Economic Development Services
Mark S. Stimac, Director of Building and Zoning
Mark F. Miller, Planning Director

SUBJECT: Temporary Merchant Business Ordinance

Background:

- At the June 16, 2008 Regular meeting, City Council directed City Management to “investigate the possibility of expanding Chapter 61 – Transient Merchant(s) or a similar means to include a mobile service vehicle”.
- City Management proposes to amend Chapter 61 – Transient Merchants to expand the uses regulated by this ordinance, including sidewalk sales and Christmas tree sales, which are presently regulated under Chapter 69. Chapter 61 will be renamed Temporary Merchant Businesses.
- Chapter 3 – Administrative Service will be amended to add Chapter 61 to the list of City Codes that are enforced by the Building Department (see page 10 of Chapter 3).
- Chapter 60 Fees and Bonds Required will be amended to add fees for Temporary Indoor Uses and Temporary Outdoor Uses, and to delete reference to Transient Merchants (see pages 5-6).
- Chapter 69 – Miscellaneous Licensed Businesses will be amended to remove sidewalk sales and Christmas tree sales, since these uses will be regulated by Chapter 61.
- Chapter 39 – Zoning Ordinance will need to be amended in the future, since it presently states that sidewalk sales are regulated by Chapter 69.
- In responding to questions raised at the last City Council meeting, City Management discovered that mobile windshield repair businesses would not be permitted under the version of the Temporary Merchant Business Ordinance that was presented to City Council. Section 7(a) was modified so that mobile windshield repair businesses in the B-2, B-3 and H-S districts are permitted.

- At the request of the City Attorney's Office, the Annual Renewal Fee for Massage Therapist Registration in Chapter 60 was revised from "n/a" to \$10.00. This was omitted in the September 8, 2008 Massage Therapy Ordinance adoption.

Financial Considerations:

- There are no financial considerations for this item.

Legal Considerations:

- City Council has the authority to act on this application.

Policy Considerations:

- The application is consistent with the following "Outcome Statements" as established at the July 1 Special Council meeting:
 - II. Troy adds value to properties through maintenance or upgrades of infrastructure and quality of life venues.
 - III. Troy is rebuilding for a healthy economy reflecting the values of a unique community in a changing and interconnected world.

Options:

- City Council can approve the proposed amendments.
- City Council can deny the proposed amendments.
- City Council can direct City staff to modify the proposed amendments.

Approved as to form and legality:

Lori Grigg Bluhm, City Attorney

Attachments:

1. Chapter 61 – Temporary Merchant Businesses (formerly Transient Merchants) proposed amendments.
2. Chapter 3 – Administrative Service proposed amendments (excerpt).
3. Chapter 60 – Fees and Bonds Required proposed amendments (excerpt).
4. Chapter 69 – Miscellaneous Licensed Businesses proposed amendments.
5. Resolution from the June 16, 2008 City Council Regular meeting.

Prepared by RBS/MFM

cc: Applicant
File

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CITY OF TROY
AN ORDINANCE TO AMEND
CHAPTER 61 OF THE CODE
OF THE CITY OF TROY

The City of Troy ordains:

Section 1. Short Title

This Ordinance shall be known and may be cited as an amendment to Chapter 61 of the Code of the City of Troy.

Section 2. Amendment

**CHAPTER 61 – TRANSIENT MERCHANTS TEMPORARY MERCHANT
BUSINESSES**

~~1. License Required.~~

~~No person shall engage in a temporary business of selling goods, wares or merchandising at retail within the City from any lot, premises, building room or structure, including railroad cars, without first obtaining a license therefor. No such license shall be granted except upon certification of the Police Chief and City Treasurer. License fees shall be in accordance with Chapter 60, Fees and Bonds of the City of Troy Code of Ordinances.~~

~~(Rev. 03-17-03)~~

~~2. Temporary Business Defined.~~

~~Every person engaged in the retail sale and delivery of goods, wares or merchandise, shall be deemed to be engaged in carrying on a temporary business unless his business establishment shall have been assessed for taxation in the City during the current year.~~

~~7.63 Indebtedness to the City.~~

~~No license shall be granted to any person owing any personal property taxes or other indebtedness to the City, or who contemplates using any personal property on which personal property taxes are owing, in the operation of such business.~~

~~7.65 Exemption.~~

~~Persons conducting a business licensed under another provision of this Code shall be exempt from the requirements of this Chapter.~~

1. Definitions

The following definitions shall apply to this Chapter:

- Applicant means a person that submits an application for a Temporary Merchant Business License.

