



City of Royal Oak

City Clerk's Office
211 Williams Street
Royal Oak, MI 48068
(248) 246-3050

PARKING STATION
2016 Arts, Beats & Eats

APPLICATION MUST BE TURNED IN **JULY 5, 2016** (60 DAYS PRIOR TO BEGINNING OPERATIONS) - **PLEASE PRINT OR TYPE**

DATE OF APPLICATION _____

IN ACCORDANCE WITH THE CODE OF ORDINANCES, CHAPTER 503, I/WE HEREBY APPLY FOR A LICENSE TO OPERATE A PARKING STATION DURING ARTS, BEATS & EATS, SEPTEMBER 2 – SEPTEMBER 5, 2016.

NAME OF APPLICANT _____ PHONE # _____

ADDRESS _____ ZIP _____

E-MAIL ADDRESS _____ ALT PHONE # _____

SALES TAX NUMBER _____ TYPE OF OWNERSHIP _____
(Partnership/Individual/Corp./Other)

RESIDENT AGENT IN OAKLAND CO: NAME _____

ADDRESS _____

OWNERS: Following information is required for processing. PLEASE ATTACH A COPY OF DRIVER'S LICENSE

1. _____
Full Name Title Date of Birth Phone #

Address / City / State / Zip

2. _____
Full Name Title Date of Birth Phone #

Address / City / State / Zip

3. _____
Full Name Title Date of Birth Phone #

Address / City / State / Zip

LOT ADDRESS: _____ BUSINESS NAME _____

LOCATION: _____ OF STREET; BETWEEN _____ & _____
(E, S, W, N)

PROPERTY OWNED/LEASED ? (CIRCLE ONE) TYPE OF BUSINESS _____

NAME OF PROPERTY OWNER: _____ PHONE: _____

ADDRESS: _____

NO. OF VEHICLES TO PARK _____ HOURS OF OPERATION _____

NAME:

ADDRESS:

APPLICATION FEE:

- _____ \$185.00
- _____ \$150.00 (FEE FOR EXISTING REGULAR PARKING STATION)
- _____ \$ 40.00 (PREMIUM FOR LOTS WITH 50+ SPACES)
- _____ \$150.00 LATE FEE IF PAID AFTER JULY 5, 2016 WITH PREVIOUS PARKING STATION FOR ARTS, BEATS & EATS

- ____ SITE PLAN REQUIRED (See section "B" of the Ordinance for specifications. Please include location of sign on site plan)
- ____ PHOTOGRAPH OF SIGN – PRINTED AND IN COLOR (For sign dimensions and specifications see Sec. 503-4, Letter O)
- ____ CORPORATION STATUS REQUIRED – GOOD STANDING

____ SCHEDULE OF RATES REQUIRED:	\$ _____	Weekday (Friday)	Daily Rate
	\$ _____	Weekday (Friday)	Evening Rate
	\$ _____	Weekend (Sat - Mon)	Daily Rate
	\$ _____	Weekend (Sat - Mon)	Evening Rate
	\$ _____	Maximum Daily Rate	

I/We hereby grant permission to the City Manager or his representatives, the Mayor or any Commissioner of the City of Royal Oak, free and open access to the place which the applicant proposes to occupy for the aforesaid business; and such access to be for the purpose of making inspection of said premises;

I/We will faithfully conform and cause the premises occupied to comply in all respects with all requirements of applicable Ordinances governing same;

The foregoing application, statements, and representations set forth herein are true to the best of my knowledge and belief.

DATE: _____ SIGNATURE: _____
 PRINT NAME: _____

PLEASE RETURN COMPLETED APPLICATION TO:

**CITY CLERK
 CITY OF ROYAL OAK
 211 WILLIAMS STREET
 ROYAL OAK, MICHIGAN 48067**

Fee Paid: \$ _____ Cash _____ Check # _____ Receipt # _____ Date: _____
 License # _____ Date Issued: _____ Clerk: _____

APPROVALS

CITY CLERK: _____ DATE: _____
 PLANNING DEPARTMENT: _____ DATE: _____
 BUILDING DEPARTMENT _____ DATE: _____
 CHIEF OF POLICE: _____ DATE: _____

City of Royal Oak, MI
Thursday, March 31, 2016

Chapter 425. Licensing, General

[HISTORY: Adopted by the City Commission of the City of Royal Oak as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Amusements — See Ch. 188.
Animals — See Ch. **195**.
Public auctions — See Ch. 201.
Sale of books, magazines and videos — See Ch. 213.
Chauffeurs and taxicabs — See Ch. 236.
Christmas trees — See Ch. 244.
Hauling and sale of dirt — See Ch. 273.
Special events — See Ch. **312**.
Gasoline service stations — See Ch. 363.
Horse-drawn carriages — See Ch. **388**.
Hotels, boardinghouses, bed-and-breakfasts and tourist homes — See Ch. **394**.
Liquor — See Ch. **430**.
City Market — See Ch. **441**.
Massage establishments — See Ch. **447**.
Merchants and mercantile establishments — See Ch. 458.
Motor buses — See Ch. 463.
Moving contractors; moving of buildings — See Ch. 475.
Parking stations — See Ch. **503**.
Pawnbrokers — See Ch. **521**.
Peddling, soliciting and transient merchants — See Ch. **526**.
Precious metals and gems — See Ch. **547**.
Drive-in restaurants — See Ch. 580.
Secondhand goods; junk — See Ch. 593.
Motion-picture theaters — See Ch. 679.
Trampoline facilities — See Ch. 698.
Vehicle dealers — See Ch. 727, Art. I.

