

TITLE 5

OCCUPATIONAL LICENSES AND REGULATIONS

Chapters:

- 5.02 BUSINESS LICENSES
- 5.04 CLOSING HOURS FOR POOL HALL, DANCE HALL, CARD ROOM
AND SOFT DRINK PARLOR
- 5.06 BEER REGULATIONS
- 5.08 LIQUOR REGULATIONS
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Title 5, Chapter 5.02

OCCUPATIONAL LICENSES AND REGULATIONS

Sections:

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Sec. 5.02.200 Business Licenses.

- (a) No person shall conduct, operate, transact engage in or carry on within the town any of the industries, trades, pursuits, professions, vocations or businesses enumerated in this chapter without first applying for and obtaining a town license. Businesses and activities in Sec. 17-15 (17) of this chapter must obtain a license before operation within the town.
- (b) Any persons operating any businesses which fall in more than one (1) classification, are under the same ownership and are conducted under one roof, or at any one location not to exceed three (3) classifications, shall pay the license fee required for the classification requiring the highest fee for any one of such businesses. Should there be more than one classification under the same roof, or at any one location, but under separate ownership, then those owners shall pay the license fee required for that particular business or entity. Should any dispute arise as to the application of this provision, it shall be decided and controlled as provided in subsection (c).
- (c) Except as otherwise provided, a separate license must be procured (where a license is required by the provisions of this chapter) for each trade, business, occupation, pursuit, vocation or entertainment enumerated in this chapter. Where there is any doubt about the classification of license to be paid, the matter shall be referred by the town to the mayor, who shall decide the question subject to appeal to the Town Council. If such appeal be taken, no license shall be issued while the same is pending.
- (d) Nonprofit Organization. Defined as any group which does not distribute pecuniary gains, profits or dividends, and pecuniary gains are not the objective of the organization. Nonprofit organizations or groups must be recognized as such by the United States Internal Revenue Service and the Montana Department of Revenue. No License shall be required of any nonprofit organization as defined above.
- (e) No license shall be required of any person under eighteen (18) years of age. This applies to juveniles who are working part-time doing such work as lawn mowing, yard work, snow shoveling, running errands, newspaper delivery, etc.
- (f) Every licensee under this section shall post and maintain such license upon the licensed premises in a place where it may be seen at all times by the public.
- (g) Farm to Market. No business license shall be required of persons marketing farm produce to individuals or businesses within the Town if such produce being sold has been raised by the same individual. (Enacted, Ord. 71, November 19, 2004)

Sec. 5.02.210. Scope of Chapter.

Nothing in the chapter is intended to operate so as to interfere with the power of the Congress of the United States to regulate commerce between states as such power is defined by the Supreme Court of the United States.

No provisions contained in the chapter shall be construed so as to license any trade, business, occupation, vocation, pursuit, profession or entertainment prohibited by any law of the United States or the state or by any ordinance of the Town. (Enacted, Ord. 71, November 19, 2004)

Sec. 5.02.220. Effect of acceptance of license; revocation authorized.

Every person licensed under the provisions of this chapter shall be subject to regulation, inspection, control and supervision under the general police power of the Town and of all the ordinances in force in aid of such power and regulation.

Nothing in this chapter shall be construed to create any vested right in any person, to the assignment, renewal, reissuance or continuance of any license and the right shall be and remain at all times vested in the Town Council, and the Town Council may, as hereinafter provided, revoke and cancel any license for fraud or misrepresentation in its procurement, or for a violation of any of the ordinances of the Town, or any state or federal statute relating to gambling or the sale of intoxicating liquors, committed or permitted on or about the premises by the licensee, his employees, or permitted by them, tending to render such premises a common nuisance or in any manner a menace to the health, peace, morals, or general welfare of the Town or whenever in the judgment of the Town Council the public interest and welfare demand such revocation.

(Enacted, Ord. 71, November 19, 2004)

Sec. 5.02.230. Expiration-Renewal.

- (a) **Expiration of license.** All licenses issued pursuant to this chapter shall expire on December 31 of the year in which such license is issued.
- (b) **License Renewal.** Every person licensed to engage in any business covered by this Title, if such business is to be continued, shall renew such license by February 1 of the next calendar year.
- (c) **Penalty.** Failure of a business to either obtain a new business license or to renew a business license as required by this section shall result in a delinquent charge of fifteen (15) percent of the annual license fee for each thirty (30) days or portion thereof that the application is delinquent up to a maximum of one hundred (100) percent of the annual license fee. Failure of the Town to notify any licensee of expiration or the imposition of a late payment penalty shall not relieve the licensee from timely license payment or from any of the other penalties provided in this chapter. (Enacted, Ord. 71, November 19, 2004)

Sec. 5.02.240. Form; duties of Town in preparing and delivery for issuance.

