

Chapter 1

GENERAL LICENSES

3-1-1: LICENSES REQUIRED:

Various objects, subjects, persons, trades, vocations, professions and occupations within the city shall be licensed, taxed and regulated as provided in this chapter. (Ord. 18, 11-2-1927)

3-1-2: LICENSE REQUIRED; EXEMPTIONS:

No person, firm, association or corporation shall conduct, operate, transact, engage in or carry on any business within the city without first applying for and obtaining a license from the city, as herein provided. The requirements of this section shall not apply to:

- A. Persons or entities with no base of operations in the city of East Helena who exclusively deal with and contact licensed businesses only by salespersons, telephone or mail.
- B. The practice of law, or any other business which Montana law has declared that cities may not regulate or license.
- C. Any nonprofit group or organization which is recognized as a nonprofit group or organization by the United States internal revenue service.
- D. Events sponsored-organized by nonprofit entities for the benefit of the city as determined by the city council, e.g., Christmas Stroll. (Ord. 229, 11-18-2003)

3-1-3: DEFINITION OF BUSINESS; SEPARATE LICENSE REQUIRED FOR EACH BUSINESS:

For purposes of this chapter, a "business" shall mean any occupation, vocation, pursuit, trade, industry, professional or commercial activity of any kind carried on for purposes of economic

benefit or profit or engaged in for livelihood or gain, regardless of duration. A separate license must be procured and fee paid for each and every business subject to licensing under this chapter. (Ord. 229, 11-18-2003)

3-1-4: FORM; DISPLAY OF LICENSE:

The license issued shall be in the form prescribed by the city council and shall be signed in blank by the mayor and countersigned by the city clerk when granted. The city license issued pursuant to the provisions of this chapter shall be conspicuously displayed in such a manner that a city official may observe the same upon entering the licensee's place of business. Itinerant sales solicitors shall display their business license to persons at the commencement of their solicitation, as well as notify the city clerk of their recommencement of solicitation after any lapse of active solicitation lasting more than thirty (30) days. (Ord. 229, 11-18-2003)

3-1-5: LICENSEE SUBJECT TO REGULATION:

Every business licensed under the provisions of this chapter shall be subject to regulation, inspection, control, and supervision under the general police powers of the city and of all of the provisions of this code and ordinances of the city now in force, or which may hereafter be adopted in aid of such police power and regulation. Nothing in this chapter contained creates any vested right in any person to the assignment, renewal, reissuance, or continuance of any license. (Ord. 229, 11-18-2003)

3-1-6: LICENSE FEE:

The business license fee is fifteen dollars (\$15.00) (or in the alternative, \$6.00 for each day, or any part thereof, of operation) and shall be applied to all businesses which the city may by law license. (Ord. 229, 11-18-2003)

3-1-7: ANNUAL FEE; WHEN DUE; EXPIRATION:

All fees for licenses, except as otherwise provided, shall be payable yearly, in advance and on or before the date of expiration of the license. Any license issued after July 1 of each year shall be issued at one-half ($\frac{1}{2}$) the yearly rate. All licenses, except as otherwise herein provided, shall expire on December 31 in each year. Daily licenses shall be payable in advance and valid

only for the day(s) for which the license is issued. (Ord. 229, 11-18-2003)

3-1-8: CITY CLERK TO COLLECT FEES:

The city clerk shall be charged with the collection of the fees for the licenses required by this chapter. (Ord. 229, 11-18-2003)

3-1-9: SALE OR TRANSFER OF BUSINESS LICENSE:

Upon sale or transfer of a business licensed hereunder, the seller may transfer to the buyer the license issued to the business, provided a request for said transfer has been submitted to the city clerk in advance of the sale or transfer of the business, upon form(s) provided by the city.

