

ORDINANCE NO. 2022-02

AN ORDINANCE AMENDING HARDIN CITY CODE REGARDING LICENSE FEES FOR BEER, WINE, LIQUOR AND MARIJUANA BUSINESSES

WHEREAS, the City of Hardin desires to clarify language in the Hardin City Code to reflect the current practice that businesses that serve alcohol must pay a general business license fee, as well as the licensing fee to serve alcohol;

WHEREAS, the City of Hardin desires to establish a fee for Marijuana Businesses, in addition to the general business licenses, similar to the fees charged for businesses that sell or serve alcohol, along with regulations similar to the annual licensing of businesses that sell or serve alcohol;

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF HARDIN, MONTANA, Title 5, is amended with the insertion of additional language (underlined), as follows:

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

M. In addition to the business license fees in this part, any business that sells or serves alcohol or that is a Marijuana Business must also pay the annual license fees in Chapter 5, Chapter 6, or Chapter 7 of this Title.

CHAPTER 7 **MARIJUANA**

5-7-1: APPLICATION FOR LICENSE:

In addition to the fees for a business license in Chapter 1 of this Title, and the fees for the associated with an application under Section 11-1-2-5, there shall be an annual fee for a Marijuana Business in the city limits. The applicant shall file with the city finance officer/city clerk an application in writing, signed by the applicant, and containing such information and statements relative to the applicant and the premises where the Marijuana Business is located, as may be required by the council. The application shall be verified by the affidavit of the person making the same before a person authorized to administer oaths. If any false statement is made in any part of such application, the license, if issued, shall be revoked.

5-7-2: LICENSE FEES:

The annual fee for a Marijuana Business shall be \$500.

5-7-3: LICENSE FEES PAYABLE IN ADVANCE:

Licenses issued shall be for the current calendar year. Nothing herein shall be construed to entitle any licensee to a refund of any portion of the license fee in the event of discontinuing his business or suspension or revocation of his license. There shall be no proration of license fees.

5-7-4: All license fees are payable yearly in advance at the office of the city clerk on or before twelve o'clock (12:00) noon on the city's last business day of the calendar year. It shall be unlawful for any person to fail to pay for his license at the time and place specified. If a person fails to pay the fee, he shall be fined in a sum of thirty-three and one-third percent (33 1/3%) of any license fee delinquent on January 1 of the renewal year, sixty six and two-thirds percent (66 2/3%) of any license fee delinquent on February 1 of the renewal year and one hundred percent (100%) of any license fee delinquent on March 1 of the renewal years. If continuing in any Marijuana Business without such annual license, said person, upon conviction, shall be punished as provided in this code.

5-7-5: CONTENTS OF LICENSE; NONTRANSFERABLE; EXPIRATION:

Every license issued under this chapter shall set forth the name of the person to whom issued, the location by street of the premises where the business is to be carried on under said license, and such other information as the Council shall deem necessary. If issued to a partnership, the names of the persons conducting the business shall be set forth. Such license shall be signed by the licensee, shall be nontransferable except and only with the consent of the Council, shall be posted in a conspicuous place on the premises in respect to which it is issued and shall be exhibited to any duly authorized representative of the Council whenever the same is requested. Every license issued under the provisions of this Chapter is separate and distinct, and no person, except the licensee therein named, shall exercise any of the privileges granted hereunder, and all licenses are applicable only to the premises in respect to which they are issued. All licenses shall expire on December 31 of each year.

5-7-6: REQUIREMENTS AND RESTRICTIONS:

A. An annual license shall not be issued as a matter of right. The City, in its discretion, may issue or refuse to issue a license to any person, even though he holds a State license.

B. An annual license may not be renewed or transferred as a matter of right. The City, in its discretion, may renew, or decline to renew, may consent to the transfer, or decline to consent to the transfer of any license, although the holder of the license, or the transferee, holds a license from the State. Upon an approved transfer, no new fee shall be collected by the City if said transferred license is current.

C. An annual license, or a renewal or transfer thereof, may only be granted by the Council by resolution adopted.

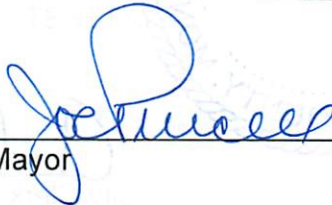
DATE OF EFFECT.

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 5th day of April, 2022.

YEAS 4

NAYS 3



Mayor




ATTEST:



City Clerk

POSTED AND MADE AVAILABLE TO THE PUBLIC this 8th day of April, 2022.



City Clerk

SECOND READING AND PASSAGE By a majority vote of the members

present this 19th day of April, 2022.

YEAS 5 NAYS 1



Joe Ruess
Mayor

ATTEST:

Andrew Lehn
City Clerk