- Christmas Tree Sales means the retail sale of real Christmas trees.
- Lot means a parcel of land occupied, or intended to be occupied, by a main building or a group of such buildings and accessory buildings, or utilized for the principal use and uses accessory thereto, together with such open spaces as are required under the provisions of Chapter 39. A lot may or may not be specifically designated as such on public records.
- Mobile windshield repair means a temporary outdoor use involving the injection, curing and polishing of specially formulated resins into a damaged area of an automobile windshield.
- Person means any individual, firm, partnership, limited liability company, or corporation.
- Sidewalk Sales means a promotional sales event conducted on the sidewalk or other hard surface along the front or side of the particular establishment in which such business is normally conducted.
- Temporary means a business that operates for ninety (90) days or less.
- Temporary Indoor Use means a person that engages in selling goods and wares or providing a service from any lot or premises indoors on a temporary basis.
- Temporary Outdoor Use means a person that engages in selling goods and wares or providing a service from any lot or premises outdoors on a temporary basis, not including sidewalk sales or Christmas tree sales.

2. License Required

No person shall operate a Temporary Merchant Business in the City of Troy without first obtaining a license pursuant to the provisions of this Chapter. The following shall be considered Temporary Merchant Businesses:

- a. Temporary Indoor Uses;
- b. Temporary Outdoor Uses;
- c. Sidewalk Sales;
- d. Christmas Tree Sales.

3. Application for Temporary Merchant Business License

- a. An applicant shall submit to the Clerk's Office a fully completed application, on a form furnished by the City Clerk.
- b. The application, at a minimum, shall include the following information:
 - i. The full and complete name and current address of the applicant(s).
 1. If the applicant is a partnership, the name and address of each partner shall be listed, and a copy of any partnership agreement shall be attached to the application.
 2. If the applicant is a privately held corporation, the name and address of each corporate officer, member of the board of directors, and stockholder shall be listed, and a copy of the articles of incorporation shall be attached to the application.
 3. If the applicant is a publicly held corporation, the name and address of each corporate officer, member of the board of directors and stockholder who owns ten (10) percent or more of the corporate stock shall be listed on the application.
 4. If the applicant is a limited liability company, the name and address of each member, manager, or person with a membership interest shall be listed, and the articles of organization shall be attached to the application.
 - ii. The complete name, permanent address, and telephone number of the proposed licensed business.
 - iii. A written statement as to the applicant's experience in operating similar businesses in Troy or other communities.
 - iv. A concise statement as to the individual applicant's past employment or business practice including identification of other communities where the proposed licensed was operated.
 - v. Information related to the business's operation, which includes the following:
 1. Requested length of license;
 2. Proposed use;

3. The days and hours of operation.
- vi. Any other information pertinent to the applicant and the proposed business operation.
- c. The applicant shall also attach a sketch plan, drawn to scale, which shows the following information:
 - i. The parcel boundaries of the property where the proposed business will be located.
 - ii. The footprint and dimensions of all existing and proposed buildings and structures on the subject property.
 - iii. All curb cuts, drive aisles, and parking spaces on the property.
 - iv. All sidewalks on the property.
 - v. The exact location of the proposed Temporary Merchant Business, including the exact location of any and all of the following: signage, sales, display or service areas, staff and customer parking areas, required restroom facility, and other activities associated with the proposed Temporary Merchant Business.

4. Licensing

Temporary Merchant Business Licenses shall also comply with the provisions of Chapter 59 of this Code.

5. License Fees

The fee for a Temporary Merchant Business License application is listed in Chapter 60 of this Code.

