

Title 5

BUSINESS LICENSES AND REGULATIONS

Chapter:

5.0 Occupations, Industries, Trades, and Pursuits.

Chapter 5-0

OCCUPATIONS, INDUSTRIES, TRADES, AND PURSUITS

Sections:

- 5-0-1 Business Licenses and Fees
- 5-0-2 Dates to Remain in Force
- 5-0-3 Interstate Commerce
- 5-0-4 Duty of Treasurer-Applications-Refusal
- 5-0-5 Inspection and Regulation Under Police Power
- 5-0-6 Suspensions and Revocation of Licenses
- 5-0-7 Unlawful Activities not to be Licensed
- 5-0-8 Separate Licenses Required
- 5-0-9 License Fee According to Statute
- 5-0-10 Terms of Licenses
- 5-0-11 Prosecutions and Penalties
- 5-0-12 Distribution of Fees Collected
- 5-0-13 Penalties

5-0-1 Business Licenses and Fees. No person shall conduct, operate, transact, engage in or carry on any of the industries, trades, pursuits, vocations, or businesses within the town hereafter specified and enumerated without first applying for and obtaining a license therefore from said town as herein provided, and, if such application be granted shall pay therefore as follows:

A. Retail Merchandise Establishments:

a. Selling automobiles, automobile parts and accessories, drugs, dry goods, fresh meats and/or alone or in addition to other merchandise and/or hay, fuel, lumber and all other merchandise not otherwise particularly mentioned in this chapter: The license fee shall be fifteen dollars (\$15.00) per annum.

b. Selling gasoline and/or fuel oils and the like, at so-called filling stations, either alone or in addition to other merchandise, goods, products or services: The license fee shall be fifteen dollars (\$15.00) per annum.

B. Tourist Parks: The license fee shall be fifteen dollars (\$15.00) per annum.

C. Restaurants, Cafes, or Eating Houses: The license fee shall be fifteen dollars (\$15.00) per annum.

D. Hotels, Motels, Apartment Houses and Rental of 3 or More Separate Housing

- Units: The license fee shall be fifteen dollars (\$15.00) per annum.
- E. Telephone, Telegraph, Power, Light and Water Companies: The license fee shall be seventy-five dollars (\$75.00) per annum.
 - F. Moving Picture and Show Houses: The license fee shall be fifteen dollars (\$15.00) per annum.
 - G. Taverns and Clubs Selling Beer and Hard Liquors: The license fee shall be one hundred and fifteen dollars (\$115.00) per annum.
 - H. Taverns, Clubs and All Retail Outlets Selling Beer, But No Hard Liquor: The license fee shall be one hundred and fifteen dollars (\$115.00) per annum.
 - I. Dairies Selling Any Products Other Than Home Produce: The license fee shall be fifteen dollars (\$15.00) per annum.
 - J. Printing Houses: The license fee shall be fifteen dollars (\$15.00) per annum.
 - K. Garages: The license fee shall be fifteen dollars (\$15.00) per annum.
 - L. Oil Distributors: The license fee shall be fifteen dollars (\$15.00) per annum.
 - M. Carnivals, Circuses and Menageries: The license fee shall be fifty dollars (\$50.00) per day.
 - N. Trailer Courts: The license fee shall be twelve dollars (\$12.00) per annum. A trailer court is defined as an integrated parcel of land, under single or joint ownership, designed and adapted for the temporary or permanent parking of five (5) or more mobile homes used for human habitation.
 - O. Any Business, Trade, or Profession of a Comparable Nature to any Specifically Named in Section 5-0-1. The license fee shall be the same as the required of comparable businesses, trades, or professions.
 - P. Persons or Companies Operating a Community Television Cable System: The license fee shall be forty dollars (\$40.00) per annum.
 - Q. Taverns, Clubs, and All Retail Outlets Selling Beer and Wine, But No Hard Liquors: The license fee shall be sixty-five dollars (\$65.00) per annum.
 - R. Taverns, Clubs and All Retail Outlets Selling Wine: The license fee shall be sixty-five dollars (\$65.00) per annum.

S. Door-to-door Salespersons of Goods and Merchandise: The license fee shall be fifteen dollars (\$15.00) per annum.

T. Fortune Teller: Every fortune teller, astrologer, clairvoyant or person plying a like vocation in this town shall pay a license fee of ten dollars (\$10, 00) per day. Every traveling merchant, hawker or peddler who transports goods, ware or merchandise, including agents who take orders for goods, wares or merchandise that is within the state at the time the orders are taken for them must pay a license fee of fifteen dollars (\$15.00) per annum.

5-0-2 Dates to Remain in Force. The licenses herein provided for are for the calendar year 1994 and each year thereafter while this chapter remains in force and effect.