Article I. Penalties for Late Application

[Adopted 11-20-1950 by Ord. No. 624]

§ 425-1. Penalty for failure to obtain license.

In the case of all renewal licenses issued by the City of Royal Oak where the application for such renewal is not filed prior to the date of the expiration of the former license, or in the case of the issuance of a new license where the application for such new license was not filed prior to the date the applicant started to engage in the business for which the application was filed, a penalty of 25% shall be charged

in addition to the regular license fee; provided, however, this article shall not apply to the issuance of dog licenses, for which a penalty is provided in the Dog Ordinance.^[1]

[1] *Editor's Note: See Ch. 195, Art. III, Dogs.*

§ 425-2. Exception for seasonal businesses; expiration dates set forth in other ordinances.

[Added 12-26-1950 by Ord. No. 629]

In the case of seasonal businesses requiring licenses where the licensed business is in operation only during a certain part of the year, the foregoing penalty shall not be charged in case the application for renewal license is made prior to the time of reopening the business for the year in which the renewal license is applied for. In such cases the applicant shall be entitled to a renewal license upon payment of the regular fee at any time before reopening his business for the year. In cases where a date for the renewal of license is specified in the ordinance relating to such business as, for instance, electricians and drainlayers, mentioned herein by way of illustration and not by way of limitation, no penalty shall be charged, provided the renewal license is applied for prior to the date specified in the ordinance relating to the licensing of such business.

Article II. General Licensing

[Adopted 6-24-1996 by Ord. No. 96-16]

§ 425-3. Short title.

This article shall be known and may be cited as the "General Licensing Ordinance."

§ 425-4. Scope.

This article shall apply to all activities, businesses or operations which require a license in the City of Royal Oak.

§ 425-5. License required; term; authority to impose conditions; renewal date.

No person, firm, corporation or other entity shall engage or be engaged in the establishment, operation, conduct or carrying on of any activity, business or operation which requires a license under any ordinance in the City of Royal Oak, without first obtaining a license for that purpose. Every license issued by the City shall be effective for a period of one year from the date of issuance, unless sooner suspended or revoked, or limited in duration by initial issuance. The City may impose reasonable conditions upon the issuance of any license. The City Commission shall by resolution establish a schedule of renewal date for all licenses issued by the City.

§ 425-6. License review.

The City Commission may undertake a review of any license to determine whether or not the license should be renewed.

§ 425-7. Application for license.

Every applicant for a license to operate, establish, conduct or carry on any activity, business or operation which requires a license under any ordinance in the City of Royal Oak shall file an application with the City Clerk's office upon a form provided by the City of Royal Oak and pay a nonrefundable application fee. Such fee shall be set by resolution of the City Commission and may be amended from time to time. The application shall contain at least the following information:

- A. The name, residence address and telephone number of each applicant.
 - (1) If the applicant is a corporation, the name, residence address and telephone number of each of the officers and directors of said corporation and of each stockholder owning more than 10% of the stock of the corporation if that individual is or will be involved in the management and/or operation of the particular establishment or activity proposed to be licensed, the address of the corporation itself, and the name and address of a resident agent in Oakland County, Michigan. The applicant shall also provide documentation that the corporation is in good standing in the state of incorporation.
 - (2) If the applicant is a partnership, the name of the partnership, and the name, residence address and telephone number of each of the partners having 10% of an ownership interest if that individual is or will be involved in the management and/or operation of the particular establishment or activity proposed to be licensed, and the name, address and telephone number of a resident agent in Oakland County, Michigan.
 - (3) If the applicant owns stock or has a financial interest in any other particular establishment or activity similar to that for which the license is sought, the name, address and telephone number of the corporation, and the name, address and telephone number of each other establishment.
- B. The history of an applicant in the operation of the proposed licensed establishment or activity or similar business or occupation, including, but not limited to, whether or not such person has previously operated in the City or another municipality or state under license, has had such license revoked or suspended, and the reason therefor.
- C. Applicant's social security number, driver's license number, if any, and date of birth.
- D. Business, occupation, or employment of the applicant for the three years immediately preceding the date of application, including the name, address and telephone number of any and all employers.
- E. All criminal convictions in the preceding 10 years, other than traffic violations, including the dates of convictions, nature of the crime, and place convicted.
- F. Authorization for the City of Royal Oak, its agents and employees to seek information and conduct an investigation into the truth of the statements set forth in the application. The applicant shall give such additional information and identification necessary to discover the truth of the matters required to be set forth in application.
- G. The application shall be signed and sworn to by the applicant.