6. Application Review and Investigation

- a. After the City Clerk has received a completed Temporary Merchant Business application, said application shall be forwarded to the following City Departments for review and investigation:
 - i. Police;
 - ii. Fire;
 - iii. Building Inspection;

- iv. Planning Department;
 - v. Risk Management;
 - vi. Any additional City Department that the City Manager or his/her designee deems necessary.
- b. During regular business hours or at another mutually agreeable time, City representatives shall be granted access onto the property to complete the necessary application investigation.
 - c. The City Clerk shall be responsible for determining whether the application meets the standards for approval of this ordinance.

7. Standards for Approval

Each Temporary Merchant Business shall meet all of the following Standards for Approval:

- a. The proposed use is permitted as a principal use within the underlying zoning district, as set forth in the City of Troy Zoning Ordinance, Chapter 39 of this Code. The only exceptions are the following:
 - i. Christmas tree sales within the B-1, B-2 and B-3 Zoning Districts as well as locations licensed before 1993.
 - ii. Mobile windshield repair within the B-2, B-3 and H-S Zoning Districts.
- b. The applicant has provided written evidence that he or she owns or leases the premises at which the applicant will operate, or the applicant has permission from the property owner to operate temporarily on the property. Any restrictions imposed by the property owner shall be clearly identified.
- c. The location of the proposed Temporary Merchant Business does not negatively impact public health, safety and welfare, including but not limited to traffic flow, pedestrian circulation, and off-street parking.
- d. Proposed signage complies with the provisions of Chapter 85 Signs.
- e. The applicant shall maintain insurance (demonstrated with a certificate of insurance), and shall name the City as an additional insured, for general liability insurance coverage in the amount of at least \$1,000,000.00. No cancellation or reduction in coverage may occur during the operation of the Temporary Merchant Business.

- f. The Temporary Merchant Business shall be located within 500 feet of a restroom that is accessible to employees and customers.

8. Restrictions

- a. No license shall be issued to:
 - i. An applicant whose previous Temporary Merchant Business License was revoked by the City of Troy for cause.
 - ii. An applicant who does not satisfy the current ordinance requirements, even if previously granted a license.
 - iii. A co-partnership, unless all of the members of such co-partnership qualify to obtain a license.
 - iv. A corporation if any officer, manager or director or a stock owner or stockholders owning more than five (5) percent of the stock of such corporation would not be eligible to receive a license.
 - v. An applicant whose business is operated by a manager or agent, unless such manager or agent possesses qualifications similar to those required of the licensee.
 - vi. An applicant who has been convicted or found responsible for a violation of any federal, state, or local law involving moral turpitude, fraud, theft, violence, or controlled substances.
 - vii. An applicant who does not own the premises for which a license is sought or does not have a lease therefore for the full period for which the license is issued, or does not have permission to operate at the location.
 - viii. An applicant who is in default to the City.
- b. The license shall expire after ninety (90) consecutive days in one calendar year. Licenses shall be renewable once per calendar year. The total operational period per license shall not exceed one-hundred eighty (180) days per calendar year.
- c. The hours of operation shall be limited to the hours between 9 a.m. and 9 p.m.
- d. If the applicant operates a temporary outdoor use, the operation shall be broken down and removed entirely from the site every day. No overnight storage of any kind shall be allowed. This requirement shall not apply to approved Christmas Tree Sales or Sidewalk Sales.

- e. Sidewalk Sales are permitted only within B-1, B-2 and B-3 Zoning Districts. Licenses for sidewalk sales shall not be issued more than once during any consecutive thirty (30) day period on any individual parcel or within any shopping center. Each permit shall be valid for not more than seventy-two (72) hours. The applicant shall certify to the City Clerk that he/she has notified all other commercial establishments within said shopping center at the time the application is submitted. Outdoor sales areas shall be designed in accordance with accessibility requirements of the Michigan Building Code. Outdoor sales areas shall occur and shall occupy that portion of the sidewalk that is immediately adjacent to the front of the business establishment. Displays shall not extend beyond said sidewalk either into a drive or parking lot or laterally beyond the limits of the establishment to which a license has been issued.