5-0-3 Repealed

5-0-4 Duty of Treasurer-Applications-Refusal. The Clerk-Treasurer of the Town of Alberton shall be charged with collection of the licenses herein provided for and application for license, accompanied by fee therefore, shall be filed with her. On her discretion, or in the discretion of the Mayor, such application may be held until the next regular meeting of the Town Council following the application, when it shall be submitted to the Town Council, which may, in its discretion, decline to issue such license, if, in the judgment of the Council, it will be for the best interests of the Town of Alberton to refuse such license. Upon such refusal the license fee paid upon the application shall be returned to the applicant. All applications made, and all licenses issued under this application is made subject to all of Alberton, which are hereby agreed to and this license is not transferable.

5-0-5 Inspection and Regulation Under Police Power. Every person, firm, association or corporation licensed under the provisions of this ordinance shall be subject to regulation, inspection, control and supervision under the general police power of the Town of Alberton and of all of the ordinances now in force, or which may be adopted, in aid of such police power and regulation; and each and every license shall be subject to suspension and revocation as hereinafter provided.

5-0-6 Suspensions and Revocations of Licenses. Whenever in the judgment of the Mayor, the licensee under this ordinance is conducting the business, trade, occupation, vocation, performance or entertainment so licensed, in a manner which violates any ordinances or regulations under the general police power of the Town of Alberton, or in any manner detrimental to the public health, morals or welfare, he may suspend such license by notice to that effect personally served upon the licensee or left at his place of business with the person in charge thereof. Such license shall thereupon stand suspended. At the next regular meeting of the Town Council, or at any special meeting called for that purpose, such suspension shall be reported to the Town Council. The Town Council shall then have the power and authority to remove such suspension, continue for any period not exceeding sixty (60) days, or revoke such license, by order entered upon the minutes of

the proceedings of the Council, a copy of which order shall be served on the licensee or left at his place of business with any person in charge thereof, and such license shall thereupon stand renewed, suspended or revoked, as in such order specified. If when revoked, any license has an un-expired period of six (6) months or more, fifty percent (50%) of the license fee collected there under shall be refunded to the licensee upon demand; provided, that such demand for refund must be made within thirty (30) days after such revocation, or the same not be entertained.

5-0-7 Unlawful Activities not to be Licensed. No provision 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 of Alberton.

5-0-8 Separate Licenses Required. Appeals and refunds. Except as otherwise herein provided, a separate license must be procured (where a license is required by the provisions of this ordinance) for each and every trade, occupation, pursuit, vocation or entertainment enumerated in this ordinance. When there is any doubt about classification or license fees to be paid, the matter shall be referred by the Town Clerk-Treasurer to the Mayor who shall decide the question, subject to appeal 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 refund not made within thirty (30) days after payment, shall be considered.

5-0-9 License Fee According to Statute. If any license fee required to be paid under the provisions of this ordinance 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 ordinance, shall be the same as the license fee exacted by the State of Montana, any other provisions in this ordinance to the contrary notwithstanding.

5-0-10 Term of Licenses. All licenses, except as otherwise herein provided, shall be payable yearly, in advance, and on or before the fifteenth (15th) day of January of each year. Any license issued for a specified date, time or place shall not be a license for any other date, time, or place. All licenses except as otherwise herein provided shall expire on December thirty-first (31st) of the year for which they are issued. A late charge of five dollars (\$5.00) per month will be charged if license is not purchased by January 15th.

5-0-11 Prosecutions and Penalties. Prosecutions for violations of this ordinance shall be in the police court of the Town of Alberton, Montana, upon written complaint of the Mayor, Town Clerk-Treasurer of said Town or of any citizen of Alberton. In addition to the fine and imprisonment hereinafter provided for violation of this ordinance, a civil judgment for the amount of the license found due and unpaid may be entered against the defendant, if found due and unpaid may be enforced by the Town of Alberton, through its Town Clerk-Treasurer, in the manner provided by the laws of the State of Montana.

5-0-12 Distribution of Fees Collected. All of the funds paid of collected under the provisions of this ordinance shall be deposited to the credit of the General Fund of this Town.

5-0-13 Penalties. Any person violating any provision of this chapter for which another penalty has not been provided shall, upon conviction thereof, be punished as set forth in Section 1-7 of this Code.

Amendments: Section 5-0-1 License fee changed to 10.00 per day on fee chart for traveling merchant Section 5-0-03 Interstate Commerce repealed section 5-0-11 deleted town marshal 8-30-94. Chapter 5-1 thru 5-5 repealed state regulates this 9/21/94 Added 5-0-10 Term of License A late charge of \$5.00 per month will be charged if license is not purchased by January 15th.

Chapter 5-1, 5-2, 5-3, 5-5

Repealed State regulates this. 9/94& 10/26/94, 2-6-04