

**TITLE**  
**5**  
**BUSINESS LICENSE**  
**AND**  
**REGULATIONS**

Chapters:

- 5.01 Business license and procedure
- 5.02 Issuance of License
- 5.04 Non-Resident Merchants
- 5.06 Home Occupations
- 5.10 Junk dealers / second hand stores / pawn brokers
- 5.12 Alcoholic Beverages

**CHAPTER 5.01**

## **BUSINESS LICENSE AND PROCEDURE**

### Sections:

5.01.10	Definitions
5.01.20	Application of Regulations
5.01.30	Authority
5.01.40	Procedure for Issuance of license
5.01.50	License fees
5.01.60	License renewal
5.01.70	Late charges
5.01.80	Duties of licensee
5.01.90	License revocation or suspension
5.01.100	Appeal
5.01.110	Severability

### **5.01.10 Definitions**

A. "Buildings or offices" shall mean all buildings, structures, rooms, offices, or portions thereof which are situated on a permanent structural foundation including mobile homes and permanently connected to Town water and sewer service wherein a business or organization is located and which may be accessible to the public, employees or members.

B. "Business" shall mean any occupation, trade, profession, and commercial activity, social activity meeting regularly in buildings or offices, together with all devices, machines, vehicles and appurtenances used therein. This includes sole proprietorships, partnerships, corporations, nonprofit corporations, social organizations.

C. "Home occupation" shall mean a lawful business carried on by a resident of a dwelling as an accessory use within the same dwelling or an accessory building which will not infringe upon the right of neighboring residents to enjoy the peaceful occupancy of their home.

E. "Non-resident Vendor" shall mean any person engaged or employed in the business of selling to consumers by going from consumer to consumer, either on the streets or to their places of residence or employment and soliciting, selling or taking orders for future delivery of any goods, wares or merchandise. This definition applies to persons vending food or other merchandise from push carts, vehicles trailers or other readily mobile sources to customers within the city limits. No vendor shall park a vehicle or any other moveable or temporary entity on any public street, alley, or private lot for more than 10 hours in any 24 hour period at one location. The parking of a vehicle or other movable entity within 300 feet of the original location is considered one location. This all-inclusive definition applies to vendors coming into Browning to provide any type of service (e.g. painters, contractors, tree trimmers, computer technician, etc.), to residents within the City limits.

F. "Non-resident merchant" shall mean any person or business not of the greater community of Browning, Montana otherwise called itinerant vendor or peddler is defined as any person whether acting as owner, agent, consignee or employee whether a resident of the municipality or not who engages in a temporary business of selling,

delivering or offering for sale goods, wares and merchandise and subscriptions either requested or not by the resident business or consumer within the municipality by going from consumer to consumer, either on the streets or to their places of residence, business or employment and who in furtherance of such purpose, uses, or occupies the streets or alleys or sidewalks of the municipality or any structure, motor vehicle, or other place within the municipality for the exhibition and sale of goods , wares and merchandise.

G. “Nonprofit Organization” shall mean any group which does not distribute pecuniary gains, profits, or dividends, and pecuniary gains is 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.

H. “Permanent Premise” means any building or structure or any part of any building or structure situated on a permanent structural foundation that meets the engineering requirements in the Uniform building code and is permanently connected to City Water and/or Sewer service. This definition excludes all accessory structures not intended to be occupied by employees and/or the public.

I. “Person” is meant to include individual natural persons, partnerships, joint ventures, societies, associations, clubs, trustees, trusts, or corporation; or any officers, agents, employees, factors, or any kind of personal representatives of any thereof, in any capacity, acting either for him or herself,, or for any other person, under either personal appointment or pursuant to law.

J. “Premise” means an office, retail space or structure occupied for business use, the facilities and appurtenances in the structure, and the grounds, areas and facilities held out for the use of business.

K. “Property Manager” means a “person” who rents or leases rental units, excluding hotels or motels.

L. “Temporary premises” means any buildings, structures, vehicles, or other mobile entities without a foundation and not permanently connected to City water and sewer service temporarily occupied for business. A temporary premise can exist for no more than 90 calendar days in any 12 month period. Temporary premise does not include sales booths; concession stands etc., which are operated in conjunction with a community sponsored event authorized by the City Council.