9. Display of License

A Temporary Merchant Business License issued pursuant to this Chapter's provisions shall be displayed in a prominent location visible to customers or clients at all times.

10. Bond Required

No license shall be issued until the applicant deposits a five hundred dollar (\$500.00) bond for each lot where the business will be operated. Each bond shall be retained by the Clerk's Office for a period of not less than ten (10) days after the date of expiration of the license. Said bond shall then be returned to the applicant upon its release being approved by the Building Inspector certifying in writing that the licensed premises to which said bond was applicable is cleared of all left-over equipment, vehicles and debris. This clean up shall occur within ten (10) days or City shall cause such clean up to be completed, and shall charge costs back to the applicant. The bond shall be used first to recoup these costs and additional amounts required shall be collected in any manner allowed by law. In the event that any licensee fails to clear the premises, the Building Inspector may cause the premises to be cleared and the cost thereof shall be deducted from the bond and the balance, if any, shall be returned to the licensee.

11. Revocation and Suspension of License

The City Manager, or his or her designee, may immediately revoke or suspend a Temporary Merchant Business License if the applicant violates any of this Ordinance's provisions, or for other good cause. The procedure for the suspension and revocation of the license shall be governed by the provisions of Chapter 59 of this Code.

12. Violations and Penalties

- a. A violation of any section of this Chapter is a Municipal Civil Infraction subject to the provisions of Chapter 100 of the Code of the City of Troy.
- b. Each day that a violation continues is a separate Municipal Civil Infraction violation. Sanctions for each violation of said sections shall include a fine of not more than \$500, costs, damages and injunctive orders as authorized by Chapter 100.

Section 3. Savings

All proceedings pending, and all rights and liabilities existing, acquired or incurred, at the time this Ordinance takes effect, are hereby saved. Such proceedings may be consummated under and according to the ordinance in force at the time such proceedings were commenced. This ordinance shall not be construed to alter, affect, or abate any pending prosecution, or prevent prosecution hereafter instituted under any ordinance specifically or impliedly repealed or amended by this ordinance adopting this penal regulation, for offenses committed prior to the effective date of this ordinance; and new prosecutions may be instituted and all prosecutions pending at the effective date of this ordinance may be continued, for offenses committed prior to the effective date of this ordinance, under and in accordance with the provisions of any ordinance in force at the time of the commission of such offense.

Section 4. Severability Clause

Should any word, phrase, sentence, paragraph or section of this Ordinance be held invalid or unconstitutional, the remaining provision of this ordinance shall remain in full force and effect.

Section 5. Effective Date

This Ordinance shall become effective ten (10) days from the date hereof or upon publication, whichever shall later occur.

This Ordinance is enacted by the Council of the City of Troy, Oakland County, Michigan, at a regular meeting of the City Council held at City Hall, 500 W. Big Beaver, Troy, MI, on

_____.

Louise E. Schilling, Mayor

Tonni Bartholomew, City Clerk

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CITY OF TROY
AN ORDINANCE TO AMEND
CHAPTER 3 OF THE CODE
OF THE CITY OF TROY

The City of Troy ordains:

Section 1. Short Title

This Ordinance shall be known and may be cited as an amendment to Chapter 3 of the Code of the City of Troy.

Section 2. Amendment

1.141(6) A City of Troy Building Department Inspector shall have authority to issue and serve upon a person an appearance ticket, a Municipal Civil Infraction notice of violation, and/or a Municipal Civil Infraction citation, if he/she has reasonable cause to believe that the person has committed a violation of any of the following provisions of the Troy City Code.