§ 425-8. Investigation.

Upon receipt of such application, the City Clerk shall refer same as follows:

- A. To the Chief of Police or his or her designated representative, who shall investigate and determine whether the person making application for such license is of suitable character to conduct or maintain such a business in the City of Royal Oak. The Chief of Police or his or her designated representative shall forward to the City Clerk the results of such investigation along with a recommendation concerning whether or not the license should be granted.
- (1) The phrase "of suitable character" as used in this article for the purpose of licensing shall be construed to mean the propensity on the part of the person to serve the public in the licensed area in a fair, lawful, honest and open manner.
 - (2) In making his or her determination, the Chief of Police shall consider:
 - (a) Penal history. All of the applicant's convictions in the preceding 10 years, other than traffic violations, the reasons therefor and the demeanor of the applicant subsequent to his or her release.
 - (b) License and permit history. The license and permit history of the applicant; whether such applicant, in previously operating in this City or state or in another municipality or state under a license or permit, has had such license or permit revoked or suspended, the reasons therefor, and the demeanor of the applicant subsequent to such action.
 - (c) Other information. The Chief of Police may consider any other information and documentation which he or she considers relevant to make a determination as to whether the applicant is of suitable character.
 - (3) The Chief of Police or his or her designated representative shall complete his or her investigation and determination with 30 days of being provided with the application.
 - (4) If an applicant is found to be unqualified for a license because of lack of suitable character, or similar criteria, the applicant shall be furnished by the City Clerk with a statement containing information as to the basis for this determination.
- B. If the investigation by the Chief of Police or his or her designated representative does not evidence a lack of suitable character, the City Clerk shall refer the application to the Chief Building Inspector, Fire Chief, or their designated representatives, who shall cause a thorough inspection of the premises to be made, if applicable, to ensure that all pertinent provisions of state law and local ordinances, including the applicable plumbing, heating, electrical and zoning codes, are being complied with. The results of such inspections shall be returned to the City Clerk within 30 days of the date the application was referred. In the event the applicant refuses entry to the premises for the required inspections, said refusal shall be noted on the application, and the application shall be returned to the City Clerk for denial.

§ 425-9. Refusal, suspension, revocation or nonrenewal of license.

A license requested may be refused by the City Clerk or his or her designated representative, and any license issued may be suspended by the City Manager or his or her designated representative, and revoked or not renewed by the City Commission, for cause. The term "cause" as used in this article shall include the doing or omitting of any act, or permitting any condition to exist for which a license is issued, or upon any premises used in connection therewith, which act, omission or condition is contrary to the health, safety and welfare of the public, is unlawful, irregular or fraudulent in nature, is unauthorized or beyond the scope of the license issued, or is forbidden by this article or any applicable law. "Cause" shall include, but not be limited to:

- A. A determination of lack of suitable character, a failure of the proposed licensed premises to meet applicable codes and ordinances, in the investigation conducted pursuant to a request for a license, or a refusal of the applicant to permit inspection of the premises prior to issuance of the license or during the period any license is in effect.
- B. Fraud or material misrepresentation in the application for license.
- C. Fraud or material misrepresentation in the application for license.
- D. Any material violation of this article or of the regulations authorized herein.
- E. Any violation of federal or state law or local ordinance which creates a risk to the health, safety or welfare of the community, or brings into question whether the licensee is of suitable character to operate the business.
- F. Conducting the business in an unlawful manner or in such manner as to constitute a maintenance of a nuisance upon or in connection with the licensed premises. For purposes of this article, "nuisance" shall be given the normal and customary meaning, and shall include, but not be limited to, the following:
 - (1) Existing violations of building, electrical, mechanical, plumbing, zoning, health, fire or other applicable regulatory codes.
 - (2) A pattern or practice of patron conduct which is in violation of the law and/or interferes with the health, safety and welfare of the residential or commercial properties in the area.
 - (3) Failure to maintain the grounds and exterior of the licensed premises, including litter, debris or refuse blowing or being deposited upon adjoining properties.
- G. Failure by the licensee to permit the inspection of the licensed premises by the City's agents or employees in connection with the enforcement of this article.
- H. Failure of the licensee to pay personal property taxes, other City obligations, and real property taxes by February 14 of each year arising from their use and occupancy of the property. A licensee who does not own the real property is not responsible for the payment of the real property taxes unless the lease requires such payment.

§ 425-10. Authority to revoke license.

Each establishment licensed pursuant to this article shall be operated and maintained in accordance with all applicable laws and regulations of the City of Royal Oak and the State of Michigan. Upon any violation of this article, or the violation of any other applicable ordinance, after notice and hearing, the City Commission may revoke such license.

§ 425-11. Procedure for recommendation on nonrenewal, revocation or suspension.