M. “Year” for specific Business Licenses means a period of 12 months beginning January 1<sup>st</sup> of each year and ending December 31<sup>st</sup> of the same year.

N. “Non-Resident Contractor” is any person not residing within the city limits of Browning engaged in contract construction, painting and drywall, landscape installation and maintenance, janitorial, and service contractors of all kinds including computer technicians and copier maintenance.

**5.01.20 Application of Regulations.** A. A license shall be obtained in the manner prescribed herein for each branch establishment, including off-site warehouses and distributing plants or location of the business engaged in, as if each such branch establishment or location were a separate business. However, on-site warehouses and distributing plants used in connection with and incidental to an authorized business shall not be deemed to be separate places of business or branch establishment.

B. No license shall be required of any person for any mere delivery in the City of any property purchased or acquired in good faith from such person at the regular place of business outside the City where no intent by such person is shown to exist to evade the provisions of this chapter.

**5.01.30 Authority.** The City Manger or designee shall have the authority to establish the necessary procedures to carry out and enforce the intent of this title.

**5.01.40 Procedure for issuance of license.**

Prior to issuing a license the applicant shall:

1. Be in compliance all zoning, building and fire codes and have permanent water and sewer service provided by the City (non-resident license exempted).
2. Submit a completed application accompanied by the full amount of the applicable fee.

The applicant may change location provided:

3. The applicant complies with all zoning, building and fire codes.
4. The applicant obtains a new certificate or special business license to another person in accordance with established procedures.

**5.01.50 License fees.**

- A. All fees for local resident businesses shall be \$25.00 per year.
- B. All fees for Non-resident vendors, contractor and merchants shall be \$50.00 per year.
- C. No rebate or refund of and license fee, or part thereof shall be made unless otherwise specified in 5.02.170

**5.01.60 License renewal.** All licenses shall expire on December 31<sup>st</sup> of the year in which said license is issued, unless otherwise specified.

**5.01.70. Late charge.**

Failure to renew the license shall result in the following delinquent charges:

1. If resident license is not paid prior to March 1st of the year due and additional charge of \$20.00 with be assessed and an additional \$5.00 will be added for every 30 day period beyond April 1<sup>st</sup>.
2. A non-resident vendor, merchant or contractor business license fee is due on opening day of such business and subject to a \$20.00 penalty if not paid within 30 days of initial opening and an additional \$5.00 for every 30 day period beyond the initial 30 days.

**5.01.80 Duties of licensee.**

- A. Every licensee under this title shall permit all reasonable inspections of the business premises by public authorities to carry out the intent of this title.

- B. Every licensee under this title shall post the license on the premise or carried on the person where an individual license is required.

**5.01.90. License revocation or suspension.**

- A. The license may be revoked or suspended when the licensee violates this title.
- B. The following procedure will be followed in revoking or suspending a license:
  - 1. A written notice shall be provided to the licensee at least 15 days prior to revocation or suspension. The notice shall state the reason(s) for the action.
  - 2. The licensee may request a review of the proposed action within 15 days of the receipt of notice.
  - 3. When a review is requested, a meeting shall be set between City staff and the requesting party.
- C. If conditions are determined to cause an immediate threat to health or safety the City shall immediately suspend the license until such conditions is remedied.

**5.01.100 Appeal.** Any licensee shall have the right to file a written appeal to the City Council.

**5.01.110 Severability.** If any part of this title is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions thereof.

## CHAPTER 5.02

### ISSUANCE OF LICENSE

#### Sections:

5.02.10	Scope of chapter
5.02.20	Unlawful activities not licensed
5.02.30	Failure to obtain valid license
5.02.40	Application for license
5.02.50	Submission of application at next council meeting
5.02.60	Examination of applicant
5.02.70	Grounds for issuance or denial of license
5.02.80	Term of licenses
5.02.90	Treasurer to collect fees
5.02.100	Disposition of fee upon denial of application
5.02.110	License subject to inspection – Refusal of inspection unlawful
5.02.120	Control of license by council – Assignments prohibited
5.02.130	Renewal of license
5.02.140	Clerk to keep record of licenses issued
5.02.150	Separate license required for each business
5.02.160	License fees
5.02.170	Grounds for suspension or revocation of license
5.02.180	Procedure on suspension or revocation of license
5.02.190	Misrepresentation
5.02.200	Penalty

**5.02.10**      **Scope of Chapter.**    The provisions of this chapter apply to the issuance of every kind of license or permit authorized by the municipality. Whenever a provision of a particular licensing ordinance shall be deemed in conflict with any phrase or section of this chapter, the provision of the particular licensing ordinance shall prevail.

