

ORDINANCE NO. 2012-06

AN ORDINANCE AUTHORIZING THE AMENDMENT OF TITLE 5, CHAPTER 1 REGARDING BUSINESS LICENSES

WHEREAS, the City of Hardin desires to modify and change its Ordinance on Business Licenses;

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF HARDIN, MONTANA, that Title 5, Chapter 1, of the Official Code of the City of Hardin is hereby amended as follows:

5-1-1: APPLICATION FOR LICENSE OR PERMIT:

Applications for all licenses and permits required by this Code shall be made to the City Clerk, unless otherwise specified. The applicant shall furnish such information as the City Clerk may require for preparation of the license.

5-1-2: PERSONS SUBJECT TO LICENSE; FEES

Unless specifically exempted by State law or other provisions of this Chapter, all persons and/or entities doing business or engaged in commerce in the City, whether residents or nonresidents, are required to pay City license fees.

A. **Public Services:** All persons, firms or corporations engaged in the business of extending services or accommodations to the general public, such as banks, financial institutions, pawnbrokers and money lenders, and all other agencies or institutions of a similar nature, shall pay a license fee of one hundred dollars (\$100.00).

B. **Utilities:** All gas companies, power and light companies, telegraph companies, telephone companies and all other utility companies of a similar nature, shall pay a license fee of five hundred dollars (\$500.00).

C. **Elevators and Oil Dealers:** All grain and feed elevators, and all bulk gasoline and oil dealers, and all other business establishments of a similar nature shall pay a license fee of one hundred dollars (\$100.00).

D. All other businesses that are not listed in subparagraph A, B or C shall pay a license fee of fifty dollars (\$50.00).

E. **Exemptions:** Charitable or fraternal organizations sponsoring or conducting a business enterprise may apply to the City Council for an exemption to the license requirement herein.

Merchants servicing regular routes within the City, individuals or organizations rendering a supply or delivery service to the business establishments of the City shall pay a license fee of fifty dollars (\$50.00) per year.

Nothing herein shall be construed as requiring license fees on wholesale distributors provided that nothing herein shall be construed as authorizing or allowing any solicitor, peddler, hawker, itinerant merchant or transient vendor or merchant to operate in violation of Chapter 3 of this Title.

Additional Licenses: In any case where any persons conduct, operate, transact, engage in or carry on two (2) or more different lines of business, industry, trade, pursuit, profession or vocation, they shall be charged a separate and distinct license fee for each such individual business, industry, trade, pursuit, profession or vocation. For the purposes of determining the assessment of more than one license fee against any person, the City

Clerk shall consider the uniqueness and individuality of each such additional business enterprise as opposed to the interdependence of such enterprises and the location of said business enterprises. If one engages in more than one type or classification of business as described herein and it is determined that only one license fee shall be assessed, then the licensee shall pay the highest applicable license fee.

Objection: It shall be the privilege of any persons, assessed for more than one City license fee to file a written objection to such additional license fee with the City Clerk and thereafter he will be afforded a hearing before the Council upon such objection. The Council shall be the final arbiter of such objections.

Any persons wishing to file an objection to the assessment of the City license fee must file written objection within fifteen (15) days after notice of license fee assessment is received.

Fees assessed must be paid when due, regardless of whether any hearing or final determination relating to an objection is pending. All fees paid, which the Council shall, after hearing on objections, determine to have been assessed in error will be promptly refunded by the Finance Officer.

5-1-3: FORMS:

Forms for all licenses and permits, and applications therefor, shall be prepared and kept on file by the City Clerk.

5-1-4: SIGNATURES:

Each license or permit issued shall bear the signature of the City Clerk in the absence of any provision to the contrary.

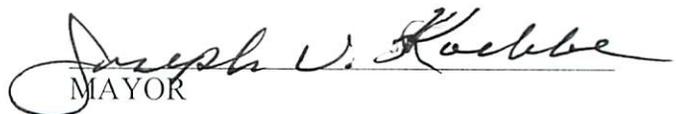
DATE OF EFFECT.

The amendment to this ordinance shall take effect and be in force thirty (30) days from the date of its second reading and passage by the City Council as required by law.

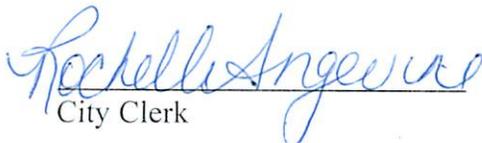
FIRST READING AND PASSAGE By a majority vote of the members present
this 18 day of September, 2012.

YEAS 6

NAYS 0


MAYOR

ATTEST:


City Clerk

**POSTED IN THREE (3) PUBLIC PLACES AND MADE AVAILABLE TO
THE PUBLIC** this 19 day of September, 2012.


City Clerk



Rochelle Anguine
City Clerk

ATTEST:

Joseph W. Korb
MAYOR

0 NAYS

5 YEAS

present this 2 day of October, 2012.

SECOND READING AND PASSAGE By a majority vote of the members