- A. Before taking any action concerning nonrenewal, revocation or suspension of a license, the City Manager, or his or her designated representative, shall serve the licensee by first class mail, mailed at least 10 days prior to a hearing with notice of hearing, which notice shall contain the following:
 - (1) Date, time and place of hearing.
 - (2) Notice of the proposed action.

- (3) Reasons for the proposed action.
 - (4) Names of witnesses known at time who will testify.
 - (5) A statement requiring the licensee to notify the Royal Oak City Attorney's office at least three days prior to the hearing date if he, she or it intends to contest the proposed action, and to provide the names of witnesses known at that time who will testify on his, her or its behalf.
- B. All hearings shall be open to the public. Any person whose interests are affected shall be given an opportunity to be heard.
 - C. The City Commission may adopt procedures under which the hearing will be conducted. The procedures shall not require compliance with strict rules of evidence.
 - D. Upon completion of the hearing, the City Commission shall submit to the licensee a written statement of its findings and determination with 30 days.
 - E. During the procedure for nonrenewal, revocation or suspension, the licensee will be permitted to continue to operate until such time as the findings and determination is served upon the licensee by mail or otherwise.

§ 425-12. License refusal; hearing.

Any person whose initial request for a license is refused shall have a right to a hearing before the City Commission, provided a written request therefor is filed with the City Manager within 10 days following such refusal. The City Commission shall have the right to affirm and sustain any refusal to issue a license, or the City Commission may grant any license.

§ 425-13. Referral to hearing officer; appeals.

- A. In lieu of conducting the hearings set forth in §§ 425-11 and 425-12 above, the City Commission may alternatively appoint a hearing officer to conduct such hearing. The hearing officer will follow the applicable procedures for the hearing. Upon completion of the hearing, the hearing officer shall submit to the City and to the licensee a written statement of his or her findings and determination within 30 days.
- B. The licensee shall have the right to appeal an adverse decision by the hearing officer to the City Commission, provided that a written request for appeal is filed within 21 days after the day the findings and determination were served by the hearing officer. The appeal to the City Commission shall be upon the record made before the hearing officer.

§ 425-14. Court review.

Any applicant for a license which has been refused, and any licensee who has had a license suspended, revoked or not renewed, shall have the right to the appropriate court for a writ of certiorari to correct errors of law. Application for review shall be made in the manner and time required by law.

§ 425-15. No assignment of license.

No license granted pursuant to this article or any other ordinance may be assigned, transferred or otherwise utilized by any other person or entity other than the licensee.

§ 425-16. Violations and penalties.

Any persons violating any of the provisions of this article shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined in an amount not exceeding \$500 or be imprisoned for a period not exceeding 90 days, or be both so fined and imprisoned, in the discretion of the court.

City of Royal Oak, MI
Thursday, March 31, 2016

Chapter 503. Parking Stations

[HISTORY: Adopted by the City Commission of the City of Royal Oak 8-28-1972 by Ord. No. 72-17; amended in its entirety 6-4-2012 by Ord. No. 2012-05. Subsequent amendments noted where applicable.]

GENERAL REFERENCES

Licensing — See Ch. **425**.

Pull-off parking — See Ch. **498**.

Parking system — See Ch. **507**.

Signs — See Ch. **607**.

Zoning — See Ch. **770**.

§ 503-1. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

ARTS, BEATS & EATS PARKING STATION

Any privately owned and operated plot, piece, or parcel of land used for the purpose of parking motor vehicles in the Festival Zone during the Arts, Beats & Eats Festival where the owner or person parking such vehicle is charged a fee.

FESTIVAL ZONE

The following geographic area: on the north, Catalpa Drive/Gardenia Avenue from Woodward Avenue to Alexander Avenue/Longfellow Avenue; on the east, Alexander Avenue/Longfellow Avenue from Gardenia Avenue to I-696; on the south, I-696 from Longfellow Avenue to Woodward Avenue; and on the west, Woodward Avenue from I-696 to Catalpa Drive.

PARKING STATION

Any privately owned and operated plot, piece, or parcel of land used for the purpose of parking motor vehicles where the owner or person parking such vehicle is charged a fee.

§ 503-2. License required.

- A. No person, partnership, corporation, or other entity shall maintain or conduct a parking station within the City of Royal Oak without a valid parking station license.
- B. No person, partnership, corporation, or other entity shall maintain or conduct an Arts, Beats & Eats parking station within the City of Royal Oak without a valid Arts, Beats & Eats parking station license.

§ 503-3. Application for license.

