



LAW DEPARTMENT

Coleman A. Young Municipal Center
2 Woodward Avenue, Suite 500
Detroit, Michigan 48226-3437

Phone 313•224•4550
Fax 313•224•5505
www.detroitmi.gov

October 21, 2022

Detroit City Council
1340 Coleman A. Young
Municipal Center
Detroit, Michigan

Re: Ordinance to amend Chapter 41 of the 2019 Detroit City Code, *Secondhand Goods*.

Honorable City Council:

Member Durhal has requested that the Law Department prepare an ordinance to amend Chapter 41 of the 2019 Detroit City Code, *Secondhand Goods*, by amending Article I, *Junk Dealers, Junk Vehicles, and Junk Collectors*, Article IV, *Scrap Metal Dealers*, Article VI, *Used Motor Vehicle Dealers, Used Vehicle Parts Dealers, and Automotive Dismantling and Wrecking Yards*, and by adding Article VIII, *Used Tires Sales and Service, Scrap Tire Storage, and Scrap Tire Processing*. A copy of the ordinance which has been approved as to form is attached for your review and consideration.

We are available to answer any questions that you may have regarding this proposed ordinance.

Respectfully submitted,

Tonja R Long

Tonja R. Long
Chief Administrative Corporation Counsel

Enclosure

cc: Gail Fulton, City Council Liaison

S U M M A R Y

This proposed ordinance amends Chapter 41 of the 2019 Detroit City Code, *Secondhand Goods*, by amending Article I, *Junk Dealers, Junk Vehicles, and Junk Collectors*, Division 2, *Generally*, Section 41-1-3, *Enclosed building or masonry wall required*, Section 41-1-4, *Condition of premises generally*, Section 41-1-5, *Pledges, pawns, and loans prohibited*, Section 41-1-6, *Records to be kept; examination of certain articles by Police Department or designated enforcement officer; exceptions*, Section 41-1-7, *Junk purchased or exchanged; exceptions; retention and tagging; automated recycling kiosk; storage and retention; preparation and delivery of record of purchases and exchanges; burden of proof*, Section 41-4-12, *Recording surveillance system required*, and by renaming and amending Section 41-1-9, *Business transactions prohibited during certain hours*, by amending Article IV, *Scrap Metal Dealers*, Division 1, *Generally*, Section 41-4-3, *Enclosed building or masonry wall required* and Section 41-4-4, *Condition of premises generally*, by adding Section 41-4-15, *Recording surveillance system required*, by amending Division 2, *License*, by adding Section 41-4-31, *Surety bond required*, by amending Article VI, *Used Motor Vehicle Dealers, Used Vehicle Parts Dealers, and Automotive Dismantling and Wrecking Yards*, Division 2, *Used Motor Vehicles*, Subdivision I, *Generally*, by amending Section 41-6-21, *Minimum size of premises; curb cuts and surfacing; permanent building required; separation from adjoining property*, and adding Section 41-6-25, *Recording surveillance system required*, by amending Division 4, *Automobile Dismantling and Wrecking Yards*, Subdivision I, *Generally*, by amending Section 41-6-101, *Enclosed building, fence, or wall required*, Section 41-6-102, *Condition of premises generally*, and by adding Section 41-6-106, *Business transactions prohibited during certain hours*, and Section 41-6-107, *Loitering by minors prohibited*, and by adding Article VIII, *Used Tires Sales and Service, Scrap Tire Storage, and Scrap Tire Processing*, to include Division 1, *Generally*, containing Section 41-8-1, *Misdemeanor violation; continuing violation; penalties for conviction thereof*, Section 41-8-2, *Enclosed building, fence, or wall required*, Section 41-8-3, *Conditions of premises generally*, Section 41-8-4, *Pledges, pawns, and loans prohibited*, Section 41-8-5, *Records to be kept*, Section 41-8-6, *Exhibition of parts to police*, Section 41-8-7, *Use of streets, sidewalks, other parts of public highways, and non-designated property prohibited*, Section 41-8-8, *Business transactions prohibited during certain times*, Section 41-8-9, *Loitering by minors prohibited*, Division 2, *Used Tires Sales and Service Business License*, to include Section 41-8-21, *Required*, Section 41-8-22, *Application; information required*, Section 41-8-23, *Establishment, approval, publication, and payment of annual fee*, Section 41-8-24, *Inspection and certification of approval; land use; construction requirements; maintenance, fire protection and safety, and health and sanitation requirements*, Section 41-8-25, *Investigation by Police Department required to confirm non-conviction of certain crimes*, Section 41-8-26, *Investigation by Office of Chief Financial Officer required to confirm no City tax or assessment arrearage*, Section 41-8-27, *Buildings, Safety Engineering, and Environmental Department Business License Center to take action upon application*, Section 41-8-28, *Posting required; non-transferable*, Section 41-8-29, *Expiration date and renewal requirements*, and Section 41-8-30, *Suspension, revocation, or denial of renewal*, and Division 3, *Scrap Tire Storage Business License* containing Section 41-8-41, *Required*, Section 41-8-42, *Application; information required*, Section 41-8-43, *Establishment, approval, publication, and payment of annual fee*, Section 41-8-44, *Inspection and certification of approval; land use; construction requirements; maintenance, fire protection and safety, and health and sanitation requirements*, Section 41-8-45, *Investigation by Police Department required to confirm*

non-conviction of certain crimes, Section 41-8-46, Investigation by Office of Chief Financial Officer required to confirm no City tax or assessment arrearage, Section 41-8-47, Buildings, Safety Engineering, and Environmental Department Business License Center to take action upon application, Section 41-8-48, Posting required; non-transferable, Section 41-8-49, Expiration date and renewal requirements, and Section 41-8-50, Suspension, revocation, or denial of renewal, and Division 4, Scrap Tire Processing and Recycling Business License containing Section 41-8-61, Required, Section 41-8-62, Application; information required, Section 41-8-63, Establishment, approval, publication, and payment of annual fee, Section 41-8-64, Inspection and certification of approval; land use; construction requirements; maintenance, fire protection and safety, and health and sanitation requirements, Section 41-8-65, Investigation by Police Department required to confirm non-conviction of certain crimes, Section 41-8-66, Investigation by Office of Chief Financial Officer required to confirm no City tax or assessment arrearage, Section 41-8-67, Buildings, Safety Engineering, and Environmental Department Business License Center to take action upon application, Section 41-8-68, Posting required; non-transferable, Section 41-8-69, Expiration date and renewal requirements, and Section 41-8-70, Suspension, revocation, or denial of renewal, to provide for more robust licensing of certain businesses and to require a business license for other businesses.

1 **BY COUNCIL MEMBER _____:**

2 **AN ORDINANCE** to amend Chapter 41 of the 2019 Detroit City Code, *Secondhand*
3 *Goods*, by amending Article I, *Junk Dealers, Junk Vehicles, and Junk Collectors*, Division 1,
4 *Generally*, Section 4-1-1, *Definitions*, Section 4-1-3, *Enclosed building or masonry wall required*,
5 Section 4-1-4, *Condition of premises generally*, Section 4-1-5, *Pledges, pawns, and loans*
6 *prohibited*, Section 4-1-7, *Junk purchased or exchanged; exceptions; retention and tagging;*
7 *automated recycling kiosk; storage and retention; preparation and delivery of record of purchases*
8 *and exchanges; burden of proof*, and Section 4-1-12, *Recording surveillance system required*,
9 and by renaming and amending Section 4-1-6, from “*Records to be kept; examination of certain*
10 *articles by Police Department or designated enforcement officer, exemptions*,” to “*Records to be*
11 *kept; examination of certain articles by Police Department or designated enforcement officer*,”
12 and Section 4-1-9, from “*Business transactions prohibited during certain hours; exception*,” to
13 “*Business transactions prohibited during certain hours*,” by amending Article IV, *Scrap Metal*
14 *Dealers*, Division 1, *Generally*, Section 4-1-3, *Enclosed building or masonry wall required*, and
15 Section 4-1-4, *Condition of premises generally*, by adding Section 4-1-15, *Recording*
16 *surveillance system required*, by amending Division 2, *License*, by adding Section 4-1-24, *Surety*
17 *bond required*, and by relocating and renumbering Section 4-1-25, *Inspection and certification*
18 *of approval; land use; construction requirements; maintenance, fire protection and safety, and*
19 *health and sanitation requirements*, Section 4-1-26, *Investigation by Police Department required*
20 *to confirm non-conviction of certain crimes*, Section 4-1-27, *Investigation on by Office of Chief*
21 *Financial Officer required to confirm no City tax or assessment arrearage*, Section 4-1-28,
22 *Buildings, Safety Engineering, and Environmental Department Business License Center to take*
23 *action upon application*, Section 4-1-29, *Posting required; non-transferrable*, Section 4-1-30,

1 *Expiration date and renewal requirement*, and Section 41-4-31, *Suspension, revocation, or denial*
2 *of renewal*, by amending Article VI, *Used Motor Vehicle Dealers, Used Vehicle Parts Dealers,*
3 *and Automotive Dismantling and Wrecking Yards*, and Division 2, *Used Motor Vehicles,*
4 Subdivision I, *Generally*, by amending Section 41-6-21, *Minimum size of premises; curb cuts and*
5 *surfacing; permanent building required; separation from adjoining property*, and adding Section
6 41-6-25, *Recording surveillance system required*, by amending Division 4, *Automobile*
7 *Dismantling and Wrecking Yards*, Subdivision I, *Generally*, by amending Section 41-6-101,
8 *Enclosed building, fence, or wall required*, Section 41-6-102, *Condition of premises generally*,
9 and by adding Section 41-6-106, *Business transactions prohibited during certain hours*, and
10 Section 41-6-107, *Loitering by minors prohibited*, and by adding Article VIII, *Used Tires Sales*
11 *and Service, Scrap Tire Storage, and Scrap Tire Processing*, to include Division 1, *Generally*,
12 containing Section 41-8-1, *Misdemeanor violation; continuing violation; penalties for conviction*
13 *thereof*, Section 41-8-2, *Enclosed building, fence, or wall required*, Section 41-8-3, *Conditions of*
14 *premises generally*, Section 41-8-4, *Pledges, pawns, and loans prohibited*, Section 41-8-5,
15 *Records to be kept*, Section 41-8-6, *Exhibition of parts to police*, Section 41-8-7, *Use of streets,*
16 *sidewalks, other parts of public highways, and non-designated property prohibited*, Section 41-8-
17 8, *Business transactions prohibited during certain times*, Section 41-8-9, *Loitering by minors*
18 *prohibited*, Division 2, *Used Tires Sales and Service Business License*, to include Section 41-8-
19 21, *Required*, Section 41-8-22, *Application; information required*, Section 41-8-23,
20 *Establishment, approval, publication, and payment of annual fee*, Section 41-8-24, *Inspection and*
21 *certification of approval; land use; construction requirements; maintenance, fire protection and*
22 *safety, and health and sanitation requirements*, Section 41-8-25, *Investigation by Police*
23 *Department required to confirm non-conviction of certain crimes*, Section 41-8-26, *Investigation*