The Town must prepare and have printed blank licenses. (Enacted, Ord. 71, November 19, 2004)

Sec. 5.02.250. Applications-procedure prior to issuance; refusal; contents.

- (a) The town shall be charged with the collection of the licenses herein provided for. Applications for license, accompanied by the fee therefore, shall be filed with the Town. All expenses in connection with the administration of this chapter shall, so far as possible, be charged against the funds collected under this chapter, deposited as hereinafter provided. The Town shall procure all blanks for applications and for licenses and books of account in connection therewith.
- (b) For certain businesses, approval of applications by the County Sanitarian or the County Board of Health shall be required before the Town may act upon an application. Applications for the following businesses or occupational licenses

shall be referred to the County Sanitarian for his review before the Town acts upon the application: cafes, restaurants, bars, night clubs, groceries, hotels, motels, apartments, trailer courts and camp grounds, hair salons, day care facilities, or any other businesses that must maintain healthy environments. The County Sanitarian shall make the determination for approval or disapproval of the application based upon the applicant's conformity to county and state health laws and regulations and other applicable criteria that would reflect upon the health and sanitary conditions of the proposed business. The County Sanitarian shall notify each applicant of the determination within fifteen (15) days of receiving an application. The applicant may, if he so desires, appeal the County Sanitarian determination to the County Board of Health at its next regular meeting. The determination of the County Board of Health, in appealed cases, shall be based upon the same criteria as the Sanitarian's determination. The Board of Health's determination shall be presented to the Town, but the Town may not act upon the application unless a favorable determination is given.

- (c) The procedure and criteria set forth in parts "a" and "b" of this section shall be followed for the renewal of all Town licenses, but a formal application may be waived by the Town. If a formal application is waived, the payment of the license fee shall constitute an active application and such renewal applicant shall be subject to the requirements and criteria of subsections "a" and "b" of this section. (Enacted, Ord. 71, November 19, 2004)

Sec 5.02.260. Same-issuance procedure, registration.

Upon approval of the application to the town and the payment by him of the fee required, any person intending to conduct any of the businesses, trades, occupations or professions for which licenses are required, shall receive the license from the Town. (Enacted, Ord. 71, November 19, 2004)

Sec. 5.02.270. Require and set a fee for the transfer of Town License.

1. A licensee shall have the right to transfer to a new location provided the license complies with zoning, building, health and fire regulations. Licensee shall make application to the Town for the transfer and upon approval shall obtain a new license and pay twenty-five dollar (\$25.00) transfer fee.
2. A licensee shall have the right to transfer to a new owner and/or new name provided the Town is notified promptly of the completed act of the transfer and that a new license is obtained and the transfer fee of twenty-five dollars (\$25.00) is paid.
3. Home occupation licenses may not be transferred. (Enacted, Ord. 71, November 19, 2004)

Sec 5.02.280. Procedure for revocation.

Whenever the Town Council deems it necessary to investigate or revoke any license, it shall notify or cause to be notified, in writing, the licensee, of the time and place of the hearing or investigation, which hearing or investigation shall be informal. Nothing shall operate to prevent the Town Council from considering any evidence during the hearing or investigation touching or

concerning the fitness of such licensee to retain his license. If on such hearing or investigation, the Town Council finds that sufficient cause exists for the revocation of such license, the same may be revoked by the majority vote of the Town Council on motion entered into the minutes. If when revoked any license has an unexpired period-No refunds-will be given
(Enacted, Ord. 71, November 19, 2004)

Sec. 5.02.290. Public Utilities Officer and/or Town Clerk to notify person to procure license.

It shall be the duty of the Public Utilities Officer to determine all persons engaged in, conducting, operating, transacting or carrying on any of the industries, trades, pursuits, professions, vocations, or businesses within the Town who are, by the terms of this chapter required to first procure a license. The Public Utilities Officer shall notify such persons that they must procure a license from the Town, and he shall notify the Town that such person has been notified to procure a license under the terms of this chapter. If the officer has been unable to contact such persons he must notify the Town Clerk and such persons must then be notified by mail or other means. (Enacted, Ord. 71, November 19, 2004)

Sec. 5.02.300 Prosecution for violations; civil judgment additional to criminal punishment.

Prosecutions for violations of this chapter shall be in Town court upon written complaint of the Town. In addition to punishment as provided in Sec. 1-8 for violation of this chapter, a civil judgment for the amount of the license found due and unpaid may be entered against the defendant. (Enacted, Ord. 71, November 19, 2004)

Sec. 5.02.310. Lien for nonpayment.

