

TITLE 3

BUSINESS LICENSES

CHAPTER

- 1 LICENSES IN GENERAL
 - 01 definitions
 - 02 license required
 - 03 unlawful activities
 - 04 interstate commerce
 - 11 applications
 - 12 granting of licenses
 - 13 multiple businesses
 - 14 appeals
 - 15 inspection and regulation
 - 16 suspension and revocation
 - 21 license fees
 - 22 term of license
 - 23 license issued after beginning of term
 - 24 refunds
 - 25 property lien
 - 26 separate fund
 - 31 prosecutions for violation of this title
 - 32 penalty

- 2 PROFESSIONAL PERSONS
 - 01 professional business license
 - 02 persons exempt

- 3 PERSONAL SERVICE
 - 01 personal service business license
 - 02 persons exempt

- 4 PUBLIC SERVICES
 - 01 financial institutions
 - 02 utilities
 - 03 hotels and motels
 - 04 trailer courts and rooming houses

- 5 MERCHANTS AND MANUFACTURERS
 - 01 resident merchants
 - 02 manufacturer

- 6 SALESMEN
 - 01 resident salesmen
 - 11 nonresident salesmen
 - 12 additional requirements for non-resident salesman's license
 - 13 limitations of license
 - 14 exceptions to license

7 TRANSPORTATION
 01 taxicabs and buses
 11 freight lines
 21 garbage haulers

8 AMUSEMENTS
 01 amusement license
 02 advance licensing
 03 police protection

CHAPTER 1

LICENSES IN GENERAL

3-1-01 DEFINITIONS. When used in this title, the following words and phrases shall have the meanings ascribed to them in this section unless otherwise noted.

(a) "Business" shall mean any and all industries, pursuits, occupations, professions, and retail and wholesale businesses, except those carried on in a temporary manner by non-profit organizations as projects for fund-raising.

(b) "License" shall mean any license required by this title except beer and liquor license.

(c) "License" shall mean any persons holding any license required by this title.

3-1-02 LICENSE REQUIRED. No person shall carry on business within the town without obtaining a town business license, except where that person is specifically exempted from municipal business license under the laws of the State of Montana.

3-1-03 UNLAWFUL ACTIVITIES. No provision herein contained shall be construed as to license any business prohibited by any law of the United States or of the State of Montana, or by any ordinance of this town.

3-1-04 INTERSTATE COMMERCE. Nothing in this title shall operate as to interfere with the power of the Congress of the United States to regulate commerce between the states, as such power is defined by the Supreme Court of the United States.

3-1-11 APPLICATIONS. To apply for a business license, the applicant shall file a completed business license application form with the town treasurer. Blank forms shall be available at the office of the Town Treasurer. The license fee shall accompany the license. The information stated in the application shall be true to the best of the applicants knowledge, and the applicant shall swear and subscribe to this fact before the town treasurer or any officer authorized to take oaths. The application shall state:

- (a) the name of the applicant
- (B) his place of permanent residence
- (c) his local business address, if any
- (d) date of the arrival in town
- (e) city or county from which last license held, if any
- (f) description of the business to be licensed and its location
- (g) whether the applicant shall act as principal or agent
- (h) if acting as agent, the name and place of the principal's business. If the applicant shall be acting as an agent, the principal's acknowledgement of the agency must accompany the application.

3-1-12 GRANTING OF LICENSES. License applications, together with the license together with the license fees, shall be filed with the town treasurer. In his discretion, or in the discretion of the mayor, such application may be approved, or may be held until the next regular meeting of the town council, when they shall be submitted to the council for consideration. The council may decline to issue a requested license if its issuance would be detrimental to the public health, welfare, or safety.

3-1-13 MULTIPLE BUSINESS LICENSE. Deleted by Ordinance 191, November 2, 1991.

3-1-14 APPEALS. Any decision regarding the issuance of a license, the classification of the business to be licensed, or the license fee to be paid, may be appealed by the applicant. Upon notice of the appeal, the town treasurer shall refer the matter to the mayor, who shall decide the matter. The applicant may appeal the decision of the mayor to the town council. The town council shall consider the appeal at its next regular meeting, or at a meeting called especially for considering the appeal. If an appeal is made to the council, the applicant shall pay such license fee, if any, as is set by the mayor. Should the council approve a lesser license fee, the applicant shall be entitled to a refund. NO appeal or refund shall be allowed unless it is requested in thirty (30) days from the date of the mayor's decision.

3-1-15 INSPECTION AND REGULATION. Every person licensed under the provisions of this ordinance shall be subject to regulation, inspection, control, and supervision under the general police power of the town, and under all of the ordinances now in force or which may be adopted in aid of such police power and regulation.

