

# Chapter 1

## BUSINESS LICENSING PROVISIONS

### 3-1-1: CONSTRUCTION:

No provision contained in this chapter shall be construed so as to license any trade, business, occupation, vocation, pursuit, profession or entertainment prohibited by the constitution or laws of the United States, or the constitution of the state of Montana. (Ord. A-420, 11-1-1982)

### 3-1-2: DEFINITIONS:

For the purposes of this chapter, the words set out in this section shall have the following meanings:

**GENERAL BUSINESS:** All businesses and professions requiring a license other than those licensed as special category or home occupation.

**HOME OCCUPATION:** All businesses or offices operated out of home and defined in the zoning title<sup>1</sup>.

**SPECIAL CATEGORY:** All businesses in a special category as provided herein.

**TRANSFERS:** A fee for all license holders to transfer ownership or sites. (Ord. A-420, 11-1-1982)

### 3-1-3: LICENSE REQUIRED:

No person, partnership, company, corporation, or any other entity shall conduct, operate, transact, or engage in business of any kind within the city before first submitting an application and obtaining approval for a business license from the city. Failure to obtain a business license prior to operating a business in the corporate limits of the city constitutes a violation of this chapter. (Ord. 10-18, 12-6-2010)

### 3-1-4: LICENSE FEES:

- A. Fee Schedule: The city council, by resolution, shall adopt a business license fee schedule which shall be applied to all businesses, persons or entities which the city licenses.
  
- B. Collection: The city manager shall be charged with the collection of the fees for the licenses required by this chapter through the appropriate city official designated by the city manager.
  
- C. Classification: When there is any doubt about the classification of the fee to be paid for a license under this chapter, the matter shall be referred to the city manager.
  
- D. Payment Of Fees: Except as otherwise provided herein, all license fees shall be payable annually in advance and on or before January 1. Any license issued after July 1 of each year shall be issued at one-half ( $\frac{1}{2}$ ) the yearly fee. All licenses shall expire on December 31 of each year.
  
- E. Late Fee: On late renewal, a late fee, as established by resolution of the city council, plus two percent (2%) of the license fee per month or any portion thereof, shall be assessed. This penalty shall be paid prior to the issuance of a renewal license. (Ord. A-420, 11-1-1982)

### **3-1-5: APPLICATION FOR LICENSE:**

Applications for licenses shall be obtained from and filed with the city. All applications, when filed, shall be accompanied with the necessary fees and shall be signed by the applicant. The form of the application shall be determined by the city manager. (Ord. 10-18, 12-6-2010)

### **3-1-6: CONDITIONS OF LICENSE:**

- A. Display Of License: The city license, issued pursuant to the provisions of this chapter, shall be conspicuously displayed in such a manner that a city official may observe the same upon entering the licensee's place of business.

- B. Licensee Subject To Regulations: Every person licensed under the provisions of this chapter shall be subject to regulation, inspection, control and supervision under the general police power of the city and of all of the provisions of this code and ordinances of the city now in force, or which may hereafter be adopted, in aid of such police power and regulation. Nothing in this chapter contained creates any vested right in any person to the assignment, renewal, reissuance or continuance of any license.
- C. Separate License For Each Business And Location: Except as otherwise provided, a separate license must be procured and fee paid when a license is required by the provisions of this chapter, for each business and business location. (Ord. 10-18, 12-6-2010)

### **3-1-7: LODGING ESTABLISHMENTS; REGISTRATION OF GUESTS:**

#### **A. Register Required:**

1. The owner, lessee or manager of every hotel, lodging or rooming house, or place where rooms are rented or let within the limits of the city, except private houses, shall provide a register for such hotel, lodging or rooming house.
2. The register shall be kept in public view upon the premises of such hotel, lodging or rooming house, and shall be subject at all times to inspection. (Ord. 95, 12-17-1912)

- B. Entries Into Register Required: It is made the duty of every owner, lessee, manager or person in charge of such hotel, lodging or rooming house to require each person applying for a room or rooms therein, to write his name in the register before allowing such person to occupy the room or rooms. This provision shall be applicable whether the room or rooms are occupied temporarily or permanently. (Ord. 95, 12-17-1912; amd. 2003 Code)

### **3-1-8: LICENSE REVOCATION:**

- A. Grounds For Revocation: The city manager may revoke and cancel any license issued by the city for fraud or misrepresentation in its procurement, or for a violation of any of the

provisions of this code or any other ordinances of the city, or any state or federal statute. (Ord. 420, 11-1-1982; amd. 2003 Code)

B. Notice Of Denial Or Revocation: Denials of applications or revocations of city licenses shall be made in writing, and the applicant shall be notified by certified mail, return receipt requested. The notice shall be mailed within three (3) working days of denial or revocation.

C. Appeals:

1. An applicant, who has been denied a license or whose license has been revoked, may appeal said denial or revocation to the city council by notice in writing filed with the city clerk within ten (10) days of the date of denial or revocation. The notice shall state any reasons supporting the grant of a license, the applicant's correct mailing address, and shall be signed by the applicant. The city clerk shall cause the matter to be placed on the next regular city council agenda, not less than ten (10) days after receipt of notice of appeal. The applicant shall be notified in writing by certified mail, return receipt requested, of the date and time the matter will be considered on the agenda. The applicant may appear at the time and place and be heard.

2. If an appeal is taken, no license shall be issued while the same is pending.

D. Fee Disposition On Denial Or Revocation: Upon denial of a business license, the business license fee or an appropriate sum as established by resolution of the city council, whichever is less, shall be retained by the city as an administrative fee for processing the application and the balance, if any, shall be refunded to the applicant after the period for appeal has elapsed. The same fee shall be retained if the application is withdrawn prior to final city action. On revocation, the city shall retain the license fee. (Ord. 420, 11-1-1982)

### **3-1-9: FINE OR PENALTY:**

Every person who wilfully violates or who procures, aids or abets in the wilful violation of this chapter or any regulation adopted pursuant thereto, shall be deemed guilty of a misdemeanor and, upon conviction, shall be punished as provided in the general penalty in section [1-4-1](#) of this code. Every person who wilfully violates or who procures, aids or abets in the wilful violation of this chapter or any regulation adopted pursuant thereto, shall be deemed to have committed a municipal infraction, and shall be assessed the civil penalty described in section [1-4-4](#) of this code. Each day that a violation remains shall constitute a separate violation. For each separate incident, the city shall elect to treat the violation as a misdemeanor or a municipal infraction, but not both. If a violation is repeated, the city may

treat the initial violation as a misdemeanor and the repeat violation as a municipal infraction, or vice versa. (Ord. 09-20, 10-19-2009)