All the property held or used in any trade, occupation, business, vocation, pursuit or profession, for which a license is required by the provisions of this chapter, is liable for such license and subject to a lien, for the amount thereof, which lien has precedence over any other lien, claim or demand, except liens, claims or demands of the United States and this state.
(Enacted, Ord. 71, November 19, 2004)

Sec. 5.02.320. Distribution of funds collected.

It is hereby declared that the industries, pursuits, professions, occupations, businesses, trades and vocations required to procure licenses under this chapter require special regulation, inspection, control and protection under the general health, police and fire powers of the Town. On account of such special regulations, inspection, control and protection, all costs incident thereto are chargeable to such industries, pursuits, professions, occupations, businesses, trades, and vocations. In order to establish the estimated cost of such special regulation, inspection, control and protection, the Town Council shall, from year to year, budget all receipts and expenditures required for the same. The funds paid, collected or deposited under the provisions of this chapter shall be deposited to the general fund for costs of administration.
(Enacted, Ord. 71, November 19, 2004)

Sec 5.02.330. Sale of merchandise on streets or sidewalks.

It shall be unlawful for any person to sell or hold or conduct any sale of goods, wares or merchandise of any description, upon any street, sidewalk or other public place within the Town. This section shall not apply to sidewalks in front of licensed property owners' place of business, provided a width of at least six (6) feet of sidewalk space is left open and unobstructed. Exceptions to this rule are vendors participating in Old Settlers Days and Community Fundraisers and the vendors have the permission of the licensed business owners and/or the property owner. (Enacted, Ord. 71, November 19, 2004)

Sec. 5.02.340. Schedule of licenses.

The following annual license fees are levied upon the persons and corporations engaged in the following occupations, businesses and professions:

A		
1	Abstractors or title companies	\$35
2	Accountants	\$35
3	Advertising agencies (including billboards)	\$35
4	Antique Shops	\$35
5	Apartment houses or units. Defined as two (2) or more apartments or units which persons rent for greater than one- (1) week periods.	\$75
6.	Auction sales. For household goods or antiques, business inventory or new goods of sale per year.	\$35
B		
7	Bars	\$75
8	Beauticians/ barbershop	\$35
9	Bed and Breakfast	\$35
10	Beer/Wine	\$35
11	Billiard and pool tables for public use	\$20
12	Blacksmith and welding shops	\$35
13	Brokerage firms	\$35
14	Butcher shops and meat markets	\$35
C		
15	Cabinet shops and wood working	\$35
16	Carnivals, street fairs, circuses, menageries, dog and pony shows, animal shows, and any other show of like kind and character	\$100
17	Cleaning, dyeing and pressing	\$35
18	Cold storage for hire	\$35
19	Contractors: any person, firm, partnership, or corporation that submits proposals or enters into a contract for the performance of any type of construction work whatsoever,	

	including subcontractors, and including but not limited to carpentry, structural work, roofing, siding, painting, paving, masonry, bricklaying, backhoe digging, insulation installation and excavating, ie: all types of construction.	\$35
20	Creameries	\$35
21	Credit reporting and collection agencies	\$35
	D	
22	Dancing studios or Dancing instruction (all forms)	\$35
23	Delivery Men	\$35
24	Demonstrations or exhibitions: upon public streets of vacant grounds or premises; per day demonstrations or exhibitions of any utensil, article, implement, goods, wares or merchandise for the purpose of advertising or selling the same.	\$25
25	Dog Kennels: per year—boarding, grooming	\$75
	E	
26	Electrical contractors: any person who engages in the business of installation, alteration, maintenance or repair of electrical equipment is required to have an electrical contractor's license.	\$35
	F	
27	Filling stations: all places or stations within the Town, in or at which is carried on or conducted the business of supplying motor vehicles with gasoline or oils or providing mechanical repair services.	\$35
28	Finance	\$35
	G	
29	Game rooms: rooms with five (5) amusement devices plus \$20 per year for each additional unit.	\$35
30	Garbage and refuse haulers	\$35
31	Going out of business sales, fire sales, etc.	\$35
32	Grain elevators and mills	\$35
33	Green houses	\$35
	H	
34	Home occupations—providing such occupation generates in excess fifteen hundred dollars (\$1500.00) income per year, otherwise no fee.	\$35
35	Hotels, motels and rooming houses:	\$75
	Less than five (5) rooms and ten dollars (\$10) per year for any additional units	
	(a) Hotels defined as any house or building or portion thereof in which persons are harbored or received or lodged for hire for less than one (1) week at a time, or any full week.	
	(b) No license shall be granted until the Health Officer and any other necessary	

professional certify that the premises meets all State and local building, safety and sanitation requirements:

(1) That the building wherein such lodging or sleeping apartments are contained or to be conducted is provided with sufficient number of toilets, and with good and sufficient means of ventilation..

(2) That the sanitary conditions of the sleeping apartment are good.