1 *by Office of Chief Financial Officer required to confirm no City tax or assessment arrearage,*
2 *Section 41-8-27, Buildings, Safety Engineering, and Environmental Department Business License*
3 *Center to take action upon application, Section 41-8-28, Posting required; non-transferable,*
4 *Section 41-8-29, Expiration date and renewal requirements, and Section 41-8-30, Suspension,*
5 *revocation, or denial of renewal, and Division 3, Scrap Tire Storage Business License containing*
6 *Section 41-8-41, Required, Section 41-8-42, Application; information required, Section 41-8-43,*
7 *Establishment, approval, publication, and payment of annual fee, Section 41-8-44, Inspection and*
8 *certification of approval; land use; construction requirements; maintenance, fire protection and*
9 *safety, and health and sanitation requirements, Section 41-8-45, Investigation by Police*
10 *Department required to confirm non-conviction of certain crimes, Section 41-8-46, Investigation*
11 *by Office of Chief Financial Officer required to confirm no City tax or assessment arrearage,*
12 *Section 41-8-47, Buildings, Safety Engineering, and Environmental Department Business License*
13 *Center to take action upon application, Section 41-8-48, Posting required; non-transferable,*
14 *Section 41-8-49, Expiration date and renewal requirements, and Section 41-8-50, Suspension,*
15 *revocation, or denial of renewal, and Division 4, Scrap Tire Processing and Recycling Business*
16 *License containing Section 41-8-61, Required, Section 41-8-62, Application; information*
17 *required, Section 41-8-63, Establishment, approval, publication, and payment of annual fee,*
18 *Section 41-8-64, Inspection and certification of approval; land use; construction requirements;*
19 *maintenance, fire protection and safety, and health and sanitation requirements, Section 41-8-65,*
20 *Investigation by Police Department required to confirm non-conviction of certain crimes, Section*
21 *41-8-66, Investigation by Office of Chief Financial Officer required to confirm no City tax or*
22 *assessment arrearage, Section 41-8-67, Buildings, Safety Engineering, and Environmental*
23 *Department Business License Center to take action upon application, Section 41-8-68, Posting*

1 *required; non-transferable, Section 41-8-69, Expiration date and renewal requirements, and*
2 *Section 41-8-70, Suspension, revocation, or denial of renewal, to provide for more robust licensing*
3 *of certain businesses and to require a business license for other businesses.*

4 **IT IS HEREBY ORDAINED BY THE PEOPLE OF THE CITY OF DETROIT**
5 **THAT:**

6 **Section 1.** Chapter 41 of the 2019 Detroit City Code, *Secondhand Good, be amended by*
7 *amending Sections 41-1-3 through 41-1-7, 41-1-9, 41-1-12, 41-4-3 through 41-4-4, 41-6-21, 41-*
8 *6-101 through 41-6-102, and adding 41-4-15, 41-4-31, 41-6-25, 41-6-103 through 41-6-105, 41-*
9 *8-1 through 41-8-9, 41-8-21 through 30, 41-8-41 through 41-8-50, and 41-8-61 through 41-8-70,*
10 *to read as follows:*

11 **CHAPTER 41. SECONDHAND GOODS**

12 **ARTICLE I. JUNK DEALERS, JUNK VEHICLES, AND JUNK COLLECTORS**

13 **DIVISION 1. GENERALLY**

14 **Sec. 41-1-1. Definitions.**

15 For the purposes of this Chapter, the following words and phrases shall have the meanings
16 respectively ascribed to them by this section:

17 *Automated-recycling kiosk* means an interactive device that meets all of the following:

18 (1) Is installed in a secure retail space; and

19 (2) Has the following technological functions:

20 a. Verification of a seller's identity by remote examination of a government-
21 issued identification card by a live representative during all hours of
22 operation;

23 b. Secure storage of items accepted by the kiosk for recycling;

1 c. Capture and storage of images of the seller and the article purchased during
2 the transaction; and

3 d. Electronic reporting of all transactions to law enforcement.

4 *Automotive recycler* means, as likewise defined in Section 3 of the Michigan Secondhand
5 Dealer and Junk Dealers Act, being MCL 445.403, a person who engages in business, primarily
6 for the purpose of selling at retail salvage vehicle parts and, secondarily, for the purpose of selling
7 at retail salvage motor vehicles, or of manufacturing or selling a product of gradable scrap metal,
8 or a person employed as a salvage vehicle agent as defined in this section.

9 *City outdoor collection site* means, as likewise defined in Chapter 18 of this Code, *Fire*
10 *Prevention and Protection*, any location within the City which is in plain view or opened for aerial
11 observation including any space partially or wholly surrounded by a fence or a wall where a
12 number of scrap tires equaling 30 or more but fewer than 500 ~~scrap tires~~ are accumulated on a site
13 consisting of a parcel or adjacent parcels of real property which is not adjacent to a retail tire
14 operation.

15 *Foreign salvage vehicle dealer* means, as likewise defined in Section 17a of the Michigan
16 Vehicle Code, being MCL 257.17a, a person who is a licensed dealer in another state, and is also
17 licensed in this state pursuant to Section 248b of the Michigan Vehicle Code, being MCL
18 257.248b, to engage in the business of purchasing, selling, or otherwise dealing on a wholesale
19 basis in salvageable parts or vehicles of a type required to have a salvage or scrap certificate of
20 title under the Michigan Vehicle Code, being MCL 257.1 *et seq.*

21 *Industrial scrap* means, as likewise defined in Section 3 of the Michigan Secondhand
22 Dealer and Junk Dealers Act, being MCL 445.403, materials that are a direct product or by-product

1 of any form of a manufacturing, shaping, or cutting process from a person whose principal business
2 is the manufacturing, shaping, or cutting of materials at a fixed place of business.

3 *Internet drop-off store* means a person that contracts with other persons to offer its personal
4 property or other valuable thing for sale, purchase, consignment, or trade through means of an
5 internet website and meets the conditions described in Section 41-1-21(c) of this Code.

6 *Junk* means secondhand articles such as rags, paper, bags, bagging, aluminum, brass,
7 copper, iron, lead pipe or tools, steel, tin, zinc, scrap or discarded metal, bottles, lighting and
8 plumbing fixtures or other articles, whether manufactured or in the process of being manufactured,
9 or raw material.

10 *Junk collector* means any person who operates a junk vehicle that is licensed under this
11 article, or a person who is employed by, or assists, a person who operates a junk vehicle.

12 *Junk dealer*, also known as a secondhand dealer, means, as likewise defined in Section 3
13 of the Michigan Secondhand Dealer and Junk Dealers Act being MCL 445.403, any person whose
14 principal business is that of purchasing, selling, exchanging, storing, or receiving second hand
15 articles of any kind, scrap metals, cast iron, old iron, old steel, tool steel, aluminum, copper, brass,
16 lead pipe or tools, or lighting and plumbing fixtures but does not mean a scrap processor, as defined
17 in this section, an automotive recycler, as defined in this section, or a junkyard that deals
18 principally in industrial scrap and is licensed under Article IV of this chapter as an scrap metal
19 dealer.

20 *Junk vehicle* means a motor vehicle used to transport junk through the streets or alleys of
21 the City for the purpose of collecting junk for sale, exchange, or other disposal for monetary or
22 other consideration, but does not mean vehicles used by licensed commercial drivers transporting
23 industrial scrap, or vehicles used by salvage vehicle agents as defined in this section, or vehicles

1 used by licensed contractors, their employees, and their subcontractors engaged in construction or
2 reconstruction, or vehicles used by licensed occupational trade persons engaged in construction or
3 reconstruction, or vehicles used by scrap tire haulers within the meaning of Section 16901 of the
4 Michigan Natural Resources and Environmental Protection Act, being MCL 324.16901, or
5 vehicles used by solid waste haulers operating a solid waste transporting unit within the meaning
6 of Section 11506 of the Michigan Natural Resources and Environmental Protection Act, being
7 MCL 324.11506, and Chapter 42, Article III, of this Code, Private Solid Waste Collectors.

8 ~~*Outdoor collection site* means, as likewise defined in Chapter 18 of this Code, Fire~~
9 ~~Prevention and Protection, any location within the City which is in plain view or opened for aerial~~
10 ~~observation including any space partially or wholly surrounded by a fence or a wall where 30 or~~
11 ~~more but fewer than 500 scrap tires are accumulated on real property which is not adjacent to a~~
12 ~~retail tire operation.~~

13 *Person* means an individual, corporation, limited-liability company, partnership, or other
14 legal entity.

15 *Rebuilt* means built again; dismantled and reassembled with new parts; restrengthened or
16 reinforced.

17 *Refurbished* means restored to freshness or appearance or good condition, operates as new.

18 *Salvage* means to save or rescue property from fire, peril, ruin, loss, damage, or destruction.

19 *Salvage vehicle* means, as likewise defined in Section 56a of the Michigan Vehicle Code,
20 being MCL 257.56a, a vehicle for which a scrap certificate of title has been issued by the Michigan
21 Secretary of State.

22 *Salvage vehicle agent* means, as likewise defined in Section 56c of the Michigan Vehicle
23 Code, being MCL 257.56c, a person employed by a licensed automotive recycler as defined in this

1 section, a used vehicle parts dealer as defined in this section, or a foreign salvage vehicle dealer as
2 defined in this section, and authorized by the Michigan Secretary of State to buy, sell, acquire, or
3 otherwise deal in distressed, late model vehicles, scrap vehicles, or salvageable parts through a
4 salvage pool.

5 *Scrap certificate of title* means, as likewise defined in Section 57d of the Michigan Vehicle
6 Code, being MCL 257.57d, a document issued by the Michigan Secretary of State evidencing
7 ownership of a scrap vehicle, which may be assigned only to a scrap processor as defined in this
8 section, an automotive recycler as defined in this section, a used vehicle parts dealer as defined in
9 this section, or a foreign salvage vehicle dealer as defined in this section and re-assignable only to
10 a vehicle scrap processor as defined in this section.