3-1-16 SUSPENSION AND REVOCATION. Whenever the mayor shall determine that any licensee under this title is conducting his business in a manner detrimental to the public health, safety, or welfare, he may suspend the license by serving notice of the suspension on the licensee, or on the person in charge at the town council, or at any special meeting called to consider the suspended license, the mayor shall report the suspension, and the reasons for the suspension, to the town council. The town council may then continue the suspension for a period not to exceed sixty days, or may revoke the license. The council's order concerning the license shall be recorded in the minutes of the council, and if the license is suspended or revoked, notice of the council's order shall be served on the licensee, or on the person in charge of the licensee's place of business.

3-1-21 LICENSE FEES. The fees for the licenses required by this title shall be as set forth in the table of fees.

3-1-22 TERMS OF LICENSES. All licenses issued on a quarterly basis shall begin on the first day of January, march, july, or september, and shall expire on the day preceding the next quarter. All license issued on a yearly basis shall begin on the first day of July and shall expire on the Thirtieth day of June, except that non-resident salesman licenses shall run from the first day of January to the last day of December.

3-1-23 LICENSES ISSUED AFTER BEGINNING OF TERM. In the case fo all licenses except non-resident salesman licenses issued after the beginning of the license term, the license fee shall be computed pro rata on the basis of the number of months remaining in the term. However, no allowance shall be made for any period less than one month.

3-1-24 REFUNDS. Any licensee, except persons licensed as nonresident salesmen, who shall cease to carry on business under the license shall be entitled to a refund. Persons voluntarily ceasing business shall be entitled to a refund on a pro rata basis for the unexpired portion of the term of the license, except no allowance shall be made for any period less than one month. Persons ceasing business because their business license has been revoked by the town council shall be entitled to a fifty percent (50%) refund on a prorata basis, for the unexpired term of the license, except that no allowance shall be made for any period less than one month.

3-1-35 PROPERTY LIEN. All property held or used in any business for which a license is required is liable for such a license, and is subject to a lien for the amount of the fee for such license.

3-1-26 SEPARATE FUND. All of the fees collected under the provisions of this title shall be deposited and kept in a separate fund of the town, to be known as the "Protection of Life and Property Fund." From this fund all expenses of the administration applied to the expense of maintaining and operating the health and police departments of the Town.

3-1-31 PROSECUTIONS FOR VIOLATION OF THIS TITLE. Prosecutions for violation of this title shall be in police court of the town, upon written complaint of the mayor, town treasurer, town marshall or any citizen of the Town of Fromberg.

3-1-32 PENALTY. Persons violating any provisions of this title shall be subject to the general penalty. In addition, a civil judgement for the amount of the license fee due and unpaid may be entered against the defendant.

CHAPTER 2

PROFESSIONAL PERSONS

3-2-01 PROFESSIONAL BUSINESS LICENSE. Any person engaged in a recognized profession shall obtain a professional business license from the town. The recognized professions shall include, but not be limited to abstractors, accountants, architects, chiropractors, chiropodists, civil engineers, dentists, naturopaths, oculists, opticians, osteopaths, undertakers and morticians, veterinarians, and all allied or similar professions. The recognized professions shall also include all other who profess to practice a healing, curing, or corrective art or ability for valuable consideration.

3-2-02 PERSONS EXEMPT. Lawyers and licensed medical doctors shall be exempt from the professional license requirement under the provisions of 93-2010 and 66-0131, Revised codes of Montana, 1947.

CHAPTER 3

PERSONAL SERVICE

3-3-01 PERSONAL SERVICE BUSINESS LICENSE. Any person carrying on business in an occupation which consists primarily of extending service to the public shall obtain a personal service business license from the town. These persons shall include, but not be limited to, persons engaged in the business of advertising, auctioneers, auto repairs only, builders, brokers, credit bureaus, dry cleaners, electricians, insurance, laundries, plumbing shops, real estate, tailors, welding, and other business or occupations of similar nature.

3-3-02 PERSONS EXEMPT. Persons holding state licenses as barbers or cosmetologists shall be exempt from the personal service business license under the provisions of 66-0411 and 66-815, Revised codes of Montana, 1947.

CHAPTER 4

PUBLIC SERVICES

3-4-01 FINANCIAL INSTITUTIONS. Any person carrying on business as a financial institution, including banks, savings and loans, credit unions, money lenders, pawnbrokers, and all other businesses of a similar nature shall obtain a financial institution business license from the town.

3-4-02 UTILITIES. Any person carrying on business as a gas company, electric power company, telegraph company, telephone company, or other utility company of similar nature, shall obtain a utility business license from the town.

3-4-03 HOTELS AND MOTELS. Any person operating a hotel or motel shall obtain a hotel-motel license from the town.