- A. An application for a license for a parking station shall be made to the City Clerk by the person, partnership, corporation, or other entity proposing to operate the parking station upon forms furnished by the City Clerk.
- (1) The application shall, at a minimum, set forth the following information:
- (a) The name under which and place where the parking station is to be operated.
 - (b) Whether the applicant is an individual, partnership, corporation, or other entity.
 - [1] If the applicant is an individual, the name, residence address and telephone number of the applicant.
 - [2] If the applicant is a partnership, the name of the partnership, and the name, residence address and telephone number of each of the partners having 10% of an ownership interest if that individual is or will be involved in the management and/or operation of the parking station, and the name and address of a resident agent in Oakland County, Michigan.
 - [3] If the applicant is a corporation, the name, residence address and telephone number of each of the officers and directors of said corporation and of each stockholder owning more than 10% of the stock of the corporation if that individual is or will be involved in the management and/or operation of the parking station, and the name and address of a resident agent in Oakland County, Michigan. The applicant shall also provide documentation that the corporation is in good standing in the state of incorporation.
 - [4] If the applicant is another entity, the name, residence address and telephone number of each of the managers of the entity and of each member if that individual is or will be involved in the management and/or operation of the parking station, and the name and address of a resident agent in Oakland County, Michigan.
 - (c) Whether the premises are owned or leased by the applicant and, if leased, the name and address of the owner of the premises.
 - (d) The maximum number of motor vehicles that the applicant intends to park on the premises at any one time.
 - (e) The hours during which the motor vehicles may be parked.
 - (f) A complete schedule of the rates to be charged for parking the motor vehicles.
 - (g) Authorization for the City of Royal Oak, its agents and its employees to seek additional information and conduct an investigation into the truth of the statements set forth in the application. The applicant shall provide any additional information needed to discover the truth of the matters required to be set forth in the application.
- (2) The application shall be signed and verified under oath by the applicant, if the applicant is an individual, or by a duly authorized agent if the applicant is a partnership, corporation, or other entity.
- B. Plan or other graphic representation of property. A current, legible scaled plan, diagram or other graphic representation showing location and dimensions of the property designated on the application for a license under this chapter, proposed locations and widths or entrances and exits, type of surfacing to be used, proposed locations and type and height of barriers, proposed arrangement and dimensions of parking or storage stalls, maximum number of vehicles to be stored at any one time, proposed widths of aisle ways within the premises providing access to and

egress from parking stalls, proposed locations and types of shelters for attendants or customers, and such other information as the City Clerk may deem advisable shall be submitted with the application.

- C. Schedule of rates; rate changes.
- (1) With the application for a license for a parking station, the applicant shall file a complete and accurate schedule of the following rates:
 - (a) Weekday (Monday through Friday) daily rate.
 - (b) Weekday (Monday through Thursday) evening rate.
 - (c) Weekend (Saturday and Sunday) daily rate.
 - (d) Weekend (Friday through Sunday) evening rate.
 - (e) Maximum daily rate.
 - (2) No charge other than the rates specified in this schedule shall be made, except as otherwise provided in this section.
 - (3) In the event that a licensee intends to change the fee schedule, the licensee shall give 10 days' written notice of the intended change to the City Clerk and shall post notice of the amended fee schedule for a period of 10 days in a conspicuous place on the premises. Upon the expiration of that ten-day period, the rates may be changed in accordance with the notice.
- D. License fee. The fee for a parking station license shall be set by resolution of the City Commission.
- E. Required approvals.
- (1) A license to operate a parking station shall not be issued until the following departments file the following approvals with the City Clerk:
 - (a) Planning Department:
 - [1] Capacity of the lot.
 - [2] Number, size and location of entrances and exits.
 - [3] Curb cuts, driveways, and hard surfacing.
 - (b) Building Department:
 - [1] Signage.
 - [2] Barriers.
 - [3] Buildings and structures.
 - (c) Police Department:
 - [1] Adequacy of ingress and egress.
 - (2) A full application is not required for the renewal of a parking station license, unless substantial changes have been made to the premises. If substantial changes have been made, approval by the appropriate department(s) must be filed with the City Clerk prior to renewal of a license. If substantial changes have not been made, the licensee must file a written statement to that effect with the City Clerk before a license will be renewed.