(c) Every person who conducts a hotel, inn, rooming house, lodging house, or other public house or place, which provides lodging for hire, shall at all times keep a book of register wherein shall be entered and registered at the time and in proper order the name of every person becoming a guest of such hotel, inn, rooming house, and lodging House or other public house or place which provides lodging for hire, or the occupant of any room or portion of the premises. Such register shall at all times be open to the inspection of the law enforcement officers of the Town. Anyone who makes any false entries in such book or permits anyone else to make false entries therein shall be guilty of a violation.

(d) All hotels and rooming houses licensed under the provisions of this chapter shall be at all times subject to law enforcement inspection and it is unlawful for any person to obstruct any authorized law enforcement officer in making such inspection.

36 House movers \$35

I

37 Insurance sales \$35

38 Interior decorators \$35

J

39 Junk dealers or recycling centers: buying or selling or dealing in junk, discarded, ruined wrecked, dismantled vehicles or vehicles substantially changed in form by removal of parts or component materials, rags, old ropes, old tires, paper, bagging, old rubber, iron, copper, brass, tin, metal, bottles, or any other article that is ordinarily bought or dealt in by persons called junk dealers. \$35

L

40 Laundries or Laundromats \$35

41 Landscaping services \$35

M

42 Manufacturing or processing plants \$75

43 Merchants: any person or corporation offering for sale as a business any of the following items, provided that only one (1) license fee shall be charged to any one (1) person even if he may fall in more than one (1) classification in this section or otherwise.

Art store and decoration

Appliances

Bakeries

Clothing

Confections


Cosmetics
 Drugstores
 Dry Goods
 Electric supplies and fixtures
 Flowers and garden supplies
 Fruits and vegetable
 Fuel dealer
 Furniture
 Grocers
 Hardware
 Hides and mounted animals
 Implement (farm and ranch)
 Jewelry
 Millinery
 Motor vehicles, motor vehicle parts and mobile homes
 Musical instruments
 Paint and glass
 Plumbing fixtures
 Sewing machines
 Seeds
 Shoes
 Stationery, books, office supplies, newspapers
 Televisions and radios
 Tires and vulcanizers
 Upholstery and carpet
 Variety stores, curios, etc.
 Wholesalers of any of these classifications (except wholesalers of alcoholic beverages)
 Yarn and weaving
 Any other industrial or consumer product \$35

- 44 Mobile Home Parks—see trailer courts
 45 Mobile sales: selling upon the streets of the town from a pushcart,
 wagon, cart or other vehicle, ice cream, soda pop, chewing gum, fruits, or other food or
 merchandise. \$35
 46 Mortuaries \$75

P

- 47 Packing houses (meat, fish, poultry) \$35
 48 Pawnbrokers \$35
 49 Photographers, studio: defined as every person maintaining a studio within the Town
 for the purpose of taking therein, personally or through his agents or employees, the
 photograph of all person who shall present themselves at such studio and so shall be
 accepted by such photographer, and every person, firm, or corporation maintaining in
 any one (1) establishment or established place of business within the town, complete
 equipment for taking photographs, including a finishing process, whether inside or


	outside of such place.	\$35
50	Photographers, transient: defined as one who engages in the business of photography for pay, or in vending and sale of photographs or in enlargements or reproduction thereof, at any place in the Town temporarily, and who does not intend to become, and does not become, a permanent photographer of such place or Town, or who solicits photographs for enlargement or reproduction whether the same is to be enlarged or reproduced within the Town or at some other place.	\$35
51	Plumbers. Each master Plumber or other person in his employ shall furnish bond to the Town in the amount of Five Thousand Dollars (\$5,000.00) to be approved by the Town Council before such person shall be permitted to work upon any services or pipes connected with the municipal waterworks. Such bond shall be forfeited by such master plumber or person in his employ, or other person furnishing bond, to faithfully carry out the provisions of this article, or the provisions of any other ordinance of the Town relating to plumbing in the conduct of the work.	\$35
52	Preschools	\$35
53	Printing (job) establishments	\$35
	R	
54	Radio and TV repair	\$35
55	Radio and TV stations	\$35
56	Real Estate offices	\$35
57	Repair machine and body shops	\$35
58	Restaurants, cafes, lunch counters, lunch stands	\$75
	S	
59	Secondhand stores	\$35
60	Sign shops: any firm engaging in the sale, construction, installation, repair, or manufacturing of gas tube, electric bulb, or other electrically illuminated signs, within the Town shall be required to purchase a sign shop license. Individuals engaging in the above activities as free independent agents shall be considered as firms, and governed under the terms of this chapter. Sign men or sign shops shall be permitted to do wiring in signs and outline lighting on the secondary side of the transformers only, and shall not be required to have an individual wireman's certificate. Any person engaging in the installation or repairing of signs shall be adequately protected against potential public liability and property damage within the scope of their operations by contractors' liability insurance to the extent of Five Thousand Dollars (\$5,000.00).	\$35
61	Sewer cleaners/septic cleaners	\$35
62	Surveyors	\$35
	T	
63	Theaters, moving picture show houses; being defined as any place having a stage and equipment for putting on vaudeville, concerts, operas, dramas, road shows or motion pictures.	\$35