**5.02.20**      **Unlawful activities not licensed.**    No provision contained in this title shall be construed so as to license any trade, business, occupation, vocation, pursuit, profession, or entertainment prohibited by any law of the United States, of the State of Montana, or prohibited by the provisions of this code or other ordinance or the municipality.

**5.02.30 Failure to obtain valid license.** No person shall conduct any activity for which a license is required by the municipality without first procuring a valid license therefore.

**5.02.40 Application for license.** Every person desiring to conduct any business, trade, occupation, profession, commercial activity, social activity, fraternal activity, together with all devises, machines, vehicles and appurtenances used therein, or other activity, which includes sole proprietorships, partnerships, corporations, nonprofit corporations, social organizations, home occupations, in the municipality for which a license is required must file with the treasurer of the municipality, on a form to be provided by the treasurer, an application for license in writing. The fee for such license must accompany the application. The application shall be subscribed and sworn to by the applicant before an officer authorized to take oaths, and shall set forth:

- (a) The name of the applicant
- (b) His place of permanent residence
- (c) His local business address, if any
- (d) Description of the activity to be licensed, and it location

**5.02.50 Submission of application at next council meeting.** On receipt of any application for a license or other authorization to do business, the treasurer shall submit the same to the municipal council at its next regular or special session.

**5.02.60 Examination of applicant.** The municipal council may notify or cause to be notified, in writing, the applicant to appear before the council for the purpose of further inquiry into the facts and circumstances of the application, the qualifications and character of the applicant and the officers and owners of the firm to be licensed.

The council may direct the chief of police or other municipal officer to investigate the facts stated in each license application, the qualifications and character of the applicant and the officers and owners of the firm to be licensed.

**5.02.70 Grounds for issuance of denial of license.** If the council shall determine that any applicant for a license or any person interested in the ownership of any business sought to be licensed are persons of such character that the business to be licensed may be operated in such manner as to be detrimental to the public health, peace, morals, or general welfare of the municipality, such application shall be denied; otherwise, the application shall be granted.

If the municipal council shall find, after investigation that the premises or buildings of the business to be operated under license are in unsafe condition, or arte constructed or operated in such a way as to be detrimental to the public welfare, the council shall deny the application for license.

(Municipality may refuse to issue licenses when it deem it best for the public interests, see M.C.A. 7-21-4101 part (1), (2))

**5.02.80 Term of licenses.** Unless the council shall provide otherwise, either by ordinance or in an individual license the term of every license issued under authority of this title shall be for one (1) year, and shall commence January 1<sup>st</sup> and end December 31<sup>st</sup>.

**5.02.90 Treasurer to collect fees.** The municipal treasurer shall be charged with the collection of the fees for the licenses required by this title.  
(Derivation of section: M.C.A. 7-21-4102)

**5.02.100 Disposition of fee upon denial of application.** If a license application shall be denied, the license fee that may have accompanied the application shall be returned to the applicant.

**5.02.110 Licensee subject to inspection – refusal of inspection unlawful.**  
(a) Any business licensed under this title shall at all times be subject to inspection by officials of the municipality. The licensee, and/or employees of such licensee, shall at all times permit any official of the Town of Browning to enter the premises where such licensed business is conducted, for inspection of such premises and the activity under license.

(b) It is unlawful for any person to restrict or obstruct any municipal official in the exercise of the right of entry to a licensed premises or the inspection of any licensed activity.

**5.02.120 Control of license by council – Assignments prohibited.**  
Nothing contained in this title shall be construed to create any vested right in any person, to the assignment, renewal, reissuance or continuance of any license; the right thereto shall be always vested in the municipal council.

