

Chapter 5.04

NONRESIDENT BUSINESS LICENSES

Sections:

- 5.04.010 Nonresident License and Fee
- 5.04.020 Duty of Treasurer
- 5.04.030 Inspection and Regulation under Police Power
- 5.04.040 Suspensions and Revocations of Licenses
- 5.04.050 Unlawful Activities Not to be Licensed
- 5.04.060 Separate Licenses Required
- 5.04.070 License Fee According to Statute
- 5.04.080 Terms of Licenses
- 5.04.090 Prosecutions and Penalties
- 5.04.100 Distribution of Fees Collected
- 5.04.110 Penalties
- 5.04.120 Generally: Definitions

5.04.010 Nonresident License and Fee. No person, firm, association, or corporation being a nonresident of the town shall conduct, operate, transact, engage in, or carry on any trade, pursuit, vocation, or business within the town, without first applying for and obtaining a license therefore from the town, as herein provided, and if such application be granted, shall pay therefore the sum of thirty dollars (\$30.00) per annum for said license. However, nothing in this chapter shall be construed to include persons doing exclusive wholesale business and selling to merchants only, or a grower or producer of farm products disposing of such products grown or produced by him, or persons who sell products they have manufactured or fabricated.

5.04.020 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.

5.04.030 Inspection and Regulation under Police Power. Every nonresident person, firm, association, or corporation licensed under the provisions of this chapter shall be subject to regulation, inspection, control and supervision

5.04.040 Suspensions and Revocations of Licenses: Whenever the council deems it in the public interest, it may, by resolution adopted by two-thirds' vote 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.

5.04.050 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 of Superior.

5.04.060 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.

5.04.070 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.

5.04.080 Terms of Licenses:

A. All licenses, except as otherwise herein provided, shall be payable annually in advance and on or before the 31st 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.

5.04.090 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.

5.04.100 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.

5.02.110 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.

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

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.

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

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.

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 1st and ending December 31st.

(Ords 31, 87, 102, 193)