- F. Issuance.
- (1) If, after investigation, the City Clerk is satisfied that the application is complete and accurate, and that all required approvals have been given, the Clerk shall issue the applicant a license for a parking station.
 - (2) An applicant aggrieved by a decision of the City Clerk to deny an application may appeal that decision to the City Commission by filing a written request for a hearing with the City Manager within 10 days of the date of the denial.
- G. Expiration. A parking station license shall expire on December 31 of any given year.
- H. Revocation.
- (1) After notice and a hearing, the City Manager may revoke a license for a parking station if at any time:
 - (a) The licensee has knowingly made a misrepresentation of a material fact in his, her, or its application.
 - (b) The licensee knowingly violates or permits the violation of any part of this chapter.
 - (c) The licensee knowingly violates or permits the violation of any federal, state, or local statute, law, ordinance, or regulation involving theft, larceny, or conversion of a motor vehicle, or the operation of a vehicle without the owner's consent.
 - (2) A licensee aggrieved by a decision of the City Manager may appeal that decision to the City Commission by filing a written request for a hearing with the City Manager within 10 days of the revocation.
- I. Liability of licensee.
- (1) Each licensee under this chapter shall be liable for any damage to any motor vehicle stored or parked in his parking station, by or through his own negligence or that of his employees. This section shall have no application to loss of or damage to personal property left or contained in motor vehicles, the liability for which may be disclaimed, limited or regulated by appropriate contractual provisions contained in the parking ticket, provided a sign giving notice to that effect is posted on the parking station.
 - (2) A license to operate a parking station shall be automatically suspended upon the licensee's failure to satisfy any final judgment for damage to or loss of a car arising from the use of the licensee's parking station within 60 days after entry of the judgment. Said suspension shall remain in effect until the final judgment is satisfied.
 - (3) No contract, agreement, lease, receipt, rule or regulation shall exempt any person operating a parking station from damage or loss caused by the negligence of such person or any employee of such person or while in the employ of such person.
- J. Duties of licensee. In operating a parking station, each licensee shall faithfully perform its duties under this chapter and shall use its best efforts to employ honest and competent attendants.
- K. Duty of licensee to maintain premises. Each licensee shall keep the parking station and any sidewalks surrounding the premises free from dirt, ice, sleet and snow, and in a safe condition for pedestrian travel, provided that a licensee may use a portion of the area designated for parking motor vehicles for the storage of snow.
- L.

- Enclosure of lots. Persons operating parking stations shall keep the same enclosed with a proper or suitable fence, wall or other barrier so that motor vehicles may not be removed from such stations except at the regular established entrances and exits.
- M. Cleanliness of lots. All licensees operating parking stations shall keep the lots clean and free from refuse and debris and shall treat the surface thereof in such a manner as to keep the same free from dust so that it will not be a nuisance to adjacent property owners or others.
- N. Use of streets for parking prohibited. No licensee shall use or permit the use by his employees of any part of a public street for the purpose of standing, maneuvering or parking motor vehicles.
- O. Maximum capacity.
- (1) When a parking station is filled to maximum capacity, the licensee shall place a conspicuous sign at each entrance, reading, in letters not less than six inches in height: "FILLED TO CAPACITY." Such sign shall be displayed continuously as long as the premises are full.
 - (2) The maximum capacity shall be clearly indicated on the license issued for a parking station, and such certificate shall be conspicuously displayed on the premises by the licensee.
 - (3) The maximum capacity shall be the number of motor vehicles that can be handled on the lot without resorting to streets for the maneuvering of the vehicles, as determined by the licensee and approved by the Planning Department.
 - (4) A licensee shall have the right to refuse parking to any vehicle which, because of its size, shape, or operating condition could, in the opinion of the licensee, be a hazard, nuisance, or danger to persons or other vehicles on the premises.
- P. Signs denoting hours and rates. Each licensee shall maintain, at each entrance to any parking station, a sign to apprise persons using such parking station of the name of the licensee, the hours of the day and night during which such places are open for the storing of motor vehicles, the rates charged and the closing hour of such station. Where more than one rate is charged for parking, the figures for each rate shall be of the same size and dimensions and such figures shall measure not less than six inches in height, and the letters and figures indicating the closing hours shall be not less than six inches in height.
- Q. Claim checks.
- (1) At the time of accepting a motor vehicle for storing or parking in a parking station, the person conducting the same or his agent, servant or employee shall furnish to such person parking his motor vehicle a distinctive check, which shall be numbered to correspond to a coupon placed upon such motor vehicle, which check shall contain the name and address of the place owning or operating such parking station and upon which shall be written or stamped the date and the license number of the motor vehicle.
 - (2) The provisions of this section shall not apply where cars are stored on a monthly fee basis.
 - (3) It shall be unlawful to affix any parking tags on any motor vehicle so as to obliterate, in whole or in part, any portion of the motor vehicle license plates on such vehicle.
- R. Restrictions on subletting. A licensee shall not sublet, sublease, or otherwise permit any parking station or any portion thereof to be used by any vendor of goods, wares, merchandise, or services.
- S. Code compliance. The operation of a parking station shall at all times comply with all applicable provisions of the City Code, including but not limited to the Zoning Ordinance^[1] (including the approved site plan for the premises) and the Sign Ordinance.^[2] Parking that is required under the Zoning Ordinance may not be used for a parking station.

[1] *Editor's Note: See Ch. 770, Zoning.*

[2] *Editor's Note: See Ch. 607, Signs.*

§ 503-4. Arts, Beats & Eats parking station.