11 *Scrap processor* means, as likewise defined in Section 3 of the Michigan Secondhand
12 Dealer and Junk Dealers Act, being MCL 445.403, a person, utilizing machinery and equipment
13 and operating from a fixed location, whose principal business is the processing and manufacturing
14 of iron, steel, nonferrous metals, paper, plastic, or glass, into prepared grades of products suitable
15 for consumption by recycling mills, foundries, and other scrap processors.

16 *Scrap tires* means, as likewise defined in Section 16901 of the Michigan Natural Resources
17 and Environmental Protection Act, being MCL 324.16901, a tire that is no longer being used for
18 its original intended purpose including, but not limited to a used tire, a reusable tire casing, or
19 portions of a tire.

20 *Scrap tire storage business* means a business which stores scrap tires indoors as permitted
21 by the Fire Marshal or at a City outdoor collection site.

Tire means, as likewise defined in Chapter 18 of this Code, Fire Prevention and Protection, a continuous solid or pneumatic rubber covering encircling the wheel of a tractor or other farm machinery or of a vehicle.

Used vehicle parts dealer means, as likewise defined in Section 41-6-1 of this Code, any person engaged in operating a business of buying, selling or delivering used motor vehicle parts in the City, but does not mean one who sells, buys or deals exclusively in rebuilt or remanufactured vehicle parts, or dealers, who in the regular course of business, take used vehicle parts in trade and where such used vehicle parts are taken in trade or subsequently reconditioned or remanufactured or sold to dealers who recondition or remanufacture the same.

Vehicle means every motor vehicle which is required to be registered under the Michigan Vehicle Code, being MCL 257.1 *et seq.*

Vehicle scrap metal processor means, as likewise defined in Section 79b of the Michigan Vehicle Code, being MCL 257.79b, a dealer engaged in the business of buying or otherwise acquiring vehicles for the purpose of processing and selling the metal for remelting and, unless the vehicle scrap metal processor first obtains a used vehicle parts dealer license under Article VI of this chapter, is precluded from selling major components or other parts for vehicle repair purposes.

Sec. 41-1-3. Enclosed building or masonry wall required.

(a) Any junk dealer's business shall be carried on, maintained, or conducted:

(1) Entirely inside an enclosed building; or

(2) On a premises entirely enclosed, except for gates or doors for ingress or egress, by a masonry wall ~~that is not less than eight feet in height or more than 12 feet in height~~ and constructed according to the requirements of Chapter 8, Article II, of this Code,

1 *Building Code*, Chapter 50 of this Code, *Zoning*, and other applicable provisions of
2 this Code.

3 ~~(b) Where the requirement for a masonry wall along highways and streets will result in~~
4 ~~unnecessary hardship or involve an exceptional, practical difficulty due to special circumstances,~~
5 ~~the Construction Board of Appeals or the Board of Zoning Appeals may vary or modify, in specific~~
6 ~~eases, the application thereof by determining and imposing such conditions or limitations, which~~
7 ~~the Construction Board of Appeals or the Board of Zoning Appeals finds necessary to promote the~~
8 ~~public health, safety, and welfare.~~

9 **Sec. 41-1-4. Condition of premises generally.**

10 (a) All walls or, where permitted, fences of a junk dealer's premises shall be maintained
11 in accordance with Chapter 8, Article XV, of this Code, ~~the *Property Maintenance Code*, in a neat,~~
12 ~~substantial condition~~ and the exterior thereof, ~~except those of woven wire~~ shall be painted,
13 provided, that as to such fences along public highways or streets, the exterior shall be painted at
14 least once every two years. The supporting uprights of all fences shall be placed on the interior
15 thereof.

16 (b) No junk, industrial scrap, or salvage vehicles shall be permitted on the junk dealer's
17 premises to lean on or touch any wall or fence, or to be in front of or attach to or suspended on any
18 wall or fence, or permitted, along any such highway or street, to be piled within two feet from the
19 base of the enclosing wall or fence, or higher than ~~ten feet from~~ the top of the enclosing wall or
20 fence.

21 ~~(c) Where physically possible and without danger to persons,~~ Any junk, industrial
22 scrap, and salvage vehicles ~~that is~~ located in or on the premises of a junk dealer shall be arranged

so that reasonable inspection of, or access to, all parts of the premises can be made by the Police Department and by any inspectors.

(d) A junk dealer shall maintain the conditions of its premises so as to avoid the imposition of noise, odors, artificial illumination, mud, dirt, dust, water runoff, litter, vermin, vibration, and other nuisances upon adjacent properties or rights of way.

(e) Open burning of any material is prohibited.

(f) All fluids shall be drained from salvage vehicles and properly disposed of prior to the vehicle's being stored on the site. Any materials listed on the Michigan Critical Materials Register, such as gasoline and solvents, shall require secondary containment and a Pollution Incident Protection Plan filed with the Michigan Department of Environment, Great Lakes, and Energy. The owner of the junk dealer's business must retain a bound copy of the Pollution Incident Protection Plan on site and provide it to the City upon request.

Sec. 41-1-5. Pledges, pawns, and loans prohibited.

A junk dealer shall not receive, in the course of business, any junk, industrial scrap or salvage vehicles by way of a pledge or pawn, or shall loan or advance any sum of money on the security of any junk.

Sec. 41-1-6. Records to be kept; examination of certain articles by Police Department or designated enforcement officer; ~~exceptions.~~

(a) As required by Section 4 of the Michigan Secondhand Dealers and Junk Dealers Act, being MCL 445.404, a junk dealer shall make and maintain a separate book or other written or electronic record, numbered consecutively, and open to inspection by a member of the Police Department, ~~or~~ inspectors designated to enforce this article, and the Michigan State Police, where

1 the dealer writes or enters in the English language at the time of the purchase or exchange of any
2 article, including junk, industrial scrap, salvage vehicle, or other item, all of the following:

- 3 (1) A description of the article;
- 4 (2) The name, description, fingerprint, operator's or chauffeur's license or state
5 identification number, registration plate number, and address of the individual from
6 whom the article is purchased and received, and the junk dealer shall make a copy
7 of the operator's license, chauffeur's license, or state identification card as part of
8 the book or record;
- 9 (3) The day and hour the purchase or exchange is made;
- 10 (4) The location from which the ~~item~~ article is obtained;
- 11 (5) Where the ~~junk~~ article is delivered in a motor vehicle, the state license plate
12 number;
- 13 (6) Where the ~~junk~~ article is delivered by a junk dealer, or by a junk collector, in a junk
14 vehicle that is licensed under this article, the junk dealer's or junk collector's
15 business license number, and the junk vehicle's business license plate number;
- 16 (7) Where the ~~junk~~ article is delivered by a licensed contractor, or an employee or
17 subcontractor of the licensed contractor, engaged in construction or reconstruction,
18 or a trade person engaged in construction or reconstruction, a photocopy of the
19 contractor's or trade person's occupation license;
- 20 (8) A statement from the person from whom the ~~junk~~ article was purchased or received
21 from that provides:
 - 22 a. A description of the ~~junk~~ article sold by, or delivered to, the junk dealer and,
23 where the person is delivering junk that is subject to the requirements of

Section 41-1-11(b) of this Code, a written receipt or other documentation which indicates where the ~~junk~~ article was obtained by the person and a copy of the written receipt or other documentation;

b. A declaration that the ~~junk~~ article was not obtained by theft or any other unlawful manner;

c. A declaration that to the best of the person's knowledge and belief the information in the statement is true and complete; and

d. The signature of the person; and

(9) Where the person from whom ~~junk~~ an article was received claims that the ~~junk~~ article was discarded by the owner, the address of the owner where the ~~junk~~ article was found discarded, or where no building or address is nearby, the name of the nearest intersection where the ~~junk~~ article was found; and

(10) Subject to Subsection (b) of this section, the method of payment.

All records that are required to be created under this section shall be retained by the junk dealer for at least ~~one year~~ three years from the date that the ~~junk~~ article was delivered.

(b) A junk dealer must pay for an item by check or by an electronic payment system, except that, where payment is made by an automated-recycling kiosk, the junk dealer may pay cash for the item.

(c) Every junk dealer shall provide for examination, on request by the Police Department or a designated enforcement officer, all ~~junk~~ articles bought or received that ~~is~~ are currently on its premises.

(d) It shall be unlawful for a junk dealer to fail to create and maintain records as required by this section.

1 ~~(e) This section shall not apply:~~

2 ~~(1) To new articles, wares or merchandise purchased at wholesale from manufacturers,~~
3 ~~wholesale distributors or jobbers for retail sales to customers;~~

4 ~~(2) To rags, waste paper, books, magazines, tapestries, antiques, or household goods,~~
5 ~~except computers, radios, televisions, media players, and electrical appliances;~~

6 ~~(3) To industrial scrap; or~~

7 ~~(4) To salvage vehicles purchased from a junk dealer licensed under this article, or~~
8 ~~from a salvage vehicle agent as defined in Section 41-1-1 of this Code.~~

9 **Sec. 41-1-7. Junk purchased or exchanged; exceptions; retention and tagging; automated**
10 **recycling kiosk; storage and retention; preparation and delivery of record of purchases and**
11 **exchanges; burden of proof.**

12 (a) As required by Section 5 of the Michigan Secondhand Dealers and Junk Dealers
13 Act, being MCL 445.405:

14 (1) Except as provided in Subsection (b) of this section, a junk dealer shall retain each
15 article that the dealer purchases or receives in exchange for at least 15 days before
16 disposing of the article, in an accessible place in the building where the article is
17 purchased and received, provided, that:

18 a. This section shall not apply to old rags, waste paper, and household goods,
19 except radios, televisions, and electrical appliances; and

20 b. This section does not require a junk dealer to retain ~~junk~~ an article purchased
21 from a person having a fixed place of business after a record has been made
22 of the purchase of such ~~junk~~ article as required by Section 41-1-6 of this
23 Code; and

1 (2) The dealer shall attach a tag to the article in a visible and convenient place, and
2 write on the tag the number that corresponds with the entry number in the record
3 that is required by Section 41-1-6 of this Code.

4 (b) In accordance with Section 5 of the Michigan Secondhand Dealers and Junk
5 Dealers Act, being MCL 445.405, a junk dealer that operates an automated-recycling kiosk:

6 (1) May store articles acquired at the kiosk in a secure off-site location; and

7 (2) Must retain an article stored under this subsection for 30 days and, upon request,
8 return the article, without cost, to the Police Department or to a law enforcement
9 officer of this state.