No licensee shall assign any license granted by the municipality, unless authorized by the council in writing, or by ordinance.

**5.02.130 Renewal of license.** Application for renewal of a license shall be made in the same manner as application for the original license.

**5.02.140 Clerk to keep record of licenses issued.** The municipal clerk shall keep a record of all licenses granted by the municipality, showing for each license the date issued, to whom issued, the amount collected, the date of expiration, the premises described therein, change of location, or transfer, if any and any other pertinent fact with reference thereto.

**5.02.150 Separate license required for each business.** Except as otherwise provided no license issued by the council shall cover more than one classification of license or more than one trade, business, occupation, pursuit, vocation or entertainment.

**5.02.160 License fees.** All established bonafide places of business, within the community known as Browning, Montana as would be defined as connected to the water main system, operating and doing business within the corporate limits of the Town of Browning or the area established by law to be within the licensing area of an incorporated Town of Browning with the exception of bars, taverns, lounges or other similar places of business engaged in retailing also tent shows, carnivals, or other

traveling forms of entertainment, shall pay to the Town Clerk on behalf of the Town of Browning an annual fee of \$25.00. Such license fee for established bonafide places of business shall be due and payable January 1<sup>st</sup> of each year and shall be subject to a penalty of \$20.00 if not paid prior to March 1st of the year due and an additional \$5.00 for every month beyond March of the year due; the license fee for new business is due and payable on the opening of said business and subject to a \$20.00 penalty if not paid within 30 days and an additional \$5.00 for every 30 day period. The imposition of such penalty shall not relieve the place of business of the owner of such from prosecution.

**5.02.170**      **Grounds for suspension or revocation of licenses.** (a) Whenever the municipal council determines that any licensee is conducting the activity licensed in a manner which violated this code or any ordinance or regulation of the municipality, or operating the business licensed in any manner detrimental to the public health, morals or welfare, the council may order the suspension or revocation of the license.  
(b) The council may revoke or suspend any license for fraud or misrepresentation in its procurement, or for a violation of any federal or state statute.  
(c) If, when revoked any license has an unexpired period of six (6) months or more fifty percent (50%) of the license fee collected there under shall be refunded to the licensee upon demand; provided that the demand for refund be made within thirty (30) days after such revocation.

**5.02.180**      **Procedure on suspension or revocation of license.** Before considering the suspension or revocation of any license issued under this title, the council shall give the licensee an opportunity to appear before it and be heard in relation to any matter under investigation.  
The licensee shall be notified in writing of the time and place of the hearing or investigation.

**5.02.190**      **Misrepresentation.** No person shall willfully misrepresent any material fact in any license application made by him.

**5.02.200**      **Penalty.** Any person violating a provision of this chapter for which another penalty has not been provided shall upon conviction thereof be punished as set forth in Section 1.16.020.

## CHAPTER 5.04

### NON-RESIDENT MERCHANTS

#### Sections:

5.04.10	Definition of a non-resident merchant
5.04.20	Non-resident merchant license
5.04.30	Exceptions
5.04.40	License fee
5.04.50	Application for license
5.04.60	Issuance of license
5.40.70	Exhibition of license upon demand
5.04.80	Nuisance
5.40.90	Misdemeanor
5.40.100	Surpress Nuisance
5.40.110	Penalty

**5.04.10**      **Definition of a non-resident merchant.**      A non-resident merchant is defined as any person whether acting as owner, agent, consignee or employee who is not a resident of the municipality, or a place of business not hooked on to the water and/or sewer system or who engages in a temporary business of selling, delivering or offering for sale goods, wares and merchandise and subscriptions either requested or not by the resident business or consumer within the municipality by going from consumer to consumer, either on the streets or to their places of residence, business or employment and who in furtherance of such purpose, uses, or occupies the streets or alleys or sidewalks of the municipality or any structure, motor vehicle, or other place within the municipality for the exhibition and sale of goods , wares and merchandise.

**5.04.20**      **Non –resident merchant license.**      It shall be unlawful for any person, firm, or corporation to engage in the business, trade or calling of itinerant merchant within the corporate limits of the municipality, without first having obtained a license to do so.