Chapter 2: House Numbering and Street Naming

Chapter 13: Historic Preservation

Chapter 16: Garbage and Rubbish

Chapter 18: City Water Utility

Chapter 19: City Sewer Service

Chapter 20: Water and Sewer Rates

Chapter 39: Zoning

Chapter 47: House Trailers and Trailer Courts

Chapter 48: Litter

Chapter 61: Temporary Merchant Business

Chapter 64: Gasoline Stations

Chapter 67: Dances and Dance Halls

Chapter 68: Amusements and Recreation Places

Chapter 69: Miscellaneous Licensed Businesses

- Chapter 70: Self Service Laundries and Dry Cleaners
- Chapter 71: Auto Wash
- Chapter 73: Drive-In Restaurant
- Chapter 76: Adult Use Businesses Licenses (07-09-07)
- Chapter 77: Smoking Lounges (08-06-07)
- Chapter 79: General Building Regulations
- Chapter 82: Property Maintenance Regulations
- Chapter 82-A: Rental and Dwelling Inspection and Enforcement
- Chapter 82-B: Dangerous Buildings
- Chapter 83: Fences
- Chapter 85: Signs
- Chapter 88: Nuisances
- Chapter 93: Fire Prevention (provisions related to building codes)
- Chapter 97: Coin-Operated Amusement Devices and Arcades

Section 3. Savings

All proceedings pending, and all rights and liabilities existing, acquired or incurred, at the time this Ordinance takes effect, are hereby saved. Such proceedings may be consummated under and according to the ordinance in force at the time such proceedings were commenced. This ordinance shall not be construed to alter, affect, or abate any pending prosecution, or prevent prosecution hereafter instituted under any ordinance specifically or impliedly repealed or amended by this ordinance adopting this penal regulation, for offenses committed prior to the effective date of this ordinance; and new prosecutions may be instituted and all prosecutions pending at the effective date of this ordinance may be continued, for offenses committed prior to the effective date of this ordinance, under and in accordance with the provisions of any ordinance in force at the time of the commission of such offense.

Section 4. Severability Clause

Should any word, phrase, sentence, paragraph or section of this Ordinance be held invalid or unconstitutional, the remaining provision of this ordinance shall remain in full force and effect.

Section 5. Effective Date

This Ordinance shall become effective ten (10) days from the date hereof or upon publication, whichever shall later occur.

This Ordinance is enacted by the Council of the City of Troy, Oakland County, Michigan, at a regular meeting of the City Council held at City Hall, 500 W. Big Beaver, Troy, MI, on _____.

Louise E. Schilling, Mayor

Tonni Bartholomew, City Clerk

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CITY OF TROY
 AN ORDINANCE TO AMEND
 CHAPTER 60 OF THE CODE
 OF THE CITY OF TROY

The City of Troy ordains:

Section 1. Short Title

This Ordinance shall be known and may be cited as an amendment to Chapter 60 of the Code of the City of Troy.

Section 2. Amendment

60.03 Fee Schedule.

Massage Therapist Registration	
Registration Fee	\$ 10.00
Annual Renewal Fee	n/a \$ 10.00
Temporary Indoor Uses (Chapter 61)	
Per application	\$ 100.00
Per extension	\$ 100.00
Temporary Outdoor Use (Chapter 61)	
Per application	\$ 100.00
Per extension	\$ 100.00
Transient Merchant (Chapter 61) – Per week	\$ 50.00

Section 3. Savings

All proceedings pending, and all rights and liabilities existing, acquired or incurred, at the time this Ordinance takes effect, are hereby saved. Such proceedings may be consummated under and according to the ordinance in force at the time such proceedings were commenced. This ordinance shall not be construed to alter, affect, or abate any pending prosecution, or prevent prosecution hereafter instituted under any ordinance specifically or impliedly repealed or amended by this ordinance adopting this penal regulation, for offenses committed prior to the effective date of this ordinance; and new prosecutions may be instituted and all prosecutions pending at the effective date of this ordinance may be continued, for offenses committed prior to the effective date of this ordinance, under and in accordance with the provisions of any ordinance in force at the time of the commission of such offense.

Section 4. Severability Clause

Should any word, phrase, sentence, paragraph or section of this Ordinance be held invalid or unconstitutional, the remaining provision of this ordinance shall remain in full force and effect.

Section 5. Effective Date

This Ordinance shall become effective ten (10) days from the date hereof or upon publication, whichever shall later occur.

