

## **Chapter 5.02**

### **BUSINESS LICENSES AND FEES**

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5.02.010. Business License Required, Application Procedure and Fees: For the protection and general welfare of the inhabitants of the town, every business conducted within the town comes within the police power of the town, and no person shall engage in business without first obtaining a license unless a nonprofit organization or a business or professional exempted by state law. A town business license shall not be required for a business with annual gross revenues of less than \$1,000.00. A town business license shall not be required for bazaars, farmer markets, or arts and crafts sales conducted and sponsored solely by a nonprofit entity that has been established as a nonprofit entity as that term is defined in Section 5.02.011.

A. License---Application. Applicants for licenses shall file with the town treasurer the required fee and an application in writing, on a form, which shall contain the following information:

1. Business License Application:
  - a. Name, permanent address, business, home, and emergency phone numbers of the applicant;
  - b. Full business name;
  - c. The physical and mailing address of the business.
  - d. Type of license applying for;
  - e. A brief description of the nature of the business;
  - f. If an agent or representative, the name and address and phone number of the principal;
  - g. Name of rental agency, manager, or owner of an Apartment house, Trailer Court, or Mobile Home Park;
  - h. The number of units;
  - i. Such other information as the ordinances of the town shall require.

B. Business License Fees: The Business license fee shall be Fifteen (\$15.00) Dollars per annum unless otherwise provided as follows:

A. Telephone, Telegraph, Power and Light Companies: The license fee shall be seventy-five dollars (\$75.00) per annum.

B. Carnivals, Circuses and Menageries: The license fee shall be fifty dollars (\$50.00) per annum.

C. Persons or Companies Operating a Community Television Cable System: The license fee shall be forty dollars (\$40.00) per annum.

E. Establishments (Taverns, Clubs, Retail Outlets, etc.) Selling Alcoholic Beverages: The license fee shall be Two hundred Dollars (\$200.00) per annum.

F. Any Business, Trade, or Profession of a Comparable Nature to any Specifically Named in Section 5.02.010: The license fee shall be the same as the required of comparable businesses, trades, or professions.

C. License—Fees—Refund: If an application for a license is denied, the fee that accompanied the application shall be returned to the applicant.

D. License---Fees—Proration. All town business licenses shall be annual, unless otherwise specified, commencing on January 1<sup>st</sup> and expiring on December 31<sup>st</sup> of each year. Any license issued after the first of July, unless the applicant shall have procured, or shall have been obligated to procure, a license at an earlier date, shall be issued a fifty percent of the annual rate; or unless applicant is a transient merchant or itinerant vendor, in which event the applicant shall pay the annual license fee.

5.02.020. Dates to Remain in Force. The licenses herein provided for are for the calendar year 1983 and each year thereafter while this chapter remains in force and effect.

5.02.030. Duty of Treasurer. The Town Treasurer shall be charged with the collection of license fees, applications of licenses and issuance of licenses. The town treasurer shall provide blanks for application and licenses in connection with the issuance of licenses. It shall be the duty of the town treasurer to issue a license upon presentation of a properly completed application blank together with tender of the appropriate license fee.

5.02.040. Inspection and Regulation under Police Power. Every Person, firm, association, or corporation licensed under the provisions of this chapter shall be subject to regulation, inspection, control and supervision under the general police powers of the town and of all of the chapters now in force, or which may be adopted, in aid of such police power and regulation. Each and every license shall be subject to suspension and revocation as hereinafter provided.

5.02.050. Suspensions and Revocations of Licenses. Whenever the council deems it in the public interest, it may, by resolution adopted by two-thirds' vote, after a public hearing where the applicant will have an opportunity to present evidence and witnesses supporting his application, of all the members of the council and approved by the mayor, refuse to authorize the issuance of any license provided for in this chapter, the council may, upon a two-thirds' vote of all members of the council and approved by the mayor, revoke any license issued under this chapter when it is deemed in the public interest to do so.

5.02.060 Unlawful Activities Not to be Licensed. No provisions herein contained shall be construed as to license any trade, business, occupation, pursuit, profession, or entertainment prohibited by any law of the United States, of the State of Montana, or by any ordinance of the Town.

5.02.070 Separate Licenses Required. Except as otherwise herein provided, a separate license must be procured (where a license is required by the provisions of this chapter) for each and every trade, occupation, pursuit, vocation, or entertainment enumerated in this chapter. When there is any doubt about classification or license fees to be paid, the matter shall be referred by the Town Treasurer to the Mayor, who shall decide the question, subject to appeal to the Town Council. If such appeal be taken, no license shall be issued while the same is pending, but the applicant may pay the fee or fees required by the Mayor and apply to the Town Council at its next regular meeting for any refund to which said applicant may consider himself entitled. No application for a refund not made within thirty (30) days after payment shall be considered.