**5.04.30**      **Exceptions.**      The provisions of this chapter shall not apply to bonafide merchants having regularly established places of business within the municipality.

**5.04.40**      **License fee.**      The fee for a municipal license to engage in the business of non-resident merchant is fifty dollars (\$50.00) a year.

**5.04.50**      **Application for license.**      (a) Every non-resident merchant

desiring to do business in the municipality must, before commencing such business, file with the treasurer, and an application in writing. The application shall contain the information required by Section 5.04.40, and in addition, provide the following information:

- (1) Give a brief descriptive list of articles to be offered for sale, or services to be performed;
  - (2) State whether payments or deposits of money are collected when orders are taken or in advance of final delivery.
- (b) At the time of filing the application, such non-resident merchants must accompany the application with the sum specified in the preceding section as a license fee.

**5.04.60 Issuance of license.** Upon filing of the application prescribed in section 5.08.50, in proper form, and upon the payment to the treasurer of the sum required by Section 5.08.40, of this chapter, the treasurer shall issue and deliver to the applicant a license to carry on the business described in such application. Such license shall be non-transferable and shall have printed on the face thereof in bold type the words “not transferable.”

The Treasurer shall endorse upon each application the date of the issuance of the license and shall file such application with the clerk of the municipality.

**5.04.70 Exhibition of license upon demand.** Every non-resident merchant doing business under the provisions of this chapter must upon demand of any official of the municipality, exhibit his license and permit the same to be read by the official making such demand.

**5.04.80 Nuisance.** The practice of going in and upon private residences in the Town of Browning, Montana by solicitors, peddlers, hawkers, itinerant merchants and transient vendors of merchandise, not having been requested or invited so to do by the owner or owners, occupant or occupants of said private residences, for the purpose of soliciting orders for the sale of goods, wares or merchandise and/or for the purpose of disposing of and/or peddling or hawking the same, is hereby declared to be a nuisance and punishable as such nuisance as a misdemeanor.

**5.04.90 Misdemeanor.** The practice of using the public streets, alleys or other public places in the Town of Browning by solicitors, peddlers, hawkers, itinerant merchants and transient vendors of merchandise not having been requested or invited to do so by the authorities of the Town of Browning, Montana for the purpose of soliciting orders for the sale of goods, wares and merchandise and/or for the purpose of disposing of and/or peddling or hawking the same, is hereby declared to be a nuisance and punishable as such nuisance as a misdemeanor.

**5.04.100 Suppress Nuisance.** The police chief, police force, and any Town designee of the Town of Browning, Montana are hereby required and directed to suppress the same, and to abate any such nuisance as is described in the code hereof.

**5.04.110 Penalty.** Any person violating a provision of this chapter for which another penalty has not been provided shall, upon conviction thereof, be punished as set forth in Section 1.16.20.

## CHAPTER 5.06

### HOME OCCUPATION

Sections:

- 5.06.10 Home occupation license
- 5.06.20 Issuance –revocation of license
- 5.06.30 Home occupation requirements

**5.06.10 Home occupation license.** The establishment of a Home occupation shall require a license issued by the Town of Browning.

**5.06.20 Issuance – revocation of license.**

- A. Application for Home occupation license shall include:
  - 1. A site plan indication what portion of the dwelling will be used for the business.
  - 2. A complete description of the type of business to be conducted
- B. Renewal - Review and/or revocation of the Home occupation license shall occur every year when the license renewal is due.
  - 1. Upon verification of any violation of this chapter and/or title, the City shall review the license in question. Upon the finding that the Home occupation is no longer compatible or a violation exists, the said Home occupation license shall be revoked.

