

CHAPTER III

LICENSES AND PERMITTING PROCEDURES

- 3.1 Business Licenses
- 3.2 Dog Licenses
- 3.3 Park Permits and Fees
- 3.4 Streets and Alleys Excavations Permits

3.1 Business Licenses

The lawful purpose of a business license is NOT to increase municipal revenues. The appropriate purpose of a business license is to help protect the public health and safety. To accomplish that purpose a licensed business must be regularly inspected by local officials (such as fire department or building department staff) to ensure that the physical facility and the business operations do not constitute a hazard to the public. The fee collected for the issuance of a business license must be reasonably proportional to the costs of conducting the required inspections otherwise the fees may be considered an unlawful tax. Additionally, failure to conduct inspections of licensed businesses may result in substantial liability exposure for injuries sustained by a person who might reasonably expect that the facility had been inspected by the city.

New Applicant

When an applicant wishes to apply for a business license, he or she should fill out the city/town Business License Application form. This form should include:

- Name of the applicant
- Permanent address
- Business, home and emergency phone numbers
- Name of the business
- Physical address of the business
- Mailing address of the business
- Type of license applied for
- Brief description of the nature of the business
- Agent or representative, name, address and phone number of the principal
- Name of rental agency, manager, or owner of apartment house, trailer court, mobile home park and number of units
- Space for any other information that may be needed
- Applicant's signature and date

When an applicant has completed the application, verify the applicant portion and then complete the office portion of the application, which should have the following information. Make sure that all requirements are met prior to issuing a license. The office portion of the form should include:

- Information such as approved, denied, resident license, non---resident license, annual fee, full or prorated, license number
- Council action such as revoked, suspended and the date, also space for the reason of the action
- Space for reinstatement of license and date of council action of reinstatement.

This completed form should then be kept on file. After receiving the completed application form, the business license itself should be completed and issued. This form should include:

- Business name
- Name & mailing address of applicant
- Description of business
- Business location
- Date license was issued
- Date license expires
- Signature of city/town clerk and city/town seal

SAMPLE BUSINESS LICENSE APPLICATION

CITY/TOWN OF _____, MONTANA 59999 406---
555---1111

Date: _____

Name: _____

Permanent Address: _____ Phone

Numbers:

Business _____ Home

Emergency _____

Business

Name: _____ Physical

Address: _____ Mailing

Address: _____

Type of License Applying For: _____

A brief description of the nature of the business: _____

If an agent or representative, the name and address and phone number of the principal: Name:

_____ Address: _____

Phone #: _____

Name of Rental Agency, Manager, or Owner of an Apartment House, Trailer Court or Mobile Home Park:

Name: _____

Number of Units:

Other: _____

Applicant signature: _____ Date: _____

FOR OFFICE USE ONLY

<input type="checkbox"/> Approved	<input type="checkbox"/> Denied	<input type="checkbox"/> Resident License	<input type="checkbox"/> Non---resident License
Annual Fee:	<input type="checkbox"/> Full	<input type="checkbox"/> Prorate	
License Number:			
Council Action:	<input type="checkbox"/> Revoke	<input type="checkbox"/> Suspension	Date:
Reason:			
<input type="checkbox"/> Re---instate		Date:	
Action:			

Business License Renewal

In December prepare a list of all businesses using the previous year's licenses. Once the list is completed prepare and mail reminder cards to each licensed business. The list should include:

- Business name
- Business mailing address
- Amount of license
- Date paid
- License number

As the business licenses are paid record the date and license number on the list. Business licenses are usually due by January 15 of each year. After January 15, review the business license list for the ones that have not paid and send a second notice as follows:

CITY/TOWN OF P.O. BOX 100 _____, MT 59999
January 31, 2020
SECOND NOTICE
To: ABC Company
License Fee: \$30.00
<i>This is a reminder that your City/Town Business License has not been purchased for the present year. We would appreciate receiving your remittance before February 15, 2013.</i>
IF NO LONGER IN BUSINESS PLEASE CALL 406---999---11111 OR RETURN THIS NOTICE STATING NO LONGER IN BUSINESS AND YOUR SIGNATURE.
Signature:
Sincerely, Jane Smith, MMC City/Town Clerk/Treasurer

After the due date established in the second notice passes, check the list for business that have not paid and send Third/Final Notice as follows:

<p>CITY/TOWN OF P.O. BOX 100 _____, MT 59999</p>
<p>February 20, 2020</p>
<p>THIRD AND FINAL NOTICE!</p>
<p>To: ABC Company</p>
<p>License Fee: \$40.00</p>
<p><i>This is the THIRD AND FINAL NOTICE that your city/town business license has not been purchased for 2013. Please send your remittance by February 28, 2013.</i></p>
<p>On March 3, 2013 this matter will be turned over to the city/town Judge for collection. If you are no longer in business, you must call 406--999--1111 or return this notice stating NO LONGER IN BUSINESS and your signature.</p>
<p>Signature:</p>
<p>Thank you for your prompt attention to this matter.</p>
<p>Sincerely, Jane Smith, MMC City/Town Clerk/Treasurer</p>

If a business does not respond to the notice it may be appropriate to file a complaint with the City/Town Court.

3.2 Dog Licenses

In most municipalities, dogs are required to be licensed by the city/town. When an applicant comes in to license a dog, he/she must provide proof of current rabies vaccination. The clerk or assistant clerk fills out the license form, which has the following information:

- Tag number
- Date of licensing
- Name of owner
- Physical address, city/town, zip code and telephone number
- Type of license (annual, lifetime or lifetime renewal)
- Name of the dog
- Breed of the dog
- Color description of the dog
- Male unneutered or male neutered
- Female unsprayed or female spayed
- Proof of spay or neuter (with name of veterinarian and address)
- Proof of rabies vaccination (with name of veterinarian and address)
- Date license expires
- License fee

One half of the form goes to the owner and one remains in the file. The owner receives a tag (there are two kinds; one for lifetime and one for annual) and a link. A special permit may be required for more than 2 dogs. The special permit must be approved by the city/town council for 3--5 dogs.

