

ORDINANCE NO. 12-5587

AN ORDINANCE OF THE CITY OF BILLINGS, PROVIDING THAT THE BILLINGS, MONTANA CITY CODE BE AMENDED BY ADDING A NEW SECTION TO CHAPTER 13, ARTICLE 13-400, DIVISION 3, TITLED "ALL BUSINESSES, OCCUPATIONS, AND PROFESSIONS TO COMPLY WITH LOCAL, STATE, AND FEDERAL LAW", AND AMENDING B.M.C.C. SECTION 13-432.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BILLINGS, MONTANA:

Section 1. That B.M.C.C. Section 13-432 be amended as follows:

Sec. 13-432. – Regulation.

Every person conducting a business, occupation or profession within the city shall be subject to reasonable inspection and shall abide by and obey all laws and ordinances of the city.

Section 2. That the Billings, Montana City Code be amended by adding a new code section to Chapter 13, Article 13-400, Division 3 titled "All Businesses, Occupations, and Professions To Comply With Local, State, And Federal Law".

NEW CODE SECTION:

All Businesses, Occupations, and Professions To Comply With Local, State, And Federal Law.

(1) "No Business Tax Determination or Business License shall be issued for any business, occupation, or profession that violates any provision of city, state, or federal ordinance, regulation, law, or statute. The issuance of a Business Tax Determination or acceptance of payment by the City does not authorize any business, occupation, or profession to operate in violation of any provision or local, state, or federal ordinance, regulation, law, or statute. Any such Business Tax Determination or Business License mistakenly issued by the City shall be deemed void from the date of issuance.

(2) All existing businesses with current business tax determinations or licenses shall fully comply with this provision within two (2) years of the effective date of this ordinance. Any such businesses, occupation or profession licensed on the effective date of this ordinance but in violation of this ordinance shall be deemed a legal non-conforming use, and shall be permitted to renew such business tax determination or license for a period of two years from the effective date of this ordinance. Two years from the effective date of this ordinance, any prior issued business tax determination or license which violates this ordinance shall be cancelled and deemed void, no matter when issued or renewed.

Section 3. EFFECTIVE DATE. This ordinance shall be effective November 8, 2012.

Section 4. REPEALER. All resolutions, ordinances, and sections of the City Code inconsistent herewith are hereby repealed.

Section 5. SEVERABILITY. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect the other provisions of this ordinance which may be given effect without the invalid provisions or application, and, to this end, the provisions of this ordinance are declared to be severable.

PASSED by the City Council on first reading this 24th day of September, 2012.

PASSED, ADOPTED and APPROVED on second reading this 9th day of October, 2012.

CITY OF BILLINGS



By Thomas W. Hanel
Thomas W. Hanel, Mayor

ATTEST:

By Cari Martin
Cari Martin, City Clerk