

**NOTICE**

At a Regular Rochester Hills City Council Meeting held at the City of Rochester Hills Municipal Offices, 1000 Rochester Hills Drive, Oakland County, Michigan on Monday, May 3, 2010:

Present: President Gregory Hooper, Members J. Martin Brennan, Nathan Klomp, Vern Pixley, James Rosen, Michael Webber and Ravi Yalamanchi

**QUORUM PRESENT**

**MOTION BY** Yalamanchi, seconded by Webber, **Resolved that Ordinance No. 552**, an Ordinance to amend Section 54-501 of Chapter 54, Fees, and to Add Section 78-171 to Chapter 78, Peddlers, Solicitors and Itinerant Merchants, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to require annual inspection and licensing of ice cream vending vehicles, repeal inconsistent or conflicting Ordinances, and prescribe a penalty for violations, **BE AND IS HEREBY ADOPTED** and shall become effective on Friday, May 14, 2010 the day following its publication in the *Rochester Post*.

Ayes: Brennan, Hooper, Klomp, Pixley, Rosen, Webber and Yalamanchi  
**MOTION CARRIED**

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ORDINANCE NO. 552

AN ORDINANCE TO AMEND SECTION 54-501 OF CHAPTER 54, FEES, AND TO ADD SECTION 78-171 TO CHAPTER 78, PEDDLERS, SOLICITORS AND ITINERANT MERCHANTS, OF THE CODE OF ORDINANCES OF THE CITY OF ROCHESTER HILLS, OAKLAND COUNTY, MICHIGAN, TO REQUIRE ANNUAL INSPECTION AND LICENSING OF ICE CREAM VENDING VEHICLES, REPEAL INCONSISTENT OR CONFLICTING ORDINANCES, AND PRESCRIBE A PENALTY FOR VIOLATIONS.

THE CITY OF ROCHESTER HILLS ORDAINS:

Section 1. Section 54-501 shall be amended to the Code of Ordinances, as follows:

**Sec. 54-501. Itinerant merchants.**

The permit fees for itinerant merchants, per individual, as provided in section 78-164, shall be \$25.00. The annual license fee for ice cream vendors, as provided in Section 78-171, shall be \$25.00, per vehicle.

Section 2. Section 78-171 shall be added to the Code of Ordinances, as follows:

**Sec. 78-171. Ice cream vendor license.**

In addition to an itinerant merchant permit under Section 78-164, ice cream vendors shall obtain an annual ice cream vendor license for each ice cream vending vehicle to be used in the

**CODIFIED ORDINANCE NO. 552**

City. Prior to the issuance of an annual license for ice cream vendors, the City Building Department and Sheriff's Department shall inspect each ice cream vending vehicle to determine whether it is roadworthy and complies with applicable state laws and city ordinances. An annual license decal will be affixed to the vehicle by the inspector upon successful completion of the inspection and payment of the annual license fee. The inspector will report the results of the inspection to the City Clerk's Office. Inspections will be performed during normal business hours by appointment.

Section 3. Severability. This ordinance and each article, section, subsection, paragraph, subparagraph, part, provision, sentence, word and portion thereof are hereby declared to be severable, and if they or any of them are declared to be invalid or unenforceable for any reason by a court of competent jurisdiction, it is hereby provided that the remainder of this ordinance shall not be affected thereby.

Section 4. Penalty. All violations of this ordinance shall be municipal civil infractions and upon a determination of responsibility therefor shall be punishable by a civil fine of not more than \$500.

Section 5. Repeal, Effective Date, Adoption.

(1) Repeal. All regulatory provisions contained in other City ordinances, which are inconsistent with the provisions of this ordinance, are hereby repealed.

(2) Effective Date. This ordinance shall become effective on May 14, 2010, following its publication in the *Rochester Post* on May 13, 2010.

(3) Adoption. This ordinance was adopted by the City Council of the City of Rochester Hills at a meeting thereof held on May 3, 2010.

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Bryan K. Barnett, Mayor  
City of Rochester Hills

**CERTIFICATE**

I HEREBY CERTIFY THAT THE FOREGOING ORDINANCE WAS ADOPTED BY THE CITY COUNCIL OF THE CITY OF ROCHESTER HILLS AT A MEETING THEREOF ON MAY 3, 2010.

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Jane Leslie, Clerk  
City of Rochester Hills

Accepted for First Reading: 4/26/10  
MJW: 5/3/10