

TITLE 2
BUSINESS AND LICENSE REGULATIONS

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CHAPTER 1

GENERAL BUSINESS LICENSES

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2-1-1: **LICENSE REQUIRED:** It shall be unlawful for any person to conduct, operate, transact, engage in, or carry on any industry, trade, pursuit, profession, vocation, or business within the city without first applying for and obtaining a license from the city, as herein provided. If such application is granted, the person shall pay any fees as hereinafter provided. (1983 Code § 5.02.010)

2-1-2: **APPLICATION AND REVIEW:**

- A. Application: Application for a city business license shall be applied for at the city office. Application shall be accompanied with the necessary business license fee.
- B. Review And Investigation: Upon receipt of said application and fee, said application shall be reviewed and investigated by the zoning officer, building inspector, fire marshal and police department.
- C. Denial/Granting Of License: Upon completion of said review and investigation, the city manager shall deny or grant the business license as applied for.
- D. Denial By Manager; Review By Council: In the event the city manager shall deny a business license, said application shall be

reviewed by the city council at its next regularly scheduled meeting. After hearing reports deemed relevant from the city manager, zoning officer, building inspector, fire marshal, or the police department and the license applicant, the city council shall determine if a license shall be granted. (Ord. 685, 9-8-1987)

2-1-3: **EXPIRATION AND PAYMENT OF FEES:** All licenses, except as otherwise provided herein, shall be payable yearly, in advance, and on or before January 1 of each calendar year. All fees for licenses, except as otherwise provided herein, shall be payable yearly, in advance, and on or before the date of expiration of the license which shall be December 31. (1983 Code § 5.02.30)

2-1-4: **REGULATION OF LICENSEE:** Every person licensed under the provisions of this chapter shall be subject to regulation, inspection, control and supervision under the general police powers of the city and of all the ordinances of the city now in force or which may hereafter be adopted in aid of such police power and regulation. Nothing contained in this chapter creates any vested right to any person to the assignment, renewal, reissuance, or continuation of any license issued under this chapter. (1983 Code § 5.02.040)

2-1-5: **FEE SCHEDULES AND CLASSIFICATIONS:**

A. Fees: The following business license fees shall be applied to all businesses within the city as follows:

<u>Type Of Business</u>	<u>Annual Fee</u>
Banks, banking firms, banking corporations or banking associations	\$100.00
Cable television: Any party or legal entity providing cable television services to the residents of the city	100.00
Carnival, circus: Any persons or legal entities operating a carnival, circus, menagerie, street fair, tent show, or the like within the city	50.00 (daily)
For each additional show, game, concession, or miscellaneous riding device	25.00 (daily)

<u>Type Of Business</u>	<u>Annual Fee</u>
Dairy	\$ 50.00
Fortune teller, clairvoyant, hypnotist: Any person or entity rendering services as a fortune teller, astrologer, clairvoyant, horoscopist, palmist, phrenologist, hypnotist, medium, reader of the past or future, by whatever other name so called	50.00
Funeral homes and undertakers	50.00
Gas or electric service: Every person and legal entity providing gas and electric services to the residents of the city	100.00
Grain brokers dealing in stocks and grain and buying and selling upon orders and earning commissions thereon	50.00
Grain dealers operating grain elevators, warehouses and other places for storing grain or other merchandise	50.00
Home occupation: A person who operates a business as a sole proprietor, or on behalf of a partnership or a corporation or any other legal entity from a residence within the city limits in compliance with the zoning ordinance	50.00
Hotels, motels, tourist courts, lodging houses, rooming houses	50.00
Itinerant vendor: A person acting in the business of retailing to consumers by going from consumer to consumer, either on the streets or to their places of residence or employment, and there soliciting, selling, or offering to sell, or exhibiting for sale, by sample, by catalog, or otherwise, or taking orders for future delivery of any goods, wares, or merchandise, or for services to be performed in the future is within the meaning of this chapter an "itinerant vendor"	150.00
Livestock merchant who receives commissions for the sale of livestock or any other manner of fee	50.00