**5.06.30 Home occupation requirements.** Home occupation may be permitted wherein the use meets the following requirements and the applicant provides proof of such:

- A. Appearance. The activity must not be conducted in a manner so as not to give an outward appearance nor manifest any characteristics of a business in the ordinary meaning of the terms, nor shall it create undue amounts of traffic which would infringe upon the right of neighboring residents to enjoy the peaceful occupancy of their home.
- B. Employees. That portion of the Home occupation conducted at the dwelling unit must be carried on by at least one resident of the dwelling unit. In addition, non-resident employees where the aggregate hours worked do not exceed forty hours per week and when no more than two employees are present at one time are permitted.
- C. Location. For Home occupations whose services are rendered at the customer's location, the use of the dwelling unit shall be limited to the office portion of the business.
- D. Secondary use. The Home occupation must be incidental and secondary to the use of the dwelling unit as a residence.
- E. Area. A maximum of thirty two percent of the dwelling may be dedicated to the Home occupation.
- F. Delivery. NO material or commodities shall be delivered to or from the residence which are of such bulk or quantity as to create undesirable traffic or congestion.
- G. Weight. No materials or commodities shall be placed within the building which exceeds the allowable floor loading of forty pounds per square foot.

H. Parking. No parking of customer's vehicles shall be permitted in a manner of frequency so as to cause a disturbance or inconvenience to neighboring residents or so as to necessitate off-street parking. Business vehicles shall not exceed one ton rated capacity.

I. Sign. No exterior display shall be permitted except that one non-illuminated nameplate or Home occupation sign shall be permitted; however, the sign shall not exceed 6 square feet in area and further; shall not exceed 3 feet in length. Such sign or nameplate shall be placed flat against the dwelling unit or located within the property boundaries by a single or double post style hanger and cannot exceed more than 5 feet in height when placed on the hanger system nor may it be placed in the property as to disrupt the traffic and pedestrian view on a corner lot.

J. Garage. The Home occupation cannot be conducted upon the area, including garage space, provided to fulfill the off-street parking requirements for the dwelling unit on the lot.

## CHAPTER 5.10

### JUNK DEALERS/SECOND HAND STORES/PAWNBROKER

Sections:

5.10.10	Definitions
5.10.20	Registration
5.10.30	Receiving from minors
5.10.40	Lost or stolen articles
5.10.50	License fee
5.10.60	Penalty

**5.10.10 Definitions** The following words and phrases when used in this section shall have the following meanings respectively ascribed to them:

A. "Junk Dealer" means any person(s) who is in the business of buying or selling or dealing in junk, paper, bagging, old iron, copper, brass, tin, brass, empty bottles, rubber, lead, or any other articles that are commonly referred to as junk.

B. "Second Hand Store" means any person(s) or place of business who engaged in the business of buying and selling second hand goods, wares or merchandise or any kind.

C. "Pawnbroker" means any person(s) whose loans money on deposit or pledge of personal property or any valuable thing, or who deals in the purchasing of personal property of valuable things on condition of selling the same back at a stipulated price, whether he/she does the same for himself or as an agent of some person or firm or corporation, who by any means, method or device loans money for personal property when the same is deposited for security or is deposited for any other purpose.

**5.10.20 Registration** Any person who carries on the business of pawn broking, second hand stores or junk dealing shall keep a register in which shall be entered in legible writing a description of all property purchased or taken as a pledge, pawn or security for any money loaned thereon, of any description whatsoever, together with the names and residences of the person(s) from whom such property was purchased or received; and such register shall be subject to examination by the Police department at any and all times.

**5.10.30 Receiving from minors** No pawnbroker, junk dealer or second hand store licensed as a foresaid shall purchase or receive any goods, articles or thing whatsoever from any minor. No pawnbroker, junk dealer or second hand store licensed shall have any dealing whatsoever with any minor.

**5.10.40 Lost or stolen articles** If any goods, article or thing shall be advertised in any newspaper printed in the Town of Browning, Montana as having been lost or stolen or if notice of such loss or theft be given in person or otherwise to any keeper of a junk, pawn, second hand store and if any of the goods, article or thing so advertised, or any part or portion thereof shall then be or thereafter come into his/her possession, he/she shall forthwith give information thereof, in writing, to the Chief of

Police or other police officer belonging to the force, and he/she shall state from whom the same was received.

Every keeper of a junk, pawn or second hand store who shall receive or be in possession of any goods or articles or things which may have been lost or stolen shall forthwith, on a demand to view the same, exhibit the same to the Police Chief or other member of the police department, or any person authorized by him or them to make such demand.

**5.10.50 License fee** The fee for a municipal license to engage in the business of pawn broking, second hand stores and junk dealing shall be the same as a regular business.