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| 64 | Tin shops and sheet metal shops | \$35 |
| 65 | Trailer courts: accommodations for two (2) or more trailers for rent or lease. | \$75 |

V

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|----|---|------|
| 66 | Vehicles for hire: any person renting bicycles, motorcycles or other motor vehicles of any kind or nature. | \$35 |
| 67 | Warehouses, storage yards, and storage units | \$35 |
| 68 | Wrecker service | \$35 |
| 69 | Those businesses not enumerated: any business, pursuit, trade or activity not specifically enumerated in this chapter nor otherwise exempted from the purchase of a Town Business License, shall be charged a yearly license fee of thirty-five dollars (35.00) | |
- (Enacted, Ord. 71, November 19, 2004)

Sec. 5.02.350. Penalty for violation.




Every person conducting, operating, or engaging in any of the businesses specified in this chapter, or any other business or pursuit not exempted herein, without first procuring a license therefore, shall be deemed guilty of a violation of this code. The penalty for such violation may be a fine not to exceed five hundred dollars (\$500.00) or imprisonment for not more than six (6) months, or both. Any prosecution, conviction and punishment under this section shall not relieve the defendant from payment of the license required, but the same must also be paid, and may be collected in the manner provided in section 17-12. (Enacted, Ord. 71, November 19, 2004)

Sec. 5.02.360. Exemptions.

Any trade or profession which is regulated by the State of Montana or the Federal Government in such a manner as to make Town licensure inapplicable is exempt.

All business pursuits, whether licensed by the Town or not, must fill out and file with the Town an application for business license. This application will be maintained and used by the Town to assure that any required yearly inspections are carried out. (Enacted, Ord. 71, November 19, 2004)



Chapter 5.04

CLOSING HOURS FOR POOL HALL, DANCE HALL CARD ROOM AND SOFT DRINK PARLOR

Sections:

- 5.04.010 Hours for Closing Pool Hall, Card Room and Soft Drink Parlor
- 5.04.020 Hours for Closing Dance Hall
- 5.04.030 Violations; Penalty

5.04.010 Hours for Closing Pool Hall, Card Room and Soft Drink Parlor. It shall be unlawful for any pool hall, card room or soft drink parlor to remain open between the hours of twelve o'clock (12:00) a.m. and eight o'clock (8:00) a.m. The blinds shall not be drawn down or other obstructions placed before or in front of the windows that may obstruct the view of the interior of the room from street, sidewalk, or alley.

5.04.020 Hours for Closing Dance Hall. Dancing in all public halls or other places capable of accommodating public dancing, shall cease at two o'clock (2:00) a.m. on Saturday night, and the dance hall shall be immediately closed, and no more dancing will be permitted in said building between two o'clock (2:00) a.m. Saturday and eight o'clock (8:00) a.m. Monday whether admission is charged or not.

5.04.030 Violations; Penalty. Any person or persons, associations, club or corporation, violating or permitting any violation of sections .010 and .020 of this chapter in any building owned, operated or controlled by him or them shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punishable as set forth in section 1.08.010 of this Code.

(Ord 41)

Chapter 5.06

BEER REGULATIONS

Sections:

- 5.06.010 Adoption of "Montana Beer Act"
- 5.06.020 Duty of City Officers to Enforce "Montana Beer Act"
- 5.06.030 Prohibiting All Acts or Omissions, Exceptions
- 5.06.040 "Montana Beer Act"
- 5.06.050 Municipal License Requirements, License Fee
- 5.06.060 Application for License
- 5.06.070 Issuance of License Endorsement
- 5.06.080 Displaying License
- 5.06.090 Hours of Business
- 5.06.100 City Judge to Report Convictions
- 5.06.110 Revocation or Suspension of License
- 5.06.120 Restrictions, Sale of Beer
- 5.06.130 Inspection and Regulation for Police Power
- 5.06.140 Treasurer's Report

5.06.010 Adoption of "Montana Beer Act". The Town of Clyde Park hereby adopts the "Montana Beer Act" and its police officers are hereby required to enforce said law and this "Act" shall be governing in all respects for all acts and omissions herein had.

