

ORDINANCE NO. 1355

AN ORDINANCE AMENDING CERTAIN SECTIONS OF THE CODE OF ORDINANCES OF THE CITY OF MILES CITY ESTABLISHING REVISED LICENSE/PERMIT FEES.

WHEREAS, the City of Miles City has determined that the existing license/permit fees in the City of Miles City require revision;

THEREFORE, BE IT ORDAINED, by the City Council of the City of Miles City, Montana, as follows:

Section 1. Section 6-29, 6-37, 6-248, 6-249, & 6-294 of the Code of Ordinances of the City of Miles City are hereby revised to read as follows:

“Sec. 6-29. – Payment of Fees; Refunds

(1) 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 license fee for conducting business under the provisions of this article shall be \$85 per annum.

“Sec. 6-37. – Penalty for violation of article.

(1) Any person who violates the provisions of this article shall be deemed guilty of a ~~misdemeanor and, upon conviction thereof, shall be punishable by a fine of \$500.00 or by imprisonment for a term not to exceed six months, or both for operating without a license.~~ municipal infraction and shall have imposed a civil penalty of not more than three hundred dollars (\$300.00) for a first infraction, and not more than five hundred dollars (\$500) for any repeat infraction.

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

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

“Sec. 6-246. - Definition.

Home occupation means an income-producing activity within a home where there is no sign or display or other visible indication that would indicate from the exterior that the residence is being used in whole or in part for any other purpose than that of a dwelling, and which does not require the employment of any person outside the immediate family. Businesses which do not meet the foregoing criteria shall be required to

obtain a proper zoning designation in order to carry on business at their home location.

“Sec. 6-248. – Permit Generally.

Applications for a home occupation permit shall be submitted to the city council on forms provided by the office of the city clerk, and the following procedure is hereby adopted:

(1) The city council shall conditionally approve or disapprove a citizen's request based on all of the following four criteria:

- a. Community customs.
- b. Type of occupation and equipment needed.
- c. Traffic generation.
- d. Impact on the neighborhood.

(2) The City Council must be petitioned at a regularly scheduled meeting by the petitioner for a home occupation prior to the establishment of a home occupation.

(3) Fifty-one percent of the resident property owners within 250 feet must sign a petition stating that they approve of the planned home occupation activity before a permit will be considered by the City Council.

(4) Permittees whose home occupation creates a greater demand than a normal residence on the City’s water and sewer system, as determined by the Utilities Department, will upon issuance of this permit, pay the minimum commercial rate for sewer and water.

“Sec. 6-249. – Permit Fee.

The application and processing fee shall be \$85.00 per annum so long as the business continues to operate.

“Sec. 6-294. – License fee; separate license required for each type of business.

(1) The license fee for the privilege of conducting the business of a pawnbroker or secondhand junk dealer under the provisions of this article shall be \$50.00 per annum.

(2) Each of the three businesses specified in this article requires a separate city license.

Section 2. This Ordinance shall become effective thirty (30) days after its final passage.

Said Ordinance read and put on its passage this 10th day of May, 2022.

John Hollowell, Mayor

ATTEST:

Mary Rowe, City Clerk

FINALLY PASSED AND ADOPTED this 24th day of May, 2022.

John Hollowell, Mayor

ATTEST:

Mary Rowe, City Clerk