**5.10.60 Penalty** Every junk, pawn or second hand store/ dealer licensed as aforesaid, who shall violate or neglect or refuse to comply with any of the provisions in this section shall, for every such offense, be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than ten (\$10.00) dollars, not more than Five hundred (\$500.00) dollars, or shall be imprisoned for not more than six (6) months nor less than thirty (30) days, or both such fine and imprisonment.

## CHAPTER 5.12

### ALCOHOLIC BEVERAGES

Sections:

5.12.10	Definitions
5.12.20	Alcoholic Beverage license Required
5.12.30	Special Alcoholic Beverage License Required
5.12.40	Sales within Six Hundred feet of a Church or School
5.12.50	Hours for retail sales
5.12.60	License fee

**5.12.10 Definitions** The following words and phrases used in this chapter shall be given the following interpretation:

A. "Beer" means a malt beverage containing not more than 7% alcohol by weight.  
B. "License" means a license issued by the Town of Browning to a qualified person, under which it is lawful either for the licensee to brew, sell or dispense beer or to sell and dispense liquor, respectively, as provided in this chapter.

C. "Premises" means the building or specific portion of any building in which the liquor and/or beer business is conducted and those areas in which the retailer operates a sidewalk café, open-air restaurant or tavern outside of and adjacent to the licensed building and to which patrons are permitted free access from said building. Where a retailer conducts as a single business enterprise two or more bars located on the same premises and which have such intercommunication as will enable patrons to move freely from one bar to another without leaving the premises, the various bars shall be regarded as but one bar even though operated in the same building with another bar.

D. "Liquor" means an alcoholic beverage except beer and table wine.

E. "Retailer" means any person engaged in the sale and distribution of beer, either on draft or in bottles, to the public.

F. "Wine" means any alcoholic beverage made from or containing the normal alcoholic fermentation of the juice of sound, ripe fruit or other agricultural products without addition or abstraction, except as may occur in the usual cellar treatment of clarifying and aging and that contains more than 5% but not more than 24% of alcohol by volume. Wine may be ameliorated to correct natural deficiencies, sweetened, and fortified in accordance with applicable federal regulations and the customs and practices of the industry. Other alcoholic beverages to define in this section but made in the manner of wine and labeled and sold as wine in accordance with federal regulations are also wine.

**5.12.20 Alcoholic beverage license required** Any person or business brewing, selling or dispensing beer, wine or liquor must obtain a Town of Browning alcoholic beverage license in addition to other permits or licenses which may be required. Such license shall authorize the conduct of business under one of the following specific categories: beer; beer & wine; or all-alcoholic beverages. This does not pertain to individual's home brewing for personal consumption.

**5.12.30 Special Alcoholic Beverage License Required** Where all requirements stipulated by the State of Montana are met by the applicant, a Special Alcoholic Beverage License is required in addition to the State's special permit of license for beer or beer & wine. The Special Alcoholic Beverage License shall be in effect for the period established by the State and will expire at the end of that period.

**5.12.40 Sales within Six Hundred feet of a Church or School** A. No retail license may be issued pursuant to this code to any business or enterprise whose premises are within 600 feet of and on the same street as a building used exclusively as a church, synagogue or other place of worship or as a school other than a commercially operated or postsecondary school. This distance shall be measured in a straight line from the center of the nearest entrance of the place of worship or school to the nearest entrance of the licensee's premises. (M.C.A. 16-3-306)  
B. A foresaid special permit shall be an exception to 16-3-306(1) M.C.A. as permitted by 16-3-309

**5.12.50 Hours for retail sales** It shall be that all licensed establishments wherein alcoholic beverages are sold, offered for sale, or given away at retail shall be closed each day between the hours of 2 a.m. and 8 a.m.; and that the following days no alcoholic beverage sales will be permitted (M.C.A. 16-3-304):

Christmas  
Easter  
Thanksgiving

**5.12.60 License fee** The fee for issuance of an alcoholic beverage license for all businesses selling, brewing, distributing or given away will be one hundred dollars (\$100.00) per year and is due at the dates specified for a regular business license as listed in 5.02.160