5.06.020 Duty of City Officers to Enforce "Montana Beer Act". The town hereby recognizes the right, among others, reserved by the "Montana Beer Act" to the several cities and incorporated towns of this state to enact ordinances for the enforcement of said act. To that end the penal provisions of the "Montana Beer Act" are hereby adopted as the law of this town; and the City Judge is hereby vested with the jurisdiction, and the duty is hereby imposed on the Town Attorney, Town Marshal and the City Judge of this town to enforce the same.

5.06.030 Prohibiting All Acts or Omissions, Exceptions.
All acts or omissions, except and save those relating to persons maintaining or operating any railroad car or train as a common carrier for the transportation of passengers which are prohibited or declared unlawful by the "Montana Beer Act" or by such regulations as may be made by the State Department of Revenue which shall have full force and effect of law, are hereby prohibited and declared unlawful.

5.06.040 "Montana Beer Act". The phrase "Montana Beer Act" as used herein is defined by the statutes of the state of Montana and entitled "An Act to provide for the licensing and regulation of the manufacture, sale and distribution of beer and other similar fermented beverages and for the raising and disposition of revenue therefrom."

5.06.050 Municipal License Requirements, License Fee.
Under and by virtue of the power granted to the councils of the cities and towns of this state and in aid of the police power and regulations of the city and in exercise of the authority reserved by the "Montana Beer Act" to cities and unincorporated towns of this state, it is hereby ordained that any person who desires to engage in the business of selling beer in said city under the provisions of said Act in the character of places hereinafter mentioned and as defined by said Act shall, notwithstanding the fact that the person conducting such place has obtained a license from the State Department of Revenue, first apply and obtain a license therefor from said city, as herein provided, and if such license is granted shall pay therefor an annual license fee as follows:

Each retailer.	\$ 50.00
Each store vendor.	\$ 50.00
Each veteran's club.	\$ 50.00
For each Wine and Beer License . .	\$50.00

All licenses issued in any year shall expire on December thirty-first (31st) at midnight of such year, provided, in case the holder of any such license shall be in default for the payment of such license fee, or any part thereof, said license shall immediately terminate.

Provided that a transfer of any such license may be made on application to the city, accompanied by satisfactory evidence of an approval of the transfer of the license issued by the State Department of Revenue of this state, for such license.

Provided further, that where a license hereunder is issued for a period commencing subsequent to the first of any current

year for which such license may be issued, the pro rata fee only shall be charged for the balance of such current year, but nothing herein shall be construed to entitle any licensee hereunder to a refund of any portion of the license fee in the event of his discontinuing such business or the suspension or revocation of his license prior to the expiration of such year.

5.06.060 Application for License. Every person required by this chapter to obtain a license must, before commencing such business, file with the Treasurer an application, in writing, directed to the council of the town. Such application shall be substantially the same in form which shall be prescribed by the State Department of Revenue to carry out the provisions of the Montana Beer Act and must be accompanied by satisfactory evidence that applicant is the owner and holder of a subsisting license or permit issued by said Department under the provisions of said Act and at the same location for which application for license is being made. Such application must be accompanied with the license fee specified for the business applied for, and if such applicant is an agent, such applicant must accompany such application with principal's acknowledgment of such.

5.06.070 Issuance of License Endorsement. Upon the filing of the application prescribed herein, accompanied by the evidence required, and upon payment of the required license fee, the Treasurer shall issue and deliver to the applicant a license to carry on the business of which the applicant owns and holds a subsisting license issued to such applicant for such business at such location by said Department and the same shall refer to this chapter by its number and as the Clyde Park Montana Beer Regulations. The Treasurer shall endorse upon each application and accompanying documents, if any, in his office, and shall keep an appropriate index thereof, which shall show the date filed, the name of the applicant and character and location of the business and an appropriate file number, if any, by which said application and accompanying documents, if any, may be found.

5.06.080 Displaying License. Any and all licenses issued under the provisions of this chapter shall be at all times prominently displayed in the place of business of such business.

5.06.090 Hours of Business. The privileges granted by any and all licenses issued under this chapter are suspended and inoperative and shall remain suspended and inoperative between the hour of two o'clock (2:00) a.m. and the hour of eight o'clock (8:00) a.m. of the same day, and it shall be unlawful for any licensee under this chapter, to sell and deliver beer or permit the same to be drunk on his premises during said period, provided however, that such general suspension and inoperativeness shall not apply to the mere drinking of beer in a room of a bona fide residence or a hotel licensed hereunder.

5.06.100 City Judge to Report Convictions. In the case of a conviction of any licensee hereunder of any violation of this chapter in the City Court, the City Judge shall, within ten (10) days thereafter, whether or not an appeal has been taken from the judgment of conviction, transmit to the State Department of Revenue of the state of Montana, a certified copy of the record of conviction.