[Amended 6-2-2014 by Ord. No. 2014-06]

A. Application for license.

- (1) An application for a license for an Arts, Beats & Eats parking station shall be made to the City Clerk at least 60 days prior to the event by the person, partnership, corporation, or other entity proposing to operate the parking station upon forms furnished by the City Clerk.
- (2) Upon a showing of good cause, the City Commission may waive this deadline for a person, partnership, corporation, or other entity that held an Arts, Beats & Eats parking station license in the year prior and proposes to operate an Arts, Beats & Eats parking station in the same location and in the same manner as in the year before. In addition to the regular license fee, the applicant shall also pay a nonrefundable late application fee to be set by resolution of the City Commission.
- (3) The application shall, at a minimum, set forth the following information:
 - (a) The name under which and place where the parking station is to be operated.
 - (b) Whether the applicant is an individual, partnership, corporation, or other entity.
 - [1] If the applicant is an individual, the name, residence address and telephone number of the applicant.
 - [2] If the applicant is a partnership, the name of the partnership, and the name, residence address and telephone number of each of the partners having 10% of an ownership interest if that individual is or will be involved in the management and/or operation of the parking station, and the name and address of a resident agent in Oakland County, Michigan.
 - [3] If the applicant is a corporation, the name, residence address and telephone number of each of the officers and directors of said corporation and of each stockholder owning more than 10% of the stock of the corporation if that individual is or will be involved in the management and/or operation of the parking station, and the name and address of a resident agent in Oakland County, Michigan. The applicant shall also provide documentation that the corporation is in good standing in the state of incorporation.
 - [4] If the applicant is another entity, the name, residence address and telephone number of each of the managers of the entity and of each member if that individual is or will be involved in the management and/or operation of the parking station, and the name and address of a resident agent in Oakland County, Michigan.
 - (c) Whether the premises are owned or leased by the applicant and, if leased, the name and address of the owner of the premises.
 - (d) The maximum number of motor vehicles that the applicant intends to park on the premises at any one time.
 - (e) The hours during which the motor vehicles may be parked.

- (f) A complete schedule of the rates to be charged for parking the motor vehicles.
 - (g) Authorization for the City of Royal Oak, its agents and its employees to seek additional information and conduct an investigation into the truth of the statements set forth in the application. The applicant shall provide any additional information needed to discover the truth of the matters required to be set forth in the application.
- (4) The application shall be signed and verified under oath by the applicant if the applicant is an individual, or by a duly authorized agent if the applicant is a partnership, corporation, or other entity.
- B. Plan or other graphic representation of property. A current, legible, scaled plan, diagram or other graphic representation showing location and dimensions of the property designated on the application for a license under this chapter, proposed locations and widths or entrances and exits, type of surfacing to be used, proposed locations and type and height of barriers, proposed arrangement and dimensions of parking or storage stalls, maximum number of vehicles to be stored at any one time, proposed widths of aisle ways within the premises providing access to and egress from parking stalls, proposed locations and types of shelters for attendants or customers, and such other information as the City Clerk may deem advisable shall be submitted with the application.
- C. Schedule of rates; rate changes.
- (1) With the application for a license for an Arts, Beats & Eats parking station, the applicant shall file a complete and accurate schedule of the following rates:
 - (a) Weekday (Friday) daily rate.
 - (b) Weekday (Friday) evening rate.
 - (c) Weekend (Saturday, Sunday and Monday) daily rate.
 - (d) Weekend (Saturday, Sunday and Monday) evening rate.
 - (e) Maximum daily rate.
 - (2) No charge other than the rates specified in this schedule shall be made.
- D. License fee. The fee for an Arts, Beats & Eats parking station license shall be set by resolution of the City Commission.
- E. Required approvals.
- (1) A license to operate an Arts, Beats & Eats parking station shall not be issued until the following departments file the following approvals with the City Clerk:
 - (a) Planning Department:
 - [1] Capacity of the lot.
 - [2] Number, size and location of entrances and exits.
 - [3] Curb cuts, driveways and hard-surfacing.
 - (b) Building Department:
 - [1] Signage.
 - (c) Police Department:

[1] Adequacy of ingress and egress.

- (2) A full application is required for the renewal of an Arts, Beats & Eats parking station license. Notwithstanding any other part of this chapter, an application for a license to operate an Arts, Beats & Eats parking station may be denied if any final judgment against the applicant for damage to or loss of a car arising from the use of the applicant's parking station in a prior year is unsatisfied.
- F. Issuance. If, after investigation, the City Clerk is satisfied that the application is complete and accurate, and that all required approvals have been given, the Clerk shall issue the applicant a license for an Arts, Beats & Eats parking station. An applicant aggrieved by a decision of the City Clerk to deny an application may appeal that decision to the City Commission by filing a written request for a hearing with the City Manager within 10 days of the date of the denial.
- G. Revocation.
- (1) After notice and a hearing, the City Manager may revoke a license for an Arts, Beats & Eats parking station if at any time:
 - (a) The licensee has knowingly made a misrepresentation of a material fact in his, her, or its application.
 - (b) The licensee knowingly violates or permits the violation of any part of this chapter.
 - (c) The licensee knowingly violates or permits the violation of any federal, state, or local statute, law, ordinance, or regulation involving theft, larceny, or conversion of a motor vehicle, or the operation of a vehicle without the owner's consent.
 - (2) A licensee aggrieved by a decision of the City Manager may appeal that decision to the City Commission by filing a written request for a hearing with the City Manager within 10 days of the revocation.
 - (3) Notwithstanding any other part of this chapter, the Chief of Police may revoke a license for an Arts, Beats & Eats parking station at any time if the operation of the parking station will constitute an immediate danger to the public health, safety and welfare.
- H. Liability of licensee.
- (1) Each licensee under this chapter shall be liable for any damage to any motor vehicle stored or parked in his parking station, by or through his own negligence or that of his employees. This section shall have no application to loss of or damage to personal property left or contained in motor vehicles, the liability for which may be disclaimed, limited or regulated by appropriate contractual provisions contained in the parking ticket, provided a sign giving notice to that effect is posted at the Arts, Beats & Eats parking station.
 - (2) No contract, agreement, lease, receipt, rule or regulation shall exempt any person operating an Arts, Beats & Eats parking station from damage or loss caused by the negligence of such person or any employee of such person or while in the employ of such person.
- I. Duties of licensee. In operating an Arts, Beats & Eats parking station, each licensee shall faithfully perform its duties under this chapter and shall use its best efforts to employ honest and competent attendants.
- J. Duty of licensee to maintain premises. Each licensee shall keep the parking station and any sidewalks surrounding the premises free from dirt, ice, sleet and snow, and in a safe condition for pedestrian travel, provided that a licensee may use a portion of the area designated for parking motor vehicles for the storage of snow.