A kennel license may be required for 5 or more dogs and must be approved by the city/town council. The issuance of a special permit or kennel license should require a public hearing before approval is given by the city/town council.

3.3 Park Permits and Fees (Exclusive use of the park)

Cities and towns may require groups to complete a permit and/or pay a fee for exclusive use of park facilities. As part of the permit application, the user agrees to comply with all laws, rules and regulations of the city/town, the State of Montana, and the United States applicable to the use of park facilities. The user, as an individual or on behalf of a group or organization, must agree in writing that the permit shall not be used in any manner that would discriminate against any person or persons on the basis of sex, marital status, age, physical or mental handicap, race, creed, religion, color or national origin. The user, individual, group or organization may be required to pay a reasonable deposit fee (for example, \$150) for the use of the park. This deposit may be refundable, in whole or part, upon inspection of the park by city/town staff.

The user may be required to provide proof of special events liability insurance in an amount sufficient to cover the exposure of the activities. Prior to the event, the user shall provide the city/town a Certificate of Insurance made out to the city/town naming the city/town as an additional insured party. Attach the insurance certificate to the completed park permit. (See following sample park use permit.) Maintain a file of park permits. After the event the public works staff should inspect the park facilities and report the condition to the clerk who may then return the deposit fee.

SAMPLE PARK PERMIT

Name of Organization:			
Contact Person:			
Phone:			
Description of Facilities:			
Dates:			
Times:	From:		To:
Reason for Use:			
Deposit Fee:			
<i>The Deposit is refundable, in whole or part, upon inspection of the park by the Maintenance Supervisor.</i>			
<p><i>User agrees to comply with all laws, procedures and policies of the City/Town, the State of Montana, and the United States applicable to the use of said described facilities.</i></p> <p><i>The undersigned, either as an individual or on behalf of a group or organization, hereby agrees that this permit shall not be used in any manner that would discriminate against any person or persons on the basis of sex, marital status, age, physical or mental handicap, race, creed, religion, color, or national origin.</i></p> <p><i>OPEN BURNING is prohibited; the use of Barbeques is permitted.</i></p> <p><i>Users that have participants camping overnight must provide portable toilet facilities in the area occupied by campers.</i></p> <p><i>Users must provide garbage service for large or multi-day events. The area must be clean, and trash picked up prior to leaving the park.</i></p> <p><i>Any damage incurred shall be promptly repaired or replaced within 10 days by approved licensed contractor with contractual approval by the City/Town Maintenance Department.</i></p> <p><i>Make no alterations or additions in or to said premises without express written consent of the City/Town. For and in consideration of the use of the above-named park for the purpose of the above identified use, the above-named applicant/group does hereby agree to indemnify and hold the City/Town of _____, Montana, harmless from any and all claims, demands, or liability for personal injury or property damage arising out of the aforesaid use on the designated public premises.</i></p> <p><i>The USER shall carry special events insurance liability insurance in the amount of One Million Dollars (\$1,000,000) for each accident, and Two Million Dollars (\$2,000,000) aggregate MCA Section 2-9-108(1) (1997). Prior to use, the USER shall provide the CITY/TOWN a Certificate of Insurance made out to the City/Town of _____ and naming the City/Town of _____ as an additional party insured. Special Events insurance information is attached.</i></p>			
I understand and agree to the above.			
Signature:			Date:

3.4 Streets and Alleys Excavation Permits

A permit should be required to excavate in any city/town street, avenue or alley. The person requesting permission to excavate or dig in a street, avenue or alley should be required to complete a Street Excavation Permit. The permit should include:

- Purpose of excavation
- Location of excavation
- Size of excavation
- Time of excavation

Proof of liability insurance should be submitted with the application. Attach the proof of insurance to the permit. Deposit fees should be submitted with the application. Check with the city/town engineer for an estimate of the cost of the repair or at a minimum, use the following guidelines to ensure that the excavation is properly repaired:

- 1.5 times the cost of the repair for any excavation of any kind, either part way or all the way across the street, avenue, or paved alley in the city/town.
- \$200.00 for any excavation of any kind part way or all the way across any graveled alley in the city/town.

Attach the deposit fee to the permit. The deposit fee is held for 30 days. After 30 days ask the public works supervisor to inspect the repair. Upon satisfactory inspection, return the deposit to the permit holder. If the excavation is not refilled satisfactorily, the deposit is forfeited to pay for the repair. The clerk reviews the application and the public works supervisor grants approval.

SAMPLE STREET EXCAVATION PERMIT

PERMIT NO.		
Applicant Name:		
Business Name:		
Address:		
Phone No:		
Fax No:		
Location of Excavation:		
Date(s) of Excavation:	From:	To:
Reason for Excavation:		
Attach a map of area and the excavation to be done:		
Deposit Fee:	<i>The Deposit is refundable, in whole or part, upon a satisfactory inspection of the street repair by the Maintenance Supervisor.</i>	
<ol style="list-style-type: none"> 1. <i>Proof of liability insurance is required at the time of application.</i> 2. <i>Compliance with the Uniform Traffic Safety Codes is required.</i> 		
I understand and agree to the above:		
Signature:	Date:	
Application Approved by:		
Signature:	Date:	