If the buyer is to operate the business in a fashion that would require a higher fee than was required of the seller, the buyer shall pay to the city of East Helena the difference between the existing fee and the higher fee. (Ord. 229, 11-18-2003)

3-1-10: APPLICATIONS TO BE FILED WITH CITY:

Application for licenses shall be obtained from and filed with the city clerk. All applications when filed shall be accompanied with the necessary fees. The form of the application shall be determined by the city clerk, but shall contain the following:

The license application is made subject to all of the terms and conditions, which are hereby agreed to, of the Code and Ordinances of the City of East Helena, Montana. The application shall be signed by the applicant.

(Ord. 229, 11-18-2003)

3-1-11: APPLICATION REVIEW:

On the next working day following receipt of a license application, a copy of the application shall be forwarded for review and investigation to the following city departments:

A. Police department.

B. Fire department.

C. Other, as determined and directed by the city clerk.

The review, as outlined in this chapter, shall be completed within six (6) working days from receipt of application; provided that for just cause the return may be delayed an additional five (5) working days. (Ord. 229, 11-18-2003)

3-1-12: REVIEW COMMITTEE:

There is established a review committee composed of the department heads or designees of the departments indicated in section [3-1-11](#) of this chapter and the city attorney or his designee. The review committee shall review license applications about which a question or questions have been raised by the reviewing departments, but only if review is requested by one of the departments. The committee shall meet at the call of the city clerk or mayor. The review committee may examine the applicant personally. (Ord. 229, 11-18-2003)

3-1-13: NOTICE OF DENIAL OR REVOCATION OF LICENSE:

Denials of applications or revocations of city licenses shall be made in writing and the applicant shall be notified by certified mail, return receipt requested. The notice shall be mailed within three (3) working days of denial or revocation. (Ord. 229, 11-18-2003)

3-1-14: APPEAL TO CITY COUNCIL:

An applicant who has been denied a license or whose license has been revoked may appeal said denial or revocation to the city council by notice in writing filed with the city clerk within ten (10) days of the date of denial or revocation. The notice shall state any reasons supporting the grant of a license, the applicant's correct mailing address and shall be signed by the applicant. The clerk shall cause the matter to be placed on the city council agenda not less than ten (10) days after the receipt of notice of appeal. The applicant shall be notified in writing by certified mail, return receipt requested, of the date and time the matter will be considered on the agenda. The applicant may appear at the time and place and be heard. (Ord. 229, 11-18-2003)

3-1-15: GROUNDS FOR REVOCATION:

The mayor or city council, on recommendation, may revoke and cancel any license issued by the city for fraud or misrepresentation in its procurement, or for a violation of any of the provisions of this code or any other ordinance of the city, or any state or federal statute. (Ord. 229, 11-18-2003)

3-1-16: FEE DISPOSITION ON DENIALS OR REVOCATION:

Upon denial of a business license, the license fee submitted with the application shall be retained by the city as an administrative fee for processing the application. The same fee shall be retained if the application is withdrawn prior to final city action. On revocation, the city shall retain the license fee. (Ord. 229, 11-18-2003)

3-1-17: NO ISSUANCE PENDING APPEAL:

If an appeal is taken, no license shall be issued while the same is pending. (Ord. 229, 11-18-2003)

3-1-18: PENALTY OF LATE RENEWAL:

On late renewal, a penalty of twenty dollars (\$20.00) plus two percent (2%) of the license fee per month or any portion therefor shall be assessed and added to the license fee. This penalty shall be paid prior to issuance of a new or renewed license. (Ord. 229, 11-18-2003)

3-1-19: PENALTY:

Any person operating any business without first obtaining a currently valid East Helena business license may be fined not more than five hundred dollars (\$500.00). Each day on which any such violation shall occur or continue shall be deemed a separate and distinct offense. (Ord. 229, 11-18-2003)

3-1-20: PROPERTY TAX LIEN:

Nonpayment of any license fee assessment(s) may be taken as a lien upon the property and is enforceable as are nonpayment of property taxes. (Ord. 229, 11-18-2003)