- K. Enclosure of lots. Persons operating Arts, Beats & Eats parking stations shall keep the same enclosed with a proper or suitable fence, wall or other barrier so that motor vehicles may not be removed from such stations except at the regular established entrances and exits.
- L. Cleanliness of lots. All licensees operating Arts, Beats & Eats parking stations shall keep the lots clean and free from refuse and debris and shall treat the surface thereof in such a manner as to keep the same free from dust so that it will not be a nuisance to adjacent property owners or others.
- M. Use of streets for parking prohibited. No licensee under this chapter shall use or permit the use by his employees of any part of a public street for the purpose of standing, maneuvering or parking motor vehicles.
- N. Maximum capacity.
 - (1) When an Arts, Beats & Eats parking station is filled to maximum capacity, the licensee shall place a conspicuous sign at each entrance, reading, in letters not less than six inches in height: "FILLED TO CAPACITY." Such sign shall be displayed continuously as long as the premises are full.
 - (2) The maximum capacity shall be clearly indicated on the license issued for an Arts, Beats & Eats parking station, and such certificate shall be conspicuously displayed on the premises by the licensee.
 - (3) The maximum capacity shall be the number of motor vehicles that can be handled on the lot without resorting to streets for the maneuvering of the vehicles, as determined by the licensee and approved by the Planning Department.
 - (4) A licensee shall have the right to refuse parking to any vehicle which, because of its size, shape, or operating condition could, in the opinion of the licensee, be a hazard, nuisance, or danger to persons or other vehicles on the premises.
- O. Signs denoting hours and rates. Each licensee shall maintain, at each entrance to any Arts, Beats & Eats parking station, a sign to apprise persons using such parking station of the name of the licensee, the hours of the day and night during which such places are open for the storing of motor vehicles, the rates charged and the closing hour of such station. Where more than one rate is charged for parking, the figures for each rate shall be of the same size and dimensions and such figures shall measure not less than six inches in height, and the letters and figures indicating the closing hours shall be not less than six inches in height.
- P. Claim checks.
 - (1) At the time of accepting a motor vehicle for storing or parking in an Arts, Beats & Eats parking station, the person conducting the same or his agent, servant or employee shall furnish to such person parking his motor vehicle a distinctive check, which shall be numbered to correspond to a coupon placed upon such motor vehicle, which check shall contain the name and address of the place owning or operating such parking station and upon which shall be written or stamped the date and the license number of the motor vehicle.
 - (2) It shall be unlawful to affix any parking tags on any motor vehicle so as to obliterate, in whole or in part, any portion of the motor vehicle license plates on such vehicle.
- Q. Restrictions on subletting. A licensee shall not sublet, sublease, or otherwise permit any Arts, Beats & Eats parking station or any portion thereof to be used by any vendor of goods, wares, merchandise, or services.
- R.

Code compliance. The operation of an Arts, Beats & Eats parking station shall at all times comply with all applicable provisions of the City Code, including but not limited to the Zoning Ordinance^[1] (including the approved site plan for the premises) and the Sign Ordinance.^[2] Parking that is required under the Zoning Ordinance may not be used for an Arts, Beats & Eats parking station.

[1] *Editor's Note: See Ch. 770, Zoning.*

[2] *Editor's Note: See Ch. 607, Signs.*

§ 503-5. Violations and penalties.

Any person, partnership, corporation, or other entity violating any of the provisions of this chapter shall be guilty of a misdemeanor, punishable by a fine of up to \$500 and up to 90 days in jail, or both, in the discretion of the court. Each day that a violation is allowed to exist shall constitute a separate offense.

§ 503-6. through § 503-21. (Reserved)