<u>Type Of Business</u>	<u>Annual Fee</u>
Manufacturing establishments and service establishments engaged in manufacturing, cleaning, repairing, painting, fabricating, woodworking, lumber, filling stations, printers, dry cleaning, laundromats, shoe repair, painter's shop, photographers and automobile repair stations	\$ 50.00
Merchants dealing in goods, wares and merchandise having a permanent place of business	50.00
Packing houses and slaughterhouses	50.00
Pawnbroker	50.00
Plumber: A person or legal entity operating or doing or attempting to do mechanical work commonly known as plumbing, or any person performing service to the city sewer system, or underground plumbing which ultimately connects with the city sewer system, or underground excavating within the city; provided, however, before the city shall be responsible to issue a license, the applicant shall be responsible to give proof of the following:	100.00
<p>1. Liability Insurance; Bond: Proof of liability insurance in the sum of \$300,000.00, or a bond in the sum of \$300,000.00 of at least 2 sureties that all work will be performed in the city in a skillful, workmanlike and sanitary manner and guaranteeing that any and all damages which may result to any person from such negligent or unskillful or unsanitary work being done by such person, or by reason of any person or property being injured as a result of any work done or caused to be done by said plumber to which the city may become liable by reason of the work of said plumber or underground excavator.</p>	

<u>Type Of Business</u>	<u>Annual Fee</u>
2. Failure To Comply; Penalty: Failure of any person to carry out the trade of plumbing or any of the activities described herein within the city without adhering to the terms above shall be punishable as provided in section 1-4-1 of this code. Upon conviction of a second offense of this subsection, the court shall revoke the business license of the guilty party.	
Professional services: Persons or business entities which deliver professional services or professional work, excluding those professions specifically exempted from licensing by state law	\$ 50.00
Public auctioneer	50.00
Railroad: Any legal entity operating a railroad within the city or upon rights of way within the city	100.00
Restaurants and cafes	50.00
Taxicabs and buses or any other parties engaged in providing intracity or intercity transportation to persons	50.00
Telephone system: Every person and legal entity operating a telephone system within the city	100.00
Theaters providing amusement and entertainment including moving pictures	50.00
Transient retail merchant: A person who brings into temporary premises within the city a stock of goods, wares, or articles of merchandise, or articles of trade, and who solicits, sells or offers to sell, or exhibits for sale such stock of goods, wares, or articles of merchandise, or other articles of trade at retail is within the meaning of this chapter a "transient retail merchant"	150.00

<u>Type Of Business</u>	<u>Annual Fee</u>
Transient wholesale merchant: Every person who shall bring into the city any goods, wares, articles of merchandise, natural products of the farm, natural products of the orchard, vineyard, or garden by use of an automobile or truck for purposes of sale of said goods within the city is within the meaning of this chapter a "transient wholesale merchant"	\$150.00
Trucking business having a principal place of business within the city limits	50.00
Every person and legal entity not otherwise listed herein	50.00

(1983 Code § 5.02.050; amd. Ord. 685, 12-19-1983; Ord. 685, 12-1-1986; Ord. 2005-18, 12-5-2005)

- B. Modification Of Fees: The city council is hereby authorized to modify the amount of the business license fees set forth in subsection A of this section by resolution. (Ord. 2005-18, 12-5-2005)

2-1-6: **REPORT OF LICENSES:** The director of finance shall prepare an annual report showing:

- A. Valid Licenses: The names of all the parties who have paid licenses for the preceding year; the business for which the same was paid; and the amount.
- B. Delinquent Licenses: Under the head of "delinquent licenses", the names of all persons operating or transacting any business, trade, or profession in this city for which a license is required, and then remaining unpaid; the time for which such license is due; the amount due; and the business for which said license is required; which list shall be filed in the office of the director of finance. (1983 Code § 5.02.070)

2-1-7: **NOTICE OF DELINQUENT LICENSES:** It shall be the duty of the director of finance to cause that portion of said list showing "delinquent licenses" to be published once in a newspaper circulated within this city. Such publication shall be made in the issue of

said newspaper first following the filing of such list with the director of finance. (1983 Code § 5.02.080)

2-1-8: GENERAL POLICE POWERS:

- A. **Required To Obtain Licenses:** All industries, trades, pursuits, professions, vocations and businesses are required to obtain licenses under this chapter as a result of special services, regulation, inspection, control and protection provided under the general police powers of this city in view of such special services involving health, sanitation, traffic control, building use, fire protection and control, enforcement of the laws of the state, and general conditions of the ordinances of the city.
- B. **Chief Of Police To Aid In Collection:** It is the duty of the chief of police to aid the director of finance in the collection of all license fees required by this chapter to be paid and to make personal demands therefor upon the request of the director of finance and, in the event of receipt of payment for such license fees, to deliver to the director of finance such receipts collected. (1983 Code § 5.02.090)

2-1-9: PENALTY FOR FAILURE TO OBTAIN LICENSE:

- A. **Complaint:** When a violation of this chapter occurs or is alleged to have occurred, any person may file a written complaint. Such complaint shall state fully the cause and basis thereof and shall be filed with the city office. Thereafter, an investigation of such allegations shall be made and appropriate action taken as provided by this chapter.
- B. **Penalty:** Any person who shall violate any of the provisions of this chapter shall, upon conviction thereof, be subject to penalty as provided in section 1-4-1 of this code. (1983 Code § 5.02.060)

CHAPTER 2
LIQUOR CONTROL

SECTION:

- 2-2-1: Definitions
- 2-2-2: Duty Of City Officials
- 2-2-3: Application For License
- 2-2-4: License Fees
- 2-2-5: Hours Of Business
- 2-2-6: Inspection Of Premises
- 2-2-7: Transfer Of License
- 2-2-8: Revocation And Suspension Of License
- 2-2-9: Violation; Penalty

2-2-1: **DEFINITIONS:** For the purpose of this chapter, the definitions of words, phrases and expressions set forth in Montana Code Annotated section 16-1-106, be and the same are hereby adopted as the definitions of the same words, phrases and expressions when used in this chapter. (1983 Code § 5.04.010)

2-2-2: **DUTY OF CITY OFFICIALS:** It shall be the duty of the city attorney, chief of police, city judge and other officers of the city to enforce the Montana alcoholic beverage code. (1983 Code § 5.04.020)

2-2-3: **APPLICATION FOR LICENSE:**

- A. Required; Form: Any person desiring to engage in the business of selling alcoholic beverages in the city under the provisions of the Montana alcoholic beverage code and this code shall first apply for a license therefor from the director of finance. Application shall be made to the city council on such application forms as shall be provided by the director of finance.
- B. Filing; Council Action: The application shall be filed with the director of finance and presented for the consideration of the city council at

its first regular meeting following the filing thereof, but action thereon may be postponed for investigation or other good cause in the discretion of the council. The action of the council, with reference to the application, shall be entered in the minutes of its proceedings, and no license shall be issued without the approval of the council so entered upon the minutes. The date of such permission and the book and page where it is entered upon the minute book shall be noted on any license issued pursuant thereto. If the application is rejected, the reasons for such rejection shall be noted in said minute entry, the applicant notified thereof and the tendered fee returned to such applicant.

- C. **License Fees; Proration:** License fees shall be payable in advance and shall accompany the application therefor, whether for original license or renewal thereof. No rebate will be allowed for fractions of a year; except that if a license is granted after June 30 of any year, the license fee for the remainder of the calendar year shall be one-half ($\frac{1}{2}$) of the entire yearly license; and except also, that if the entire yearly license fee has been paid in advance and the business under the license shall have been discontinued before July 1 in the year in which such license was granted, the director of finance shall refund one-half ($\frac{1}{2}$) of the yearly license fee so paid upon surrender of the license, make appropriate book entry of the fact of surrender and refund, and report thereof shall be made to the city council at its next meeting and entered in the minutes.
- D. **Term:** All licenses shall expire at twelve o'clock (12:00) midnight on December 31 in the year in which such license is issued.
- E. **Prohibited Location:** No license will be granted to sell alcoholic beverages in any residence district of the city, and the decisions of the city council as to what constitutes a residence district shall be conclusive upon all applicants for licenses. (1983 Code § 5.04.030)

2-2-4: **LICENSE FEES:**

- A. **Annual Fee:** The annual license fees shall be as follows:

Each beer retailer	\$100.00
Each beer and wine retailer	100.00
Each all-beverage license	100.00
Each authorized club	100.00

(1983 Code § 5.04.060; amd. 2009 Code)

- B. **Payment; Proration:** Such license fees shall be payable with the application therefor. If the application is made prior to June 30, the fee shall be paid for the entire calendar year. If the application is made after June 30, the fee shall be paid for one-half ($\frac{1}{2}$) of the calendar year, which calendar year shall run from January 1 to December 31 of each year.
- C. **Use Of Funds:** Fees and fines collected under this chapter shall be allocated to the appropriate fund of the city, to be used exclusively for the purpose of defraying the cost of necessary police regulations, inspection and control under the police power of the city and not for revenue.
- D. **Subject To Police Regulations:** Any business licensed under this chapter shall require and be subject to the general police regulations of the city.
- E. **Fees In Addition To Other Fees:** All fees provided for in this chapter are in addition to any and all other license fees required to be paid under any other ordinances of the city. (1983 Code § 5.04.060)