This Ordinance is enacted by the Council of the City of Troy, Oakland County, Michigan, at a regular meeting of the City Council held at City Hall, 500 W. Big Beaver, Troy, MI, on _____.

Louise E. Schilling, Mayor

Tonni Bartholomew. City Clerk

CITY OF TROY
AN ORDINANCE TO AMEND
CHAPTER 69 OF THE CODE
OF THE CITY OF TROY

The City of Troy ordains:

Section 1. Short Title

This Ordinance shall be known and may be cited as an amendment to Chapter 69 of the Code of the City of Troy.

Section 2. Amendment

1. ~~Sidewalk Sales.~~

~~No person or business shall engage in the outdoor display of goods for sale without first obtaining a license therefore. Such license shall issued by the City Clerk upon approval by the Fire and Building Departments.~~

~~————(Rev. 06-16-97)~~

2. ~~Restrictions.~~

~~Sidewalk Sales may be permitted only within B-1, B-2 and B-3 Zoning Districts. No license for sidewalk sales shall be granted except upon certification of the Building Inspector and Fire Chief. No licenses for sidewalk sales shall be issued more than once during any consecutive 30 day period within any shopping center or within 700 feet of any other commercial establishment during said 30 days, and each permit shall be valid for not more than 72 hours. The applicant shall certify to the City Clerk that he has notified all other commercial establishments within said shopping center of said 700 foot distance at the time application for the sidewalk sale is submitted. Outdoor sales shall not block or obstruct more than one-half (1/2) the width of the sidewalk on which such sales shall occur and shall occupy that portion of the sidewalk (1/2 width) which is immediately adjacent to the front of the business establishment. Displays shall not extend beyond said sidewalk either into a drive or parking lot or laterally beyond the limits of the establishment to which a license has been issued. License fees shall be in accordance with Chapter 60, Fees and Bonds of the City of Troy Code of Ordinances.~~

~~————(Rev. 03-17-03)~~

4. ~~Christmas Tree Sales.~~

~~No person shall engage in the business of selling Christmas trees at retail or operate or maintain a building or yard where Christmas trees are sold at retail without first obtaining a license. No license shall be granted except upon certification of the Building Inspector and Fire Chief. Applications for license shall be made in accordance with Chapter 59 of this Code and the fee shall be as prescribed in Chapter 60 of this Code. Christmas tree sales may be permitted within B-1, B-2 and B-3 Zoning Districts, as well as at locations licensed for 1993.~~

(Rev. 08-08-94)

5. Cash Deposits.

~~No license for the retail sale of Christmas trees shall be granted until the applicant shall make a clean-up deposit for each retail sales lot to be operated, said deposit to be retained by the City for a period of not less than ten (10) days after Christmas of the year in which the license was granted. Said deposit shall then be returned to the applicant upon its release being approved by the Building Inspector certifying in writing that the licensed premises to which said deposit was applicable have, within ten (10) days after Christmas of the year for which the license was granted, been cleared of all left over trees, branches, paper, waste and debris. In the event that any licensee shall fail to so clear the premises, the Building Inspector may cause the premises to be cleared and the cost thereof shall be deducted from the deposit and the balance, if any, shall be returned to the licensee.~~

(Rev. 08-26-91)

81. Registration of Dealers in Precious Metal, Gems and Items.

81.1 Definitions as used in this section:

- (a) "Agent or employee" means a person who, for compensation or valuable consideration is employed either directly or indirectly by a dealer.
- (b) "Dealer" means 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.
- (c) "Gold" means 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.
- (d) "Jewelry" means an ornamental item made of a material that includes a precious gem.
- (e) "Local police agency" means the police agency of the City of Troy.
- (f) "Platinum" means 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.
- (g) "Precious gem" means a diamond, alexandrite, ruby, sapphire, opal, amethyst, emerald, aquamarine, morganite, garnet, jadeite, topaz, tourmaline, or pearl.
- (h) "Precious item" means jewelry, a precious gem, or an item containing gold,

silver, or platinum. Precious item does not include the following:

- (i) Coins, commemorative medals, and tokens struck by, or in behalf of, a government or private mint.
 - (ii) Bullion bars and discs of the type traded by banks and commodity exchanges.
 - (iii) 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.
 - (iv) Industrial machinery or equipment.
 - (v) An item being returned to or exchanged at the dealer where the item was purchased and which is accompanied by a valid sales receipt.
 - (vi) An item which is received for alteration, redesign, or repair in a manner that does not substantially change its use and returned directly to the customer.
 - (vii) An item which does not have a jeweler's identifying mark or a serial mark and which the dealer purchases for less than \$5.00.
 - (viii) Scrap metal which contains incidental traces of gold, silver, or platinum which are recoverable as a by-product.
 - (ix) Jewelry which a customer trades for other jewelry having a greater value, and which difference in value is paid by the customer.
- (i) "Silver" means 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.

(Rev. 08-24-81)

§1.2 Administration of Ordinance.

The Chief of Police for the City of Troy or his or her designee shall be responsible for reviewing all applications for a certificate of registration.

§1.3 Application by a Dealer

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

- (ii) 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 Oakland County must be provided.
 - (iii) 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 Act No. 95 of the Public Acts 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 Act No. 95 of the Public Acts of 1981, or under section 535 of Act No. 328 of the Public Acts of 1931, 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 and Planning Commission of the City of Troy.
 - (e) The dealer shall pay a fee for each licensed establishment in the City of Troy. License fees shall be in accordance with Chapter 60, Fees and Bonds of the City of Troy Code of Ordinances.

(Rev. 8-24-81)

Section 3. Savings

All proceedings pending, and all rights and liabilities existing, acquired or incurred, at the time this Ordinance takes effect, are hereby saved. Such proceedings may be consummated under and according to the ordinance in force at the time such proceedings were commenced. This ordinance shall not be construed to alter, affect, or abate any pending prosecution, or prevent prosecution hereafter instituted under any ordinance specifically or impliedly repealed or amended by this ordinance adopting this penal regulation, for offenses committed prior to the effective date of this ordinance; and new prosecutions may be instituted and all prosecutions pending at the effective date of this ordinance may be continued, for offenses committed prior to the effective date of this ordinance, under and in accordance with the provisions of any ordinance in force at the time of the commission of such offense.

Section 4. Severability Clause

Should any word, phrase, sentence, paragraph or section of this Ordinance be held

invalid or unconstitutional, the remaining provision of this ordinance shall remain in full force and effect.

Section 5. Effective Date

This Ordinance shall become effective ten (10) days from the date hereof or upon publication, whichever shall later occur.

This Ordinance is enacted by the Council of the City of Troy, Oakland County, Michigan, at a regular meeting of the City Council held at City Hall, 500 W. Big Beaver, Troy, MI, on

_____.

Louise E. Schilling, Mayor

Tonni Bartholomew, City Clerk

E-10 Mobile Windshield Repair**Vote on Resolution to Take No Action**

Resolution #2008-06-192

Moved by Kerwin

Seconded by Schilling

WHEREAS, The City Council received a proposal for preparing a procedure to permit mobile windshield repair;

WHEREAS, The City Council referred the item to the Planning Commission for evaluation; and

WHEREAS, The Planning Commission recommended that City Council take no action on this item;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby takes **NO ACTION** on this item.

Yes: Kerwin, Schilling, Fleming

No: Beltramini, Eisenbacher, Howrylak

Absent: Broomfield

MOTION FAILED**Vote on Resolution to Develop Licensing Procedure**

Resolution #2008-06-193

Moved by Beltramini

Seconded by Eisenbacher

WHEREAS, The City Council received a proposal for preparing a procedure to permit mobile windshield repair;

WHEREAS, The City Council referred the item to the Planning Commission for evaluation; and

WHEREAS, The Planning Commission recommended that City Council take no action on this item;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **DIRECTS** City Management to investigate the possibility of expanding Chapter 61 - Transient Merchant or a similar means to include a mobile service vehicle.

Yes: Schilling, Beltramini, Eisenbacher, Fleming, Howrylak, Kerwin

No: None

Absent: Broomfield

MOTION CARRIED