3-4-04 TRAILER COURTS AND ROOMING HOUSES. Any person operating a trailer court, tourist park, or lodging or rooming house shall obtain a trailer court-rooming house business license from the town.

CHAPTER 5

MERCHANT AND MANUFACTURERS

3-5-01 RESIDENT MERCHANTS. Any person carrying on business by the selling of retail or at wholesale of any product or merchandise from a regular and fixed place of business shall obtain a resident merchant's license from the town. These persons and businesses shall include, but are not limited to, venders of any produce or products, bakeries, cafes, and restaurants, creameries and milk buying stations, drug stores, green houses, nurseries, garages, grain and bean elevators, gasoline dealers, feed dealers, livestock dealers, grocers jewelers, junk and hide dealers, all retail stores, and all other business establishments of a similar nature within the town. Resident home merchants are resident merchants who maintain a residential home in the town as their sole place of business and do not have substantial volume of business as to adversely impact the residential character of the neighborhood, or adversely impact the intent of any residential zoning provisions. Amended 6th day of December, 1990 Ordinance 222.

3-5-02 MANUFACTURERS. Any person carrying on business as a manufacturer of a product or commodity shall obtain a manufacturers business license from the town.

CHAPTER 6

SALESMEN

3-6-01 RESIDENT SALESMEN. Any bona fide resident of the town carrying on business by the retail sale of any product or merchandise without maintaining a regular and fixed place of business within the town, or any resident of the town carrying on business by the sale of any product or merchandise door-to-door at residences within the town, shall obtain a resident salesman's license.

3-6-11 NON-RESIDENT SALESMAN. Any person not a bona fide resident of the town carrying on business by the sale of any product or merchandise within the town to persons other than businesses without maintaining a fixed and regular place of business, or any person not a bona fide resident of the town carrying on a business by the sale of any product or merchandise door-to-door at residences within the town shall obtain a non-resident salesman's license.

3-6-12 ADDITIONAL REQUIREMENTS FOR NON-RESIDENT SALESMAN'S LICENSE. In addition to providing the information necessary to complete the basic application for a town business license, an applicant for a non-resident salesman's shall:

(a) give a brief descriptive list of the products or merchandise to be offered for sale by him;

(b) state whether the total value of any sale to be made by him will exceed \$25.00:

(c) he shall also be required to read and sign a statement stating that he has read Chapter 5, Title 85, of the Revised Codes of Montana, 1947, entitled, "An Act to Provide for a Three-Day-Cooling-Off Period on Door-to-Door Sales Contracts."

(d) If the total value of any sale to be made by the applicant will exceed \$25.00, he shall be required to show the licensing official that he has in his possession sufficient copies of such notices as are required be section 85-504, Revised Codes of Montana, 1947. The licensing official shall make available a copy of Chapter 5, Title 85, R.C.M. 1947, for reading by the applicant.

3-6-13 LIMITATIONS OF LICENSE. If granted, a non-resident salesman's license shall permit the licensee to carry on the business licensed only between the hours of 9:30 A.M. and 5:30 P.M. on the days Monday through Saturday. The license shall bear the words "Valid only between 9:30 A.M. and 5:30 P.M. Monday through Saturday" in a conspicuous place on it face."

3-6-14 EXCEPTION TO THE BUSINESS LICENSE. The town council may allow for an exception from the provisions of this chapter for special events upon application to the Town Council at a meeting prior to the event the town council may impose such requirements as it deems necessary especially as to time and duration.

Ordinance 203

CHAPTER 7

TRANSPORTATION

3-7-01 TAXICABS AND BUSSES. Any person carrying on business by the owning or operating of one or more motor vehicles for the transportation of persons for hire within or partly within the limits of the town shall obtain a passenger business license for each vehicle from the town

3-7-11 FREIGHT LINES. Any person carrying on business by the owning or operating of one or more motor vehicles for the transportation of freight for hire within or partly within the limits of the town shall obtain a freight business license from the town.

3-7-21 GARBAGE HAULERS. Any person carrying on business by the hauling of garbage or other refuse for hire within or partly within the limits of the town shall obtain a refuse hauling business license from the town.

CHAPTER 8

AMUSEMENTS

3-8-01 AMUSEMENT LICENSE. Any person carrying on business by the offering of any form of amusement or entertainment to the public for profit shall obtain appropriate amusement business license.

3-8-02 ADVANCE LICENSING. The license required by this chapter shall be obtained a least five (5) days prior to the beginning of business.

3-8-03 POLICE PROTECTION. In addition to paying the license fee, persons obtaining an amusement business license may be required by the town to pay such additional amount of money as the town council may require to reasonably compensate the town for the additional costs of police protection necessitated by the amusement to be licensed.