2-2-5: **HOURS OF BUSINESS:** All premises licensed to sell alcoholic beverages at retail within the city shall remain closed and no alcoholic beverages shall be sold, offered for sale, or given away upon any such premises during the following hours:

- A. On any day between two o'clock (2:00) A.M. and eight o'clock (8:00) A.M.
- B. On any day of a general or primary election during the hours when the polls are open, excepting bond elections. (1983 Code § 5.08.080; amd. 2009 Code)

2-2-6: **INSPECTION OF PREMISES:** Every person shall be subject to regulation, inspection, control and supervision under the general police power of the city, and all laws in force, or which may hereafter be adopted, in and of such police power and regulation, and each and every license shall be subject to suspension and revocation as herein provided. (1983 Code § 5.04.070)

2-2-7: TRANSFER OF LICENSE:

- A. **Approval Required:** No license issued under the provisions of this chapter shall be transferable without the approval of the city council, after written application for permission to transfer is received, accompanied by satisfactory evidence of the consent of the department of revenue to such transfer of the license by it issued under the Montana alcoholic beverage code.
- B. **Application:** The application for transfer shall be filed with the director of finance and brought to the attention of the city council at its first regular meeting thereafter.
- C. **Council Action:** Action thereon may be postponed for investigation or other good cause, in the discretion of the council. If permission for transfer is granted, the applicant shall present the original license for endorsement by the director of finance as to the fact of the permission to transfer, date when such permission was granted, minute book and page, and the name of the transferee.
- D. **Transfer Fee:** The director of finance shall charge and collect such fee as the city council may from time to time establish to cover the cost of all proceedings in connection with such transfer. (1983 Code § 5.04.040)

2-2-8: REVOCATION AND SUSPENSION OF LICENSE:

- A. **State License Revoked Or Suspended:** If any license issued by the Montana department of revenue under the provisions of the Montana alcoholic beverage code shall be revoked or shall be suspended under the provisions of said code, the companion license issued under the provisions of this chapter shall be automatically revoked or suspended for the said period, and in the event such action by the Montana department of revenue shall, on appeal, be modified or set aside, the suspension or revocation of the license issued under the provisions of this chapter shall likewise be automatically affected.
- B. **Conviction For Violation:**
 - 1. **Conviction:** The conviction of any licensee, or any employee of such licensee in the operation of or in connection with the business licensed under this chapter and the Montana alcoholic beverage code for violation of this chapter or said code shall make such license subject to revocation upon the fact of such conviction being

certified to the mayor by the director of finance or judge of the court in which such conviction was had.

2. Mayor's Endorsement; Service: The mayor shall thereupon endorse upon such certificate notice that the license of the person so certified as convicted is revoked and cause the same to be served upon such licensee or person in charge of such business at the time of such service, and thereupon such license shall stand revoked; and the chief of police shall see to it that such business is discontinued while such revocation is effective.

3. Appeal: Any licensee whose license is revoked under the provisions of this chapter may appeal from such revocation to the city council for such action as it may see fit to take, but pending action upon such appeal by the city council, said license shall stand revoked.

4. Mayor Power To Suspend License: Every person licensed hereunder shall conduct the business licensed in an orderly manner and licenses may be suspended by the mayor for any improper or disorderly conduct which is permitted or which occurs in or about the premises where such licensed business is carried on.

C. City Council Power To Revoke License: When any person licensed hereunder shall violate the provisions of this chapter or any of the ordinances of the city, or laws of this state, or shall permit such violations on the premises where such licensed business is carried on, the city council may revoke any such license so issued.

D. Notice; Hearing: Before any final action shall be taken upon the revocation of any license, the licensee shall be entitled to at least three (3) days' notice of the time and place such action will be taken thereon and shall have the right to be heard in the matter, except in cases where such action shall be based upon a conviction in the city court, in which case, it shall be lawful for the council to proceed without such notice. (1983 Code § 5.04.050)

2-2-9: **VIOLATION; PENALTY:** Any person who shall violate any of the provisions of this chapter shall, upon conviction thereof, be subject to penalty as provided in section 1-4-1 of this code. (1983 Code § 5.04.090)

CHAPTER 3
GAMES OF CHANCE

SECTION:

2-3-1: Hours Of Operation

2-3-1: **HOURS OF OPERATION:** No games of chance, live card tables, live bingo, live keno or video gambling machines may be operated on any premises licensed under this title between two o'clock (2:00) A.M. and six o'clock (6:00) A.M. of each day. (Ord. 91-2, 5-6-1991)