5.06.110 Revocation or Suspension of License. If any license issued by the State Department of Revenue of the state of Montana under the provisions of the Montana Beer Act, shall be revoked, or shall be suspended under the provisions of said Act, the companion license issued under the provisions of this chapter, shall be automatically revoked or suspended for the said period, and in the event such action by the State Department of Revenue, of the state of Montana, shall, on appeal, be modified or set aside, the suspension or revocation of the license issued under the provisions of this chapter shall likewise be automatically affected.

5.06.120 Restrictions, Sale of Beer. It shall be unlawful for any licensee or any other person, to sell, dispose of or give away beer to any person who shall appear to be in an intoxicated or disorderly condition, or to allow or permit any person under the age of eighteen (18) years or any intoxicated or disorderly person to congregate, be or remain in or upon his premises, or to be employed therein.

5.06.130 Inspection and Regulation for Police Power. Every person shall be subject to regulation, inspection, control and supervision under the general police power of the town, and all laws in force, or which may hereafter be adopted, in and of such police power and regulation and each and every license shall be subject to suspension and revocation as hereinbefore provided.

5.06.140 Treasurer's Report. At the first regular meeting of the Town Council in February of each year, it shall be the duty of the Town Treasurer to report, in writing, any and all beer licenses issued under this chapter, which have not been renewed and have not paid the necessary license fee on or before the thirtieth day of January of such year.

Chapter 5.08

LIQUOR REGULATIONS

Sections:

- 5.08.010 Definitions
- 5.08.020 Refund of License Fee
- 5.08.030 Application
- 5.08.040 Nontransferable, Exception
- 5.08.050 Qualifications
- 5.08.060 Restrictions
- 5.08.070 Exceptions
- 5.08.080 Renewal of Suspended License
- 5.08.090 Treasurer's Report
- 5.08.100 Compliance with State Laws
- 5.08.110 Violations; Penalty

5.08.010 Definitions. The following words and phrases when used in this chapter shall have the meanings respectively ascribed to them:

A. COUNCIL shall mean the council of this Town.

B. CLUB shall mean a national fraternal organization with permanent quarters or rooms, except college fraternities, or associations of individuals organized for social purposes and not for profit, with a permanent membership and in existence for two (2) years.

C. STATE LIQUOR STORE shall mean stores operated by the Department of Revenue, located in various cities, towns, villages and communities of the state, in which is sold all liquors, including wines, that are legal liquors in the state of Montana.

D. LICENSE shall mean a license issued by the town of Clyde Park to a qualified person under which it shall be lawful for the licensee to sell or dispense liquor at retail as provided in this chapter.

E. LIQUOR shall mean all kinds of liquor and wines sold by and/or in State Liquor Stores.

F. INTERDICTED PERSON shall mean a person to whom the sale of liquor is prohibited under the laws of the state.

G. ACT shall mean the State of Montana Retail Liquor License Act.

All other words and phrases used in this chapter, the definitions of which are not herein given, shall be given the ordinary meaning.

5.08.020 Refund of License Fee. Licenses may be issued to qualified applicants, as herein provided, whereby the licensee shall be authorized and permitted to sell liquor at retail in accordance with the provisions of this chapter. Qualified applicants shall include persons, hotels, clubs and fraternal organizations.

Each licensee under the provisions of this chapter shall pay an annual license fee for each license in the sum of:

A. For persons other than fraternal organizations:

\$50.00

B. For fraternal organizations: \$50.00

Provided, however, that where a license hereunder is issued for a period commencing subsequent to the first of the current year a pro rata charge may be made therefor, but nothing herein contained shall be construed to entitle any licensee hereunder to any refund of any portion of the license fee in the event of the discontinuing of such business, or the suspension or revocation of his license, except that he shall be entitled to a pro rata refund in the event that his business is discontinued by virtue of said act, being, by referendum petition, rendered inoperative and awaiting such time as it may be passed upon at an election.

The license fees herein provided for are exclusive of and in addition to other license fees chargeable in this city for the sale of beer and malt beverages.

5.08.030 Application. Prior to the issuance of a license as herein provided, the applicant shall file with the Town Treasurer an application in writing, signed by the applicant, and directed to the Council, which application shall specify the location by street and number of the premises where the business is to be carried on under the license applied for, the names of the person or persons conducting the business, of the same if a partnership, and if the same is a fraternal order, such fact must therein be set forth. The application must be accompanied by satisfactory evidence that the applicant has the licenses as herein provided for.

The application must be accompanied with the license fee in the preceding section specified for the business applied for.

