

ORDINANCE NO. 2019-1

AN ORDINANCE TO AMEND TITLE 6 OF THE RONAN MUNICIPAL CODE TO PROVIDE FOR SOLICITOR'S BUSINESS LICENSING AND ESTABLISHING A PERMIT