5.02.080 License Fees According to Statute. If any license fee required to be paid under the provisions of this chapter shall be in excess of the license fee exacted by the State of Montana for the same occupation, pursuit, profession, trade, vocation, business, or entertainment, where the State of Montana exacts a license fee therefore, such license fee, under this chapter, shall be the same as the license fee exacted by the State of Montana, any other provisions in this chapter to the contrary notwithstanding.

5.02.090. Terms of Licenses.

A. All licenses, except as otherwise herein provided, shall be payable annually in advance and on or before the 31<sup>st</sup> of January of each year.

B. Every license issued under the provisions of this chapter shall be posted in a conspicuous place on the premises where the business is conducted. The licensee shall carry all licenses issued for a business without a fixed place of business while the licensee is doing business and shall be shown to any person with whom the licensee is doing business or any police officer on demand.

C. A licensee shall have the right to change the location of the licensed business, provided the new location complies with the requirements of the ordinances of the town.

D. Licenses are non-transferable whenever a business changes ownership. The new owner must file an application for a license and the required fee at the time of the change of ownership.

E. Any license issued for a specified date, time, or place shall not be a license for any other date, time or place.

5.02.100 Prosecutions and Penalties. Prosecutions for violations of this chapter shall be in city court, upon written complaint of the Mayor, Town Treasurer, or Town Marshal, or of any citizen of Superior. In addition to the fine and imprisonment hereinafter provided for violation of this chapter, a civil judgment for the amount of the license found due and unpaid may be entered against the defendant if found guilty and the same may be enforced by the town through its Town Treasurer in the manner provided by the laws of the State of Montana.

5.02.110 Distribution of Fees Collected. All of the funds paid or collected under the provisions of this chapter shall be deposited to the credit of the General Fund of the Town.

5.02.120 Penalties. Any person who shall violate any of the provisions of this chapter shall upon conviction thereof, be punishable as provided in section 1.08.010 of this Code. Any prosecution, conviction and punishment under this section shall not relieve from payment the license required, but the same must also be paid and may be collected by the means and in the manner elsewhere in this Code provided.

5.02.140 Generally: The following words and phrases, when used in this chapter, shall have the following meanings respectively ascribed to them in this section.

Apartment. “Apartment” means a room or suite of rooms, which is designed to be occupied by one family for living purposes in an apartment house.

Apartment House. “Apartment House” means a building in which three or more families are living independently of each other.

Business. “Business” means any and all industries, pursuits, occupations, avocations, professions and businesses, except those carried on in temporary manner by church, civic or fraternal organizations for fund raising.

Consumer. “Consumer” means one who uses, and by using destroys the value of the article purchased.

Hotel, Motel, Roominghouse or Lodginghouse. “Hotel, Motel, Roominghouse or Lodginghouse” means any building or buildings containing guest rooms intended to be rented or hired out for sleeping purposes.

Itinerant Vendor. “Itinerant Vendor” means any person engaged or employed in the business or 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 catalogue, or otherwise, or taking orders for future delivery of any goods, wares, or merchandise, or for services to be performed in the future.

Mayor. “Mayor” means the mayor of the Town.

Nonprofit organization. “Nonprofit organization” means any religious, charitable, social, educational, or civic groups, which does not distribute profits or dividends to the members thereof and where profit is not their object.

Office. “Office” means a room or building in which a person transacts his business or carries on his stated occupation.

Office Building. “Office Building” means a building designed or used primarily for office purposes or a substantial portion of which is used for that purpose.

Person. “Person” means a corporation, partnership, company, association, or society as well as a natural person and the agents and representatives thereof.

Temporary Premises. “Temporary Premises” means any hotel, roominghouse, storeroom, building, or any part of any building whatsoever, tent, vacant lot, freight station, railroad car, motor truck, trailer or other vehicle or any public or quasi-public place temporarily occupied for business.

Trailer Court or Mobilehome Park. “Trailer Court” or “Mobilehome Park” means a tract of land providing five or more mobile home lots for lease or rent to the general public.

Transient retail merchant. “Transient retail merchant” means any or every person, firm or corporation, acting for himself or itself or representing any other person, firm or corporation, who or which brings onto temporary premises within the town a stock of goods, wares, or merchandise, notions or other articles of trade and who or which solicits, sells or offers to sell or exhibits for sale such stock of goods, wares, or merchandise, notions, or other articles of trade, and such definition shall continue to apply until such person is continuously engaged at such particular place in the town for a period of one year.

Year. “Year” for general town business license purposes, means a period of time of twelve months commencing each year on January 1<sup>st</sup> and ending December 31<sup>st</sup>.

(Ords 4, 21, 33, 62, 84, 103, 110, 111, 192)