Upon the filing of the application prescribed herein, accompanied by the evidence required and upon payment of the required license fee, the Treasurer shall issue and deliver to the applicant a license to carry on the business of which the applicant owns and holds a subsisting license issued to such applicant for such business at such location by said Board, and the same shall refer to this chapter by its number and as the "Clyde Park Montana Liquor Regulations". The Treasurer shall endorse upon each application and accompanying documents, if any, in his office, and shall keep an appropriate index thereof, which shall show the date filed, the name of the applicant and character and location of the business and an appropriate file number, if any, by which said application and accompanying documents, if any, may be found.

5.08.040 Nontransferable, Exception. Every license issued under this chapter shall set forth the name of the person to whom issued and the location by street and number of the premises where the business is to be carried forth under such license. If it is a partnership it shall set forth further names of the persons conducting the business.

Such license shall be signed by the licensee and shall be nontransferable; however, that a transfer of any such license may be made on application to the Council, accompanied by satisfactory evidence of the consent of the Department of Revenue to such transfer of the license by it issued under said Act.

Such license shall be posted in a conspicuous place on the premises in respect to which it is issued and shall be exhibited to any member of the police department.

Every license issued under the provisions of this chapter is separate and distinct and no person, except the licensee named therein, shall exercise any of the privileges granted thereunder and all licenses are applicable only to the premises in respect to which they are issued.

All licenses shall expire on December 31st of each year.

5.08.050 Qualifications. No person, club or fraternal organization shall be entitled to a license under this chapter unless such person, club or fraternal organization shall have, in respect to the same premises for which a license under this chapter is sought:

- A. A subsisting license issued under said Act.
- B. A subsisting beer license issued under the laws of Montana, and
- C. A subsisting beer license issued under the laws of this town.

5.08.060 Restrictions. No licensee shall sell, deliver or give away or cause or permit to be sold, delivered or given away, any liquor to:

- A. Any minor actually under the age of eighteen (21) years.
- B. Any intoxicated person or any person actually, apparently or obviously intoxicated.
- C. An habitual drunkard, or
- D. An interdicted person.

No liquor shall be sold, offered for sale or given away upon any premises licensed to sell liquor at retail between the hours of two o'clock (2:00) a.m. and eight o'clock (8:00) a.m. of each day.

It shall be unlawful for any licensee to sell or keep for sale and/or have on his premises for any purpose whatever, any liquor except that purchased from a State Liquor Store and any licensee found in possession of, or selling or keeping for sale any liquor which was not purchased from a State Liquor Store shall, upon conviction, be punished, and if the Town Council shall be satisfied that any such liquor was knowingly sold or kept for sale within the licensed premises by such licensee, or by his agents, servants or employees, it shall be mandatory that the Council immediately revoke the license of such licensee.

5.08.070 Exceptions. It shall be unlawful for any person who has not been issued a license under this chapter to sell or keep for sale any alcoholic liquor, provided, however, that nothing herein contained shall be deemed to apply to those engaged in the sale of liquor:

- A. At the various State Liquor Stores, or
- B. In the dining or buffet car of any railroad in connection with regularly operated train service, when the person serving such liquor is in the employ of said railroad and is acting within the scope of his employment in so doing, provided, a license has been issued to said railroad under said Act by

the Department of Revenue, and the same, or a duplicate thereof, is displayed in such car.

5.08.080 Renewal of Suspended License. After suspension or revocation of a license the Council shall have the power to renew the same if in their discretion a proper showing thereof has been made.

5.08.090 Treasurer's Report. On the first regular meeting of the Town Council in February of each year, it shall be the duty of the Town Treasurer to report, in writing, any and all liquor licenses and all other licenses issued under this chapter, which have not been renewed and have not paid the necessary license fee on or before the thirtieth day of January of such year.

5.08.100 Compliance with State Laws. It shall be the duty of each and every person having any connection whatsoever with liquor licenses issued under this chapter to comply fully with all state laws relating thereto.

5.08.110 Violations; Penalty. Any person who shall violate any of the provisions of this chapter shall, upon conviction, be punishable as provided in Section 1.08.010 of this Code.

Chapter 5.10

GAMBLING REGULATIONS

Sections:

- 5.10.010 Application
- 5.10.020 Fees
- 5.10.030 Payment of Fees; Terms of License

5.10.010 Application. This chapter will apply to any establishment which has been licensed for the sale of liquor, beer, food, cigarettes or any other consumable product and is conducting or planning to conduct any games of chance or card games.

5.10.020 Fees. The fees to be collected by the Clerk are as follows:

- A. Per Gaming License, a fee of \$00.00; Paid by state of Montana
- B. Per Poker Table License, a fee of \$250.00.

5.10.030 Payment of Fees; Terms of License. All fees for licenses shall be paid in advance and shall be issued for one (1) year which shall commence on Jan. 1 of each calendar year and shall expire on Dec. 31 of the following year. The fee for said license shall be prorated by the number of quarters remaining in the year for which the license shall be issued.