



## **TOWN OF BIG SANDY, MONTANA**

### **BUSINESS LINCENSE ORDINANCE #2016-01**

#### **5-1-1 DEFINITIONS:**

**BUSINESS:** Any and all industries, pursuits, commercial enterprises, occupations, professions and avocations, except those carried on in a temporary manner by a religious, charitable, fraternal, education or like nonprofit organization solely as projects for fund raising.

**NONPROFIT ORGANIZATION:** Any association, firm or corporation organized for religious, charitable, educational, civic, scientific or literary purposes which does not contemplate the distribution of pecuniary gains, profits or dividends to its members.

**PERSON:** Any individual, firm, association, partnership or corporation.

**YEAR:** A calendar year beginning January 1 and ending December 31.

#### **5-1-2 LICENSE REQUIRED; FEES; TERM:**

- A. License Required: No person shall engage in business in the city without first obtaining a license as hereinafter provided, unless such person is expressly made exempt by the laws of the state from such licensing authority by the city.
- B. Schedule of Fees: Annual license fees for business shall be as follows:
  1. For all business except those listed below, the annual license fee shall be twenty five dollars (\$25.00).
  2. For transient/itinerant/door to door merchants, the license fee shall be twenty five dollars (\$25.00) for one to two days. All others shall be sixty five dollars (\$65.00) for the year.
  3. For home businesses. The license fee shall be twenty five dollars (\$25.00).
  4. There shall be no proration of license fees for home business, itinerant vendors or transient retail merchants.
- C. License Renewal: All licenses shall expire on December 31 of the year in which the license is issued, unless otherwise specified.
- D. Manner of Payment: All licenses herein provided for are payable in advance to the city clerk-treasurer. In no case shall the license be granted for longer than on year. No license fees will be prorated.

#### **5-1-3 BUSINESSES EXEMPT FROM FEES:**

Only nonprofit businesses or groups shall be exempt from paying businesses license fees and therefore, shall not be required to pay a business license fee.

#### **5-1-4 DUTIES OF CLERK-TREASURER:**

- A. Generally: The town clerk-treasurer shall collect all fees for the licenses required by this chapter.
- B. Application for License; Contents: All businesses required to be licensed by this chapter shall make application in writing, which application shall contain the following information:
  1. The full business name, permanent address and phone number of applicant.

2. Brief description of the nature of the business.
3. The location or locations of the business in the city, giving the street address and phone number of each location and the name of the person in charge at each location.
4. The length of time the right to do business is desired, when applicable.

#### **5-1-6 FAILURE TO RENEW; LATE CHARGE:**

Failure to renew the license shall result in the following delinquent charges:

- A. If a resident license is not paid prior to March 1 of the year due, an additional charge of five dollars (\$5.00) will be assessed, and an additional five dollars (\$5.00) will be added for every thirty (30) day period beyond April 1.
- B. A nonresident vendor, merchant or contractor business license fee is due on opening day of such business and subject to a ten dollar (\$10.00) penalty if not paid within thirty (30) days of initial opening and an additional five dollars (\$5.00) for every thirty (30) day period beyond the initial thirty (30) days.
- C. Nothing contained in this section shall prohibit the city from suspending or revoking a business license for failure to renew said license within twelve (12) months after the date the license fees were due.

#### **5-1-7 REFUSAL TO ISSUE; LICENSE REVOCATION:**

Whenever the town council shall deem it best for the public interest to do so, it may, by resolution passed by a majority vote of the town council and approved by the mayor and attested by the town clerk, refuse to authorize the issuance of any license herein provided for, and the town council hereby expressly reserves, by resolution or affirmative vote of a majority of the town council and approved by the mayor and attested by the town clerk, the right to revoke any and all licenses that may have been issued as herein provided when it shall deem best for the public interest to do so.

#### **5-1-8 VIOLATION; PENALTY:**

- A. Misdemeanor: Every person who commences or carries on a business, trade, profession or occupation for the transaction or carrying on of which a license is required by the provisions of this chapter without procuring a license as herein prescribed, or who violates any of the provisions of this chapter, shall be deemed guilty of a misdemeanor.
- B. Penalty Imposed: Every person carrying on or engaging in the transaction of any business for which a license is required, without first procuring the proper license therefor, and any person making material misrepresentations, or omissions in an application for a license shall be guilty of a misdemeanor and, upon conviction, shall be punished as provided by a fine of not less than fifty dollars (\$50.00) nor more than one hundred fifty dollars (\$150.00) per infraction.