10 (c) In accordance with Section 5 of the Michigan Secondhand Dealers and Junk
11 Dealers Act, being MCL 445.405, a junk dealer shall prepare and deliver on Monday of each week
12 to the Police Department, before 12:00 Noon, a legible and correct paper or electronic copy, in the
13 English language, from the book or other written or electronic record, that contains a description
14 of each article purchased or received in exchange during the preceding week, the hour and day
15 when the purchase or exchange was made, a description of the individual from whom the article
16 was purchased or received in exchange, and a copy of the documentation required under Section
17 41-1-6 of this Code concerning the individual from whom the article was purchased or received in
18 exchange. The statement shall be verified in a manner acceptable to the Chief of Police.

19 (d) The junk dealer shall have the burden of proving ownership of any article, including
20 junk, industrial scrap, or salvage vehicles obtained in the regular course of business and the transfer
21 of any ~~junk~~ article shall be in accordance with state law and this article.

1 **Sec. 41-1-9. Business transactions prohibited during certain hours;~~exemption.~~**

2 (a) A junk dealer shall not purchase or receive a any junk, industrial scrap, or salvage
3 vehicle by sale, barter, exchange, or otherwise from any person between the hours of 7:00 p.m.
4 and 7:00 a.m.

5 (b) ~~— This section shall not apply to the receipt of industrial scrap by a junk dealer.~~**Sec.**
6 **41-1-12. Recording surveillance system required.**

7 (a) Every junk dealer as a condition of being licensed under this article to operate its
8 business, ~~every junk dealer~~ shall have a video surveillance system installed on its premises where
9 junk, industrial scrap, and salvage vehicles are received that is, such junk dealer shall:

10 (1) ~~maintained~~ Maintain the video surveillance system in good working condition and
11 ensure that such system records persons bringing such items to the junk dealer for
12 sale or delivery;

13 (2) Make available upon request, digital or video recordings from the surveillance
14 system ~~shall be made available~~ to the Police Department for review during regular
15 business hours; and

16 (3) ~~After being recorded,~~ Retain surveillance recordings ~~shall be kept~~ for at least ~~30~~ 90
17 days;

18 **ARTICLE IV. SCRAP METAL DEALERS**

19 **DIVISION 1. GENERALLY**

20 **Sec. 41-4-3. Enclosed building or masonry wall required.**

21 (a) A scrap metal dealer shall have their business carried on, maintained, or conducted;

22 (1) Entirely inside an enclosed building; or

1 (2) On a premises entirely enclosed, except gates or doors for ingress or egress, by
2 masonry wall,~~that is not less than eight feet in height or more than 12 feet in height,~~
3 and constructed according to the requirements of Chapter 8, Article II, of this Code,
4 *Building Code*, Chapter 50 of this Code, *Zoning*, and other applicable provisions of
5 this Code.

6 ~~(b) — Where the requirement for a masonry wall along highways and streets will result in~~
7 ~~unnecessary hardship or involve practical difficulties due to special circumstances; the Buildings,~~
8 ~~Safety Engineering, and Environmental Department or the Board of Zoning Appeals may vary or~~
9 ~~modify, in specific cases, the application thereof by determining and imposing such conditions or~~
10 ~~limitations which either the Buildings, Safety Engineering, and Environmental Department, or the~~
11 ~~Board of Zoning Appeals, finds necessary to promote the public health, safety, and welfare.~~

12 **Sec. 41-4-4. Condition of premises generally.**

13 (a) All masonry walls of the premises of a scrap metal dealer shall be maintained in
14 accordance with Chapter 8, Article XV, of this Code, *Property Maintenance Code*, ~~in a neat,~~
15 ~~substantial condition~~ and the exterior thereof shall be painted, provided, that, as to such walls along
16 public highways or streets, the exterior thereof shall be painted at least once every two years.

17 (b) No scrap metal, industrial scrap, and salvage vehicle shall be permitted on the
18 premises of a scrap metal dealer to lean on or touch any masonry wall, or to be in front of or attach
19 to or suspended on any masonry wall, or permitted along any such highway or street, to be piled
20 within two feet from the base of the enclosing masonry wall or fence, or higher than ~~ten feet from~~
21 the top of the enclosing masonry wall.

22 (c) ~~Where physically possible and without danger to persons,~~ Any scrap metal,
23 industrial scrap, or salvage vehicle that is located in or on the premises of a scrap metal dealer shall

1 be arranged so that reasonable inspection of, or access to, all parts of the premises can be made by
2 the Police Department and by any designated inspectors.

3 (d) A scrap metal dealer shall maintain the conditions of its premises so as to avoid the
4 imposition of noise, odors, artificial illumination, mud, dirt, dust, water runoff, litter, vermin,
5 vibration, and other nuisances upon adjacent properties.

6 **Sec. 41-4-15. Recording surveillance system required.**

7 (a) Every scrap metal dealer as a condition of being licensed under this article to
8 operate its business, shall have a video surveillance system installed on its premises where scrap
9 metal, industrial scrap, and salvage vehicles are received, such scrap metal dealer shall:

10 (1) Maintain the video surveillance system in good working condition and ensure that
11 such system records persons bringing such items to the scrap metal dealer for sale
12 or delivery;

13 (2) Make available upon request, digital or video recordings from the surveillance
14 system to the Police Department for review during regular business hours; and

15 (3) Retain surveillance recordings for at least 90 days.

16 **Secs. 41-4-16—41-4-20. Reserved.**

17 **DIVISION 2. LICENSE**

18 **Sec. 41-4-24. Surety bond required.**

19 A surety bond in the amount of \$5,000.00 shall be required for any person licensed to
20 engage in the business of a scrap metal dealer in the City.

Sec. 41-4-25. Inspection and certification of approval; land use; construction requirements; maintenance, fire protection and safety, and health and sanitation requirements.

(a) Upon application and before any license that is required by this division shall be issued or renewed, it shall be the duty of the Buildings, Safety Engineering, and Environmental Department Business License Center to review its records and, where a requisite inspection has not been done, to refer such application to the Directors of the Buildings, Safety Engineering, and Environmental Department and the Health Department, and to the Fire Marshal, who shall cause an inspection to be made of the premises of such proposed or existing business.

(b) After completion of respective inspections, the Buildings, Safety Engineering, and Environmental Department, the Fire Department, and the Health Department shall certify, in writing, to the Buildings, Safety Engineering, and Environmental Department Business License Center that the applicant is in full compliance with all pertinent state codes and regulations, and this Code, including, but not limited to, the following requirements:

(1) Land use. The business meets the requirements of Chapter 50 of this Code, *Zoning*, including verification that the specific land use for its intended location has been established by the City in the respective zoning district and, where the premises is governed by a zoning grant, has obtained a valid annual certificate of maintenance of zoning grant conditions;

(2) Construction requirements. The premises meets the requirements of:

- a. The Building Code, being Chapter 8, Article II, of this Code;
- b. The Electrical Code, being Chapter 8, Article III, of this Code;
- c. The Mechanical Code, being Chapter 8, Article IV, of this Code;
- d. The Plumbing Code, being Chapter 8, Article V, of this Code;

- e. The Energy Code (Commercial), being Chapter 8, Article VIII, of this Code;
 - f. The Elevator Code, being Chapter 8, Article IX, of this Code;
 - g. The Manlifts Code, being Chapter 8, Article X, of this Code;
 - h. The Material Hoists Code, being Chapter 8, Article XI, of this Code;
 - i. The Personnel Hoists Code, being Chapter 8, Article XII, of this Code; and
 - j. The Powered Platform Code, being Chapter 8, Article XIII, of this Code;
- (3) Maintenance. The premises meets the requirements of the Property Maintenance Code, being Chapter 8, Article XV, of this Code;
- (4) Fire protection and safety. The premises meets the requirements and limitations of the Detroit Fire Prevention and Protection Code, being Chapter 18, Article I, of this Code; and
- (5) Food sanitation and health. The business and premises meet the requirements of:
- a. Chapter 19 of this Code, Food, which, in Section 19-1-1, adopts by reference the provisions of the Michigan Food Law of 2000, being MCL 289.1101 et seq.; and
 - b. Chapter 20 of this Code, Health, which, in Section 20-1-1, adopts by reference the provisions of the Michigan Public Health Code, being MCL 333.1101 *et seq.*

Sec. 41-4-26. Investigation by Police Department required to confirm non-conviction of certain crimes.

- (a) Upon application and before any license required by this division shall be issued or renewed, it shall be the duty of the Buildings, Safety Engineering, and Environmental Department

1 Business License Center to refer such application to the Chief of Police or the designee of the
2 Chief of Police, who shall cause an investigation to be completed to determine whether the
3 applicant, or any of the applicant's officers, have been convicted of any offense during the past
4 five years involving the theft of property, or of any felony during the past five years concerning
5 fraud, embezzlement, dishonesty or assault.

6 (b) A scrap metal dealer license shall not be issued or renewed by the Buildings, Safety
7 Engineering, and Environmental Department Business License Center until the Chief of Police has
8 given written confirmation that the applicant does not have any convictions for offenses which are
9 delineated in Subsection (a) of this section.

10 **Sec. 41-4-27. Investigation by Office of Chief Financial Officer required to confirm no City**
11 **tax or assessment arrearage.**

12 (a) Upon application and before any license that is required by this division shall be
13 issued or renewed, it shall be the duty of the Buildings, Safety Engineering, and Environmental
14 Department Business License Center to refer such application to the Office of Chief Financial
15 Officer, which shall cause an investigation to be completed in accordance with Section 2-113 of
16 the Charter to determine whether any property tax, income tax, personal tax or special assessments
17 are unpaid, outstanding or delinquent to the City.

18 (b) A license shall not be issued or renewed by the Buildings, Safety Engineering, and
19 Environmental Department Business License Center until the Chief Financial Officer has given
20 written confirmation that the applicant is not in arrears to the City for taxes or assessments that are
21 delineated in Subsection (a) of this section.

Sec. 41-4-28. Buildings, Safety Engineering, and Environmental Department Business License Center to take action upon application.

Upon compliance with Sections 41-4-21 through 41-4-27 of this Code, the Buildings, Safety Engineering, and Environmental Department Business License Center shall issue an annual license for a business in accordance with Chapter 28 of this Code, *Licenses*.

Sec. 41-4-29. Posting required; non-transferable.

