

- **Sec. 6-26. - Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Business means any trade, profession or occupation that occupies the time, attention and labor of a person for the purpose of a livelihood or a profit, whether conducted full-time, part-time, temporary, or from a residence which has received or which requires a home occupation permit. This definition does not include fundraising activities conducted by students in connection with school or extracurricular activities, or “lemonade stand” type sales conducted by children. This definition does not include private landlords, but does include property management companies, and private landlords who maintain office space open to the public. This definition does not include governmental entities, nonprofit organizations not engaged in regular commercial activity, or casual or isolated sales not conducted as a business.

License means, a license issued by the city to a qualified person and under which it shall be lawful for the licensee to operate the licensed business within the limitations set forth in this article, as a business or as a vendor, and shall exclude any business where the original issuer of said license is the State of Montana, as set forth in MCA 7-1-111(27).

Multi-Vendor Retail Establishment means a business that rents, leases, or licenses space to independent sellers for the purpose of offering goods or services to the public.

Vendor means a small retail seller who rents a space or a booth from a Multi-Vendor Retail Establishment, and who does not have control over the larger retail sale location. This definition does not include true consignment arrangements where the business facilitating the consignment controls the sales transaction, and not the owner of the consigned items.

- **Sec. 6-27. - Fees cumulative.**

The license fees provided for in this chapter are exclusive of and in addition to any other license fees chargeable by the city under any other provision of this chapter.

(Code 1981, § 5.02.020)

- **Sec. 6-28. - Interpretation of article.**

The provisions of this article shall not be construed to grant permission to conduct any illegal business, trade or profession; to conduct any business, trade or profession in an unlawful manner; or to grant immunity from regulation to any business, trade or profession. The fact that a business has been issued a license in accordance with this article is not an endorsement of the business by the City of Miles City.

(Code 1981, § 5.02.030)

- **Sec. 6-29. - Payment of fees; refunds.**

All license fees are payable in advance. Nothing in this article shall be construed so as to entitle a licensee to a refund of any portion of the license fee in the event of the discontinuance of the licensed business or the suspension or revocation of the license prior to the expiration of the period for which the fee has been paid.

The business license fee for conducting business under the provisions of this article shall be \$175 per annum for businesses employing less than 50 employees within the City of Miles City, and shall be \$500 per annum for businesses employing 50 or more employees within the City of Miles City. Any Multi-Vendor Retail Establishment shall be required to have a business license, and each vendor operating from within the retail location shall obtain a separate vendor license. The fee for a vendor license shall be \$25 per annum.

- **Sec. 6-30. – Issuance, Term.**

Upon submitting a completed license application, and the payment of the required license fee to the city treasurer, the proposed licensee who has complied with the provisions of this Code relating to the business for which a license is required shall receive from the city clerk a license for such business. All business licenses shall be valid from January 1 through December 31 of each calendar year, and shall be renewed annually. The City shall prorate the fees of any new business or vendor license obtained after July 1 of any given year by 50%.

- **Sec. 6-31. - Contents.**

All city licenses shall contain the following information:

- (1) The name and residential address of the licensee.
- (2) The name and address of the licensed premises.
- (3) The ordinance number of the city ordinance under which the license is issued.
- (4) The date of issuance and expiration of the license.
- (5) The fee paid for the license.
- (6) All other information required by the provisions of this article.

- **Sec. 6-32. - Denial; revocation.**

The city council hereby reserves the right to revoke or refuse issuance of any city license when the council, by resolution or affirmative vote of two-thirds of all the members of the city council, which is approved by the mayor and attested by the city clerk, shall deem it best for the public interest to do so, or whenever the licensee violates any of the provisions of this article or any of the city ordinances which regulate the business so licensed.

- **Sec. 6-33. - Expiration.**

All licenses which are issued pursuant to this article shall expire on June 30 of each year, unless provided otherwise by the provisions of this chapter.

(Code 1981, § 5.02.080)

- **Sec. 6-34. - Renewal.**

Any person holding a license which has been issued pursuant to the provisions of this article may renew such license for the following period by paying the city treasurer, on or before the first day of the period for which the license is to be renewed, the license fee required by this article for the license.

- **Sec. 6-35. - Display.**

It shall be the duty of any person holding a license that has been issued pursuant to this article to post such license in a conspicuous place on the premises for which such license was issued, unless specified otherwise by the provisions of this chapter. Such person shall ensure that the license remains posted until expiration of the license.

- **Sec. 6-36. - Transfer.**

Any licenses issued pursuant to this article shall not be transferable. Every such license is separate and distinct, and no person except the licensee named therein shall exercise any of the privileges granted thereunder. All such licenses are applicable only to the premises for which they are issued, except that a transfer of any such license may be made pursuant to a written application to the city council, unless specified otherwise by the provisions of this chapter.

- **Sec. 6-37. - Penalty for violation of article.**

(a) Any person who violates the provisions of this article shall be deemed guilty of a municipal infraction and shall have imposed a civil penalty of not more than \$300.00 for a first infraction, and not more than \$500.00 for any repeat infraction.

(b) City licenses that are not renewed by March 1 annually shall incur a late fee of twice the license fee required in each provision of this article.

(c) Each day of failure to comply with the provisions of this division may constitute a separate offense.

- **Secs. 6-38—6-55. - Reserved.**