(a) Upon issuance by the Buildings, Safety Engineering, and Environmental Department Business License Center and after receipt by the applicant, a scrap metal dealer license shall be posted at all times by the licensee inside the licensed premises in a conspicuous location near the entrance.

(b) All scrap metal dealer licenses that are issued under this article shall not be transferable.

Sec. 41-4-30. Expiration date and renewal requirements.

(a) A license that is issued under this division shall expire on March 31st of each year.

(b) A license that is issued under this division shall remain valid until the expiration date unless suspended or revoked in accordance with Chapter 28 of this Code, *Licenses*.

(c) A license that is issued under this division may be renewed only by submitting a completed application and paying the required fee as provided for in this division.

(d) All applications for renewal of a license that is issued under this division shall be filed before April 1st of each year.

Sec. 41-4-31. Suspension, revocation, or denial of renewal.

A license that is issued under this division may be suspended, revoked, or denied renewal in accordance with Chapter 28 of this Code, *Licenses*.

1 **Secs. 41-4-32—41-4-40. Reserved.**

2 **ARTICLE VI. USED MOTOR VEHICLE DEALERS, USED VEHICLE PARTS**

3 **DEALERS, AND AUTOMOBILE DISMANTLING AND WRECKING YARDS**

4 **DIVISION 2. USED MOTOR VEHICLE DEALERS**

5 **Subdivision I. Generally**

6 **Sec. 41-6-21. Minimum size of premises; curb cuts and surfacing; permanent building**
7 **required; separation from adjoining property.**

8 (a) No license shall be issued to operate as a used motor vehicle dealer unless the
9 premises to be used shall have a minimum of 30 feet frontage on a street and contain a minimum
10 of at least 2,400 square feet of space so as to properly display at least 12 vehicles. The premises
11 must have proper curb cuts for entrance and exits and shall be surfaced with concrete, asphalt,
12 crushed stone or other approved hard topping surface. A suitable building of a permanent nature
13 shall be erected on the premises before a license is issued. The property shall be separated from all
14 adjoining property by a ~~suitable barrier or fence~~ masonry wall that is not less than five feet and not
15 more than eight feet in height.

16 (b) For the purpose of this section, the term "a building of a permanent nature" means
17 a building of at least 200 square feet, constructed of wood, masonry or other approved building
18 material, set on proper foundation, provided, that frame and all metal buildings less than 200 square
19 feet may be erected as provided for in the Chapter 8, Article II, of this Code, *Building Code*.

20 **Sec. 41-6-25. Recording surveillance system required.**

21 (a) Every used motor vehicle dealer as a condition of being licensed under this article
22 to operate its business, shall have a video surveillance system installed on its premises where any
23 used vehicle is purchased or taken in trade, such junk used motor vehicle dealer shall:

1 (1) Maintain the video surveillance system in good working condition and ensure that
2 such system records persons purchasing or trading used motor vehicles;

3 (2) Make available upon request, digital or video recordings from the surveillance
4 system to the Police Department for review during regular business hours; and

5 (3) Retain surveillance recordings for at least 90 days.

6 **Secs. 41-6-26—41-6-40. Reserved.**

7 **DIVISION 4. AUTOMOBILE DISMANTLING AND WRECKING YARDS**

8 **Subdivision I. Generally**

9 **Sec. 41-6-101. Enclosed building, fence, or wall required.**

10 (a) An automobile dismantling or wrecking business, and a used car business, if
11 combined, shall be carried on, maintained or conducted;

12 (1) Entirely inside an enclosed building, or

13 (2) On premises entirely enclosed, except gates or doors for ingress or egress, by a
14 masonry wall that is not less than eight feet in height or more than 12 feet in height, and constructed
15 according to the requirements of Chapter 8, Article II, of this Code, *Building Code*, Chapter 50 of
16 this Code, *Zoning*, and other applicable provisions of this Code.

17 ~~(b) —Where, owing to special conditions, the requirements for a masonry wall along~~
18 ~~highways and streets will result in unnecessary hardship or involve practical difficulties, the~~
19 ~~Buildings, Safety Engineering, and Environmental Department may vary or modify, in specific~~
20 ~~cases, the application thereof, imposing such conditions or limitations, which the Buildings, Safety~~
21 ~~Engineering, and Environmental Department or Board of Zoning Appeals finds necessary to~~
22 ~~promote the public health, safety, and general welfare.~~

23 **Sec. 41-6-102. Condition of premises generally.**

1 (a) All walls, where permitted, or fences of an automobile dismantling and wrecking
2 yard shall be maintained in accordance with Chapter 8, Article XV, of this Code, *Property*
3 *Maintenance Code*, ~~in a neat, substantial condition~~ and the exterior thereof, ~~except those of woven~~
4 ~~wire~~, shall be painted, provided, that as to such fences along public highways or streets, the exterior
5 thereof shall be painted at least once every two years. The supporting uprights of all fences shall
6 be placed on the inside thereof.

7 (b) No motor vehicle parts or other material of an automobile dismantling and
8 wrecking yard shall be permitted to lean on or touch any such wall or fence, to be in front of or
9 attached to or suspended on any such wall or fence or on the building thereof, or to be piled along
10 any street or highway within two feet from the base of the wall or fence ~~not in excess of~~ or higher
11 than the top of the enclosing wall or fence ~~within ten feet thereof~~, and in no case to be piled in a
12 manner likely to endanger a person using any such highway or street, provided, that this subsection
13 shall not prohibit the erection or maintenance of bins or shelving not to exceed the height of the
14 fence or wall, which are not attached to or affixed to such fence or wall and at least five feet
15 clearance is maintained in front of such bin or shelving.

16 (c) The material located in or on the premises of an automobile dismantling and
17 wrecking yard shall be so arranged that reasonable inspection or access to all parts of the premises
18 can be made by law enforcement officers.

19 (d) An automobile dismantling or wrecking business shall maintain the conditions of
20 its premises so as to avoid the imposition of noise, odors, artificial illumination, mud, dirt, dust,
21 water runoff, litter, vermin, vibration, and other nuisances upon adjacent properties.

22 **Sec. 41-6-106. Business transactions prohibited during certain hours.**

1 An automobile dismantling or wrecking business shall not purchase or receive any articles
2 by sale, barter, exchange, or otherwise from any person between the hours of 7:00 p.m. and 7:00
3 a.m.

4 **Sec. 41-6-107. Loitering by minors prohibited.**

5 It shall be unlawful for minors any person to loiter about the premises of any junk dealer.
6 **Secs. 41-6-108 – 41-6-110. Reserved.**

7 **ARTICLE VIII. USED TIRES SALES AND SERVICE, SCRAP TIRE STORAGE,**
8 **AND SCRAP TIRE PROCESSING**

9 **DIVISION 1. GENERALLY**

10 **Sec. 41-8-1. Misdemeanor violation; continuing violation; penalties for conviction thereof.**

11 (a) It shall be unlawful for any person to violate any provision of this article.

12 (b) Any person who violates this article may be issued a misdemeanor violation for
13 each day that the violation continues.

14 (c) Any person who is found guilty of violating any provision of this article shall be
15 convicted of a misdemeanor for each violation that is issued and, in the discretion of the court,
16 may be fined up to \$500.00 and sentenced up to 90 days in jail, or both, for each misdemeanor
17 violation that is issued.

18 **Sec. 41-8-2. Enclosed building, fence, or wall required.**

19 (a) A used tire sales and service business, scrap tire storage business, and a scrap tire
20 processing and recycling business shall be carried on, maintained, or conducted:

21 (1) Entirely inside an enclosed building, or

22 (2) On premises entirely enclosed, except gates or doors for ingress or egress, by a
23 masonry wall or a wooden fence, or a metal faced fence constructed according to

1 the requirements of Chapter 8, Article II, of this Code, *Building Code*, Chapter 50
2 of this Code, *Zoning*, and other applicable provisions of this Code.

3 **Sec. 41-8-3. Conditions of premises generally.**

4 (a) All walls or fences of a used tire sales and service business, scrap tire storage
5 business, or a scrap tire processing and recycling business shall be maintained in accordance with
6 Chapter 8, Article XV, of this Code, *Property Maintenance Code*, and the exterior thereof, shall
7 be painted, provided, that as to such fences along public highways or streets, the exterior thereof
8 shall be painted at least once every two years. The supporting uprights of all fences shall be placed
9 on the inside thereof.

10 (b) No used tires or other material of a used tire sales and service business shall be
11 permitted to lean on or touch any such wall or fence, to be in front of or attached to or suspended
12 on any such wall or fence or on the building thereof, to be piled, along any street or highway,
13 within two feet from the base of the wall or fence nor in excess of the enclosing wall or fence
14 within ten feet thereof, and in no case to be piled in a manner likely to endanger a person using
15 any highway or street, provided, that this subsection shall not prohibit the erection or maintenance
16 of bins or shelving not to exceed the height of the fence or wall, which are not attached to or affixed
17 to such fence or wall, and at least five feet clearance is maintained in front of such bin or shelving.

18 (c) The material located in or on the premises of a used tire sales and service business
19 shall be so arranged that reasonable inspection or access to all parts of the premises can be made
20 by law enforcement officers.

1 **Sec. 41-8-4. Pledges, pawns, and loans prohibited.**

2 A used tire sales and service dealer, scrap tire storage dealer, or scrap tire processing and
3 recycling dealer shall not receive, in the course of business, any used or scrap tires by way of a
4 pledge or pawn, or shall loan or advance any sum of money on the security of such tires.

5 **Sec. 41-8-5. Records to be kept.**

6 (a) Every person operating a used tire sales and service business shall keep, at the place
7 of business named in such license, a substantially bound book in which shall be written in ink, in
8 the English language, at the time of purchase, the complete description of the used tire sales and
9 service purchased, including any identifying marks or numbers contained thereon, and the date,
10 name, address, age and personal description of the person from whom such purchases were made.
11 At the time of sale, a corresponding entry shall be made containing like information as to the
12 purchaser of such used tire sales and service.

13 (1) Such books at all times shall be open to the inspection of any member of the Police
14 Department or the Director or any investigators of the Buildings, Safety Engineering, and
15 Environmental Department Business License Center.

16 (2) All entries in this book shall be made consecutively each business day. No entry in
17 such book shall be erased, obliterated, destroyed or defaced, or any pages of the book removed.

18 **Sec. 41-8-6. Exhibition of parts to police.**

19 Every used tire sales and service business shall, on demand, exhibit all used tire sales and
20 service bought or received in the possession of the business for proper inspection to any officer of
21 the Police Department, or the Director or any investigators of the Buildings, Safety Engineering,
22 and Environmental Department Business License Center.

1 **Sec. 41-8-7. Use of streets, sidewalks, other parts of public highways, and non-designated**
2 **property prohibited.**

3 No used tire sales and service business shall make use of any street, sidewalk, or other parts
4 of a public highway, or any other property not designated in the business' license for the display
5 of used tire sales and service or any other commodities.

6 **Sec. 41-8-8. Business transactions prohibited during certain hours.**

7 A used tire sales and service dealer, a scrap tire storage dealer, and a scrap tire processing
8 and recycling dealer shall not purchase or receive items by sale, barter, exchange, or otherwise
9 from any person between the hours of 7:00 p.m. and 7:00 a.m.

10 **Sec. 41-8-9. Loitering by minors prohibited.**

11 It shall be unlawful for minors any person to loiter about the premises of any used tires
12 sales and service, scrap tire storage and scrap tire processing business.

13 **Secs. 41-8-10—41-8-20. Reserved.**

14 **DIVISION 2. USED TIRES SALES AND SERVICE BUSINESS LICENSE**

15 **Sec. 41-8-21. Required.**

16 It shall be unlawful for any person to conduct or to maintain any business as a used tire
17 sales and service business in the City without having first obtained a license from the Buildings,
18 Safety Engineering, and Environmental Department Business License Center to operate such
19 business.

20 **Sec. 41-8-22. Application; information required.**

21 (a) An application for a license under this division shall be made on a form that is
22 provided by the Buildings, Safety Engineering, and Environmental Department Business License
23 Center. The application shall be considered completed when the appropriate person has signed and

1 dated the application in the presence of a notary public, has paid the required license fee, and has
2 provided the information that is required on the form, including:

3 (1) Where the applicant is an individual:

4 a. The applicant's full legal name and any other name used by the applicant
5 during the preceding five years;

6 b. The applicant's current mailing address and e-mail address; and

7 c. Written proof of age in the form of a driver's license, or a picture
8 identification document containing the applicant's date of birth issued by a
9 governmental agency, or a copy of a birth certificate accompanied by a
10 picture identification document issued by a governmental agency;

11 (2) Where the applicant is a partnership:

12 a. The legal name and any other name used by the partners during the
13 preceding five years; and

14 b. The current mailing address and e-mail address for the business;

15 (3) Where the applicant conducts business under a trade or assumed name:

16 a. The complete and full trade or assumed name;

17 b. The county where and date that the trade or assumed name was filed;

18 c. The name of the person doing business under such trade or assumed name,
19 the manager, and other person in charge; and

20 d. The current mailing address and e-mail address for the business;

21 (4) Where the applicant is a corporation:

22 a. The full and accurate corporate name;

23 b. The state and date of incorporation;

1 c. The full names and addresses of officers, directors, managers, and other
2 persons with authority to bind the corporation; and

3 d. The current mailing address and e-mail address for the business;

4 (5) The name, business address, and telephone number of the business; and

5 (6) The name and business address of the statutory agent, or other agent, who is
6 authorized to receive service of process.

7 (b) Any information provided in accordance with Subsection (a) of this section shall
8 be supplemented in writing and sent by certified mail, return receipt requested, to the Buildings,
9 Safety Engineering, and Environmental Department Business License Center within ten business
10 days of a change of circumstances that would render false or incomplete the information that was
11 previously submitted.

12 **Sec. 41-8-23. Establishment, approval, publication, and payment of annual fee.**

13 (a) A non-refundable fee shall be charged and collected in accordance with Section 6-
14 503(13) of the Charter for the processing and issuance of a license under this division. Based upon
15 the cost of issuance and administration of the licensing regulations, the Director of the Buildings,
16 Safety Engineering, and Environmental Department shall establish this fee, which is subject to
17 approval by the City Council through adoption of a resolution.

18 (b) After adoption of a resolution by the City Council and approval of the resolution
19 by the Mayor, the fees that are provided for in Subsection (a) of this section shall be:

20 (1) Published in a daily newspaper of general circulation and in the Journal of the City
21 Council;

22 (2) Made available at the Buildings, Safety Engineering, and Environmental
23 Department and at the Office of the City Clerk; and

1 (3) Reviewed by the Director of the Buildings, Safety Engineering, and Environmental
2 Department at least once every two years.

3 (c) A fee shall be charged each new licensee, any current licensee who applies to renew
4 an existing license, or a current licensee applying for a license at another location.

5 (d) Prior to the expiration of a current license, a licensee shall submit an application
6 for renewal and pay an annual fee for the renewal of a license. Submission of an application for
7 renewal and payment of the license fee before the expiration date of the license shall allow for the
8 continued operation of the business for the location until such time that the license renewal
9 application is denied, or the license is suspended or revoked.

10 **Sec. 41-8-24. Inspection and certification of approval; land use; construction requirements;**
11 **maintenance, fire protection and safety, and health and sanitation requirements.**

12 (a) Upon application and before any license that is required by this division shall be
13 issued or renewed, it shall be the duty of the Buildings, Safety Engineering, and Environmental
14 Department Business License Center to review its records and, where a requisite inspection has
15 not been done, to refer such application to the Directors of the Buildings, Safety Engineering, and
16 Environmental Department and the Health Department, and to the Fire Marshal, who shall cause
17 an inspection to be made of the premises of such proposed or existing business.

18 (b) After completion of respective inspections, the Buildings, Safety Engineering, and
19 Environmental Department, the Fire Department, and the Health Department shall certify, in
20 writing, to the Buildings, Safety Engineering, and Environmental Department Business License
21 Center that the applicant is in full compliance with all pertinent state codes and regulations, and
22 this Code, including, but not limited to, the following requirements:

- 1 (1) Land use. The business meets the requirements of Chapter 50 of this Code, *Zoning*,
2 including verification that the specific land use for its intended location has been
3 established by the City in the respective zoning district and, where the premises is
4 governed by a zoning grant, has obtained a valid annual certificate of maintenance
5 of zoning grant conditions;
- 6 (2) Construction requirements. The premises meets the requirements of:
- 7 a. The Building Code, being Chapter 8, Article II, of this Code;
8 b. The Electrical Code, being Chapter 8, Article III, of this Code;
9 c. The Mechanical Code, being Chapter 8, Article IV, of this Code;
10 d. The Plumbing Code, being Chapter 8, Article V, of this Code;
11 e. The Energy Code (Commercial), being Chapter 8, Article VIII, of this
12 Code;
13 f. The Elevator Code, being Chapter 8, Article IX, of this Code;
14 g. The Manlifts Code, being Chapter 8, Article X, of this Code;
15 h. The Material Hoists Code, being Chapter 8, Article XI, of this Code;
16 i. The Personnel Hoists Code, being Chapter 8, Article XII, of this Code; and
17 j. The Powered Platform Code, being Chapter 8, Article XIII, of this Code;
- 18 (3) Maintenance. The premises meets the requirements of the Property Maintenance
19 Code, being Chapter 8, Article XV, of this Code;
- 20 (4) Fire protection and safety. The premises meets the requirements and limitations of
21 the Detroit Fire Prevention and Protection Code, being Chapter 18, Article I, of this
22 Code; and
- 23 (5) Food sanitation and health. The business and premises meet the requirements of:

1 a. Chapter 19 of this Code, *Food*, which, in Section 19-1-1, adopts by
2 reference the provisions of the Michigan Food Law of 2000, being MCL
3 289.1101 et seq.; and

4 b. Chapter 20 of this Code, *Health*, which, in Section 20-1-1, adopts by
5 reference the provisions of the Michigan Public Health Code, being MCL
6 333.1101 et seq.

7 **Sec. 41-8-25. Investigation by Police Department required to confirm non-conviction of**
8 **certain crimes.**

9 (a) Upon application and before any license required by this division shall be issued or
10 renewed, it shall be the duty of the Buildings, Safety Engineering, and Environmental Department
11 Business License Center to refer such application to the Chief of Police or the designee of the
12 Chief of Police, who shall cause an investigation to be completed to determine whether the
13 applicant, or any of the applicant's officers, have been convicted of any offense during the past
14 five years involving the theft of property, or of any felony during the past five years concerning
15 fraud, embezzlement, dishonesty or assault.

16 (b) A used tire sales and service license shall not be issued or renewed by the Buildings,
17 Safety Engineering, and Environmental Department Business License Center until the Chief of
18 Police has given written confirmation that the applicant does not have any convictions for offenses
19 which are delineated in Subsection (a) of this section.

20 **Sec. 41-8-26. Investigation by Office of Chief Financial Officer required to confirm no City**
21 **tax or assessment arrearage.**

22 (a) Upon application and before any license that is required by this division shall be
23 issued or renewed, it shall be the duty of the Buildings, Safety Engineering, and Environmental

1 Department Business License Center to refer such application to the Office of Chief Financial
2 Officer, which shall cause an investigation to be completed in accordance with Section 2-113 of
3 the Charter to determine whether any property tax, income tax, personal tax or special assessments
4 are unpaid, outstanding or delinquent to the City.

5 (b) A license shall not be issued or renewed by the Buildings, Safety Engineering, and
6 Environmental Department Business License Center until the Chief Financial Officer has given
7 written confirmation that the applicant is not in arrears to the City for taxes or assessments that are
8 delineated in Subsection (a) of this section.

9 **Sec. 41-8-27. Buildings, Safety Engineering, and Environmental Department Business**
10 **License Center to take action upon application.**

11 Upon compliance with Sections 41-8-22 through 41-8-26 of this Code, the Buildings,
12 Safety Engineering, and Environmental Department Business License Center shall issue an annual
13 license for a business in accordance with Chapter 28 of this Code, *Licenses*.

14 **Sec. 41-8-28. Posting required; non-transferable.**

15 (a) Upon issuance by the Buildings, Safety Engineering, and Environmental
16 Department Business License Center and after receipt by the applicant, a used tire sales and service
17 license shall be posted at all times by the licensee inside the licensed premises in a conspicuous
18 location near the entrance.

19 (b) All used tire sales and service licenses that are issued under this division shall not
20 be transferable.

21 **Sec. 41-8-29. Expiration date and renewal requirements.**

22 (a) A license that is issued under this division shall expire on November 1st of each
23 year.

1 (b) A license that is issued under this division shall remain valid until the expiration
2 date unless suspended or revoked in accordance with Chapter 28 of this Code, *Licenses*.

3 (c) A license that is issued under this division may be renewed only by submitting a
4 completed application and paying the required fee as provided for in this division.

5 (d) All applications for renewal of a license that is issued under this division shall be
6 filed before October 31st of each year.

7 **Sec. 41-8-30. Suspension, revocation, or denial of renewal.**

8 A license that is issued under this division may be suspended, revoked, or denied renewal
9 in accordance with Chapter 28 of this Code, *Licenses*.

10 **Secs. 41-8-31 -- 41-8-40. Reserved.**

11 **DIVISION 3. SCRAP TIRE STORAGE BUSINESS LICENSE**

12 **Sec. 41-8-41. Required.**

13 It shall be unlawful for any person to conduct or to maintain any business as a scrap tire
14 storage business, where scrap tires are stored in a City outdoor collection site, without having first
15 obtained a license from the Buildings, Safety Engineering, and Environmental Department
16 Business License Center to operate such business.

17 **Sec. 41-8-42. Application; information required.**

18 (a) An application for a license under this division shall be made on a form that is
19 provided by the Buildings, Safety Engineering, and Environmental Department Business License
20 Center. The application shall be considered completed when the appropriate person has signed and
21 dated the application in the presence of a notary public, has paid the required license fee, and has
22 provided the information that is required on the form, including:

23 (1) Where the applicant is an individual:

- 1 a. The applicant's full legal name and any other name used by the applicant
2 during the preceding five years;
- 3 b. The applicant's current mailing address and e-mail address; and
- 4 c. Written proof of age in the form of a driver's license, or a picture
5 identification document containing the applicant's date of birth issued by a
6 governmental agency, or a copy of a birth certificate accompanied by a
7 picture identification document issued by a governmental agency;
- 8 (2) Where the applicant is a partnership:
- 9 a. The legal name and any other name used by the partners during the
10 preceding five years; and
- 11 b. The current mailing address and e-mail address for the business;
- 12 (3) Where the applicant conducts business under a trade or assumed name:
- 13 a. The complete and full trade or assumed name;
- 14 b. The county where and date that the trade or assumed name was filed;
- 15 c. The name of the person doing business under such trade or assumed name,
16 the manager, and other person in charge; and
- 17 d. The current mailing address and e-mail address for the business;
- 18 (4) Where the applicant is a corporation:
- 19 a. The full and accurate corporate name;
- 20 b. The state and date of incorporation;
- 21 c. The full names and addresses of officers, directors, managers, and other
22 persons with authority to bind the corporation; and
- 23 d. The current mailing address and e-mail address for the business;

1 (5) The name, business address, and telephone number of the business; and

2 (6) The name and business address of the statutory agent, or other agent, who is
3 authorized to receive service of process.

4 (b) Any information provided in accordance with Subsection (a) of this section shall
5 be supplemented in writing and sent by certified mail, return receipt requested, to the Buildings,
6 Safety Engineering, and Environmental Department Business License Center within ten business
7 days of a change of circumstances that would render false or incomplete the information that was
8 previously submitted.

9 **Sec. 41-8-43. Establishment, approval, publication, and payment of annual fee.**

10 (a) A non-refundable fee shall be charged and collected in accordance with Section 6-
11 503(13) of the Charter for the processing and issuance of a license under this division. Based upon
12 the cost of issuance and administration of the licensing regulations, the Director of the Buildings,
13 Safety Engineering, and Environmental Department shall establish this fee, which is subject to
14 approval by the City Council through adoption of a resolution.

15 (b) After adoption of a resolution by the City Council and approval of the resolution
16 by the Mayor, the fees that are provided for in Subsection (a) of this section shall be:

17 (1) Published in a daily newspaper of general circulation and in the Journal of the City
18 Council;

19 (2) Made available at the Buildings, Safety Engineering, and Environmental
20 Department and at the Office of the City Clerk; and

21 (3) Reviewed by the Director of the Buildings, Safety Engineering, and Environmental
22 Department at least once every two years.

1 (c) A fee shall be charged each new licensee, any current licensee who applies to renew
2 an existing license, or a current licensee applying for a license at another location.

3 (d) Prior to the expiration of a current license, a licensee shall submit an application
4 for renewal and pay an annual fee for the renewal of a license. Submission of an application for
5 renewal and payment of the license fee before the expiration date of the license shall allow for the
6 continued operation of the business for the location until such time that the license renewal
7 application is denied, or the license is suspended or revoked.

8 **Sec. 41-8-44. Inspection and certification of approval; land use; construction requirements;**
9 **maintenance, fire protection and safety, and health and sanitation requirements.**

10 (a) Upon application and before any license that is required by this division shall be
11 issued or renewed, it shall be the duty of the Buildings, Safety Engineering, and Environmental
12 Department Business License Center to review its records and, where a requisite inspection has
13 not been done, to refer such application to the Directors of the Buildings, Safety Engineering, and
14 Environmental Department and the Health Department, and to the Fire Marshal, who shall cause
15 an inspection to be made of the premises of such proposed or existing business.

16 (b) After completion of respective inspections, the Buildings, Safety Engineering, and
17 Environmental Department, the Fire Department, and the Health Department shall certify, in
18 writing, to the Buildings, Safety Engineering, and Environmental Department Business License
19 Center that the applicant is in full compliance with all pertinent state codes and regulations, and
20 this Code, including, but not limited to, the following requirements:

21 (1) Land use. The business meets the requirements of Chapter 50 of this Code, *Zoning*,
22 including verification that the specific land use for its intended location has been
23 established by the City in the respective zoning district and, where the premises is

governed by a zoning grant, has obtained a valid annual certificate of maintenance of zoning grant conditions;

(2) Construction requirements. The premises meets the requirements of:

a. The Building Code, being Chapter 8, Article II, of this Code;

b. The Electrical Code, being Chapter 8, Article III, of this Code;

c. The Mechanical Code, being Chapter 8, Article IV, of this Code;

d. The Plumbing Code, being Chapter 8, Article V, of this Code;

e. The Energy Code (Commercial), being Chapter 8, Article VIII, of this Code;

f. The Elevator Code, being Chapter 8, Article IX, of this Code;

g. The Manlifts Code, being Chapter 8, Article X, of this Code;

h. The Material Hoists Code, being Chapter 8, Article XI, of this Code;

i. The Personnel Hoists Code, being Chapter 8, Article XII, of this Code; and

j. The Powered Platform Code, being Chapter 8, Article XIII, of this Code;

(3) Maintenance. The premises meets the requirements of the Property Maintenance Code, being Chapter 8, Article XV, of this Code;

(4) Fire protection and safety. The premises meets the requirements and limitations of the Detroit Fire Prevention and Protection Code, being Chapter 18, Article I, of this Code; and

(5) Food sanitation and health. The business and premises meet the requirements of:

a. Chapter 19 of this Code, *Food*, which, in Section 19-1-1, adopts by reference the provisions of the Michigan Food Law of 2000, being MCL 289.1101 et seq.; and

b. Chapter 20 of this Code, Health, which, in Section 20-1-1, adopts by reference the provisions of the Michigan Public Health Code, being MCL 333.1101 et seq.

Sec. 41-8-45. Investigation by Police Department required to confirm non-conviction of certain crimes.

(a) Upon application and before any license required by this division shall be issued or renewed, it shall be the duty of the Buildings, Safety Engineering, and Environmental Department Business License Center to refer such application to the Chief of Police or the designee of the Chief of Police, who shall cause an investigation to be completed to determine whether the applicant, or any of the applicant's officers, have been convicted of any offense during the past five years involving the theft of property, or of any felony during the past five years concerning fraud, embezzlement, dishonesty or assault.

(b) A scrap tire storage license shall not be issued or renewed by the Buildings, Safety Engineering, and Environmental Department Business License Center until the Chief of Police has given written confirmation that the applicant does not have any convictions for offenses which are delineated in Subsection (a) of this section.

Sec. 41-8-46. Investigation by Office of Chief Financial Officer required to confirm no City tax or assessment arrearage.

(a) Upon application and before any license that is required by this division shall be issued or renewed, it shall be the duty of the Buildings, Safety Engineering, and Environmental Department Business License Center to refer such application to the Office of Chief Financial Officer, which shall cause an investigation to be completed in accordance with Section 2-113 of

1 the Charter to determine whether any property tax, income tax, personal tax or special assessments
2 are unpaid, outstanding or delinquent to the City.

3 (b) A license shall not be issued or renewed by the Buildings, Safety Engineering, and
4 Environmental Department Business License Center until the Chief Financial Officer has given
5 written confirmation that the applicant is not in arrears to the City for taxes or assessments that are
6 delineated in Subsection (a) of this section.

7 **Sec. 41-8-47. Buildings, Safety Engineering, and Environmental Department Business**
8 **License Center to take action upon application.**

9 Upon compliance with Sections 41-8-42 through 41-8-46 of this Code, the Buildings,
10 Safety Engineering, and Environmental Department Business License Center shall issue an annual
11 license for a business in accordance with Chapter 28 of this Code, *Licenses*.

12 **Sec. 41-8-48. Posting required; non-transferable.**

13 (a) Upon issuance by the Buildings, Safety Engineering, and Environmental
14 Department Business License Center and after receipt by the applicant, a scrap tire storage license
15 shall be posted at all times by the licensee inside the licensed premises in a conspicuous location
16 near the entrance.

17 (b) All scrap tire storage licenses that are issued under this article shall not be
18 transferable.

19 **Sec. 41-8-49. Expiration date and renewal requirements.**

20 (a) A license that is issued under this division shall expire on November 1st of each
21 year.

22 (b) A license that is issued under this division shall remain valid until the expiration
23 date unless suspended or revoked in accordance with Chapter 28 of this Code, *Licenses*.

1 (c) A license that is issued under this division may be renewed only by submitting a
2 completed application and paying the required fee as provided for in this division.

3 (d) All applications for renewal of a license that is issued under this division shall be
4 filed before October 31st of each year.

5 **Sec. 41-8-50. Suspension, revocation, or denial of renewal.**

6 A license that is issued under this division may be suspended, revoked, or denied renewal
7 in accordance with Chapter 28 of this Code, *Licenses*.

8 **Secs. 41-8-51 -- 41-8-60. Reserved.**

9 **DIVISION 4. SCRAP TIRE PROCESSING AND RECYCLING**

10 **BUSINESS LICENSE**

11 **Sec. 41-8-61. Required.**

12 It shall be unlawful for any person to conduct or to maintain any business as a scrap tire
13 processing and recycling business in the City without having first obtained a license from the
14 Buildings, Safety Engineering, and Environmental Department Business License Center to operate
15 such business.

16 **Sec. 41-8-62. Application; information required.**

17 (a) An application for a license under this division shall be made on a form that is
18 provided by the Buildings, Safety Engineering, and Environmental Department Business License
19 Center. The application shall be considered completed when the appropriate person has signed and
20 dated the application in the presence of a notary public, has paid the required license fee, and has
21 provided the information that is required on the form, including:

22 (1) Where the applicant is an individual:

- 1 a. The applicant's full legal name and any other name used by the applicant
2 during the preceding five years;
- 3 b. The applicant's current mailing address and e-mail address; and
- 4 c. Written proof of age in the form of a driver's license, or a picture
5 identification document containing the applicant's date of birth issued by a
6 governmental agency, or a copy of a birth certificate accompanied by a
7 picture identification document issued by a governmental agency;
- 8 (2) Where the applicant is a partnership:
- 9 a. The legal name and any other name used by the partners during the
10 preceding five years; and
- 11 b. The current mailing address and e-mail address for the business;
- 12 (3) Where the applicant conducts business under a trade or assumed name:
- 13 a. The complete and full trade or assumed name;
- 14 b. The county where and date that the trade or assumed name was filed;
- 15 c. The name of the person doing business under such trade or assumed name,
16 the manager, and other person in charge; and
- 17 d. The current mailing address and e-mail address for the business;
- 18 (4) Where the applicant is a corporation:
- 19 a. The full and accurate corporate name;
- 20 b. The state and date of incorporation;
- 21 c. The full names and addresses of officers, directors, managers, and other
22 persons with authority to bind the corporation; and
- 23 d. The current mailing address and e-mail address for the business;

1 (5) The name, business address, and telephone number of the business; and

2 (6) The name and business address of the statutory agent, or other agent, who is
3 authorized to receive service of process.

4 (b) Any information provided in accordance with Subsection (a) of this section shall
5 be supplemented in writing and sent by certified mail, return receipt requested, to the Buildings,
6 Safety Engineering, and Environmental Department Business License Center within ten business
7 days of a change of circumstances that would render false or incomplete the information that was
8 previously submitted.

9 **Sec. 41-8-63. Establishment, approval, publication, and payment of annual fee.**

10 (a) A non-refundable fee shall be charged and collected in accordance with Section 6-
11 503(13) of the Charter for the processing and issuance of a license under this division. Based upon
12 the cost of issuance and administration of the licensing regulations, the Director of the Buildings,
13 Safety Engineering, and Environmental Department shall establish this fee, which is subject to
14 approval by the City Council through adoption of a resolution.

15 (b) After adoption of a resolution by the City Council and approval of the resolution
16 by the Mayor, the fees that are provided for in Subsection (a) of this section shall be:

17 (1) Published in a daily newspaper of general circulation and in the Journal of the City
18 Council;

19 (2) Made available at the Buildings, Safety Engineering, and Environmental
20 Department and at the Office of the City Clerk; and

21 (3) Reviewed by the Director of the Buildings, Safety Engineering, and Environmental
22 Department at least once every two years.

1 (c) A fee shall be charged each new licensee, any current licensee who applies to renew
2 an existing license, or a current licensee applying for a license at another location.

3 (d) Prior to the expiration of a current license, a licensee shall submit an application
4 for renewal and pay an annual fee for the renewal of a license. Submission of an application for
5 renewal and payment of the license fee before the expiration date of the license shall allow for the
6 continued operation of the business for the location until such time that the license renewal
7 application is denied, or the license is suspended or revoked.

8 **Sec. 41-8-64. Inspection and certification of approval; land use; construction requirements;**
9 **maintenance, fire protection and safety, and health and sanitation requirements.**

10 (a) Upon application and before any license that is required by this division shall be
11 issued or renewed, it shall be the duty of the Buildings, Safety Engineering, and Environmental
12 Department Business License Center to review its records and, where a requisite inspection has
13 not been done, to refer such application to the Directors of the Buildings, Safety Engineering, and
14 Environmental Department and the Health Department, and to the Fire Marshal, who shall cause
15 an inspection to be made of the premises of such proposed or existing business.

16 (b) After completion of respective inspections, the Buildings, Safety Engineering, and
17 Environmental Department, the Fire Department, and the Health Department shall certify, in
18 writing, to the Buildings, Safety Engineering, and Environmental Department Business License
19 Center that the applicant is in full compliance with all pertinent state codes and regulations, and
20 this Code, including, but not limited to, the following requirements:

21 (1) Land use. The business meets the requirements of Chapter 50 of this Code, *Zoning*,
22 including verification that the specific land use for its intended location has been
23 established by the City in the respective zoning district and, where the premises is

1 governed by a zoning grant, has obtained a valid annual certificate of maintenance
2 of zoning grant conditions;

3 (2) Construction requirements. The premises meets the requirements of:

4 a. The Building Code, being Chapter 8, Article II, of this Code;

5 b. The Electrical Code, being Chapter 8, Article III, of this Code;

6 c. The Mechanical Code, being Chapter 8, Article IV, of this Code;

7 d. The Plumbing Code, being Chapter 8, Article V, of this Code;

8 e. The Energy Code (Commercial), being Chapter 8, Article VIII, of this
9 Code;

10 f. The Elevator Code, being Chapter 8, Article IX, of this Code;

11 g. The Manlifts Code, being Chapter 8, Article X, of this Code;

12 h. The Material Hoists Code, being Chapter 8, Article XI, of this Code;

13 i. The Personnel Hoists Code, being Chapter 8, Article XII, of this Code; and

14 j. The Powered Platform Code, being Chapter 8, Article XIII, of this Code;

15 (3) Maintenance. The premises meets the requirements of the Property Maintenance
16 Code, being Chapter 8, Article XV, of this Code;

17 (4) Fire protection and safety. The premises meets the requirements and limitations of
18 the Detroit Fire Prevention and Protection Code, being Chapter 18, Article I, of this
19 Code; and

20 (5) Food sanitation and health. The business and premises meet the requirements of:

21 a. Chapter 19 of this Code, *Food*, which, in Section 19-1-1, adopts by
22 reference the provisions of the Michigan Food Law of 2000, being MCL
23 289.1101 et seq.; and

b. Chapter 20 of this Code, Health, which, in Section 20-1-1, adopts by reference the provisions of the Michigan Public Health Code, being MCL 333.1101 et seq.

Sec. 41-8-65. Investigation by Police Department required to confirm non-conviction of certain crimes.

(a) Upon application and before any license required by this division shall be issued or renewed, it shall be the duty of the Buildings, Safety Engineering, and Environmental Department Business License Center to refer such application to the Chief of Police or the designee of the Chief of Police, who shall cause an investigation to be completed to determine whether the applicant, or any of the applicant's officers, have been convicted of any offense during the past five years involving the theft of property, or of any felony during the past five years concerning fraud, embezzlement, dishonesty or assault.

(b) A scrap tire processing and recycling license shall not be issued or renewed by the Buildings, Safety Engineering, and Environmental Department Business License Center until the Chief of Police has given written confirmation that the applicant does not have any convictions for offenses which are delineated in Subsection (a) of this section.

Sec. 41-8-66. Investigation by Office of Chief Financial Officer required to confirm no City tax or assessment arrearage.

(a) Upon application and before any license that is required by this division shall be issued or renewed, it shall be the duty of the Buildings, Safety Engineering, and Environmental Department Business License Center to refer such application to the Office of Chief Financial Officer, which shall cause an investigation to be completed in accordance with Section 2-113 of

1 the Charter to determine whether any property tax, income tax, personal tax or special assessments
2 are unpaid, outstanding or delinquent to the City.

3 (b) A license shall not be issued or renewed by the Buildings, Safety Engineering, and
4 Environmental Department Business License Center until the Chief Financial Officer has given
5 written confirmation that the applicant is not in arrears to the City for taxes or assessments that are
6 delineated in Subsection (a) of this section.

7 **Sec. 41-8-67. Buildings, Safety Engineering, and Environmental Department Business**
8 **License Center to take action upon application.**

9 Upon compliance with Sections 4-8-62 through 41-8-66 of this Code, the Buildings, Safety
10 Engineering, and Environmental Department Business License Center shall issue an annual license
11 for a business in accordance with Chapter 28 of this Code, *Licenses*.

12 **Sec. 41-8-68. Posting required; non-transferable.**

13 (a) Upon issuance by the Buildings, Safety Engineering, and Environmental
14 Department Business License Center and after receipt by the applicant, a scrap tire processing and
15 recycling license shall be posted at all times by the licensee inside the licensed premises in a
16 conspicuous location near the entrance.

17 (b) All scrap tire processing and recycling licenses that are issued under this article
18 shall not be transferable.

19 **Sec. 41-8-69. Expiration date and renewal requirements.**

20 (a) A license that is issued under this division shall expire on November 1st of each
21 year.

22 (b) A license that is issued under this division shall remain valid until the expiration
23 date unless suspended or revoked in accordance with Chapter 28 of this Code, *Licenses*.

1 (c) A license that is issued under this division may be renewed only by submitting a
2 completed application and paying the required fee as provided for in this division.

3 (d) All applications for renewal of a license that is issued under this division shall be
4 filed before October 31st of each year.

5 **Sec. 41-8-70. Suspension, revocation, or denial of renewal.**

6 A license that is issued under this division may be suspended, revoked, or denied renewal
7 in accordance with Chapter 28 of this Code, *Licenses*.

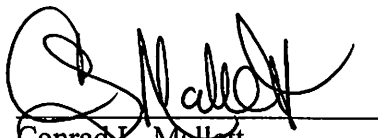
8 **Secs. 41-8-71 -- 41-8-80. Reserved.**

9 **Section 2.** This ordinance is hereby declared necessary to preserve the public peace, health,
10 safety, and welfare of the People of the City of Detroit.

11 **Section 3.** All ordinances, or parts of ordinances, that conflict with this ordinance are
12 repealed.

13 **Section 4.** In the event this ordinance is passed by two-thirds (2/3) majority of City Council
14 Members serving, it shall be given immediate effect and become effective upon publication in
15 accordance with Section 4-118 of the 2012 Detroit City Charter. Where this ordinance is passed
16 by less than a two-thirds (2/3) majority of City Council Members serving, it shall become effective
17 on the thirtieth (30) day after enactment in accordance with Section 4-118 of the 2012 Detroit City
18 Charter.

Approved as to form:


Conrad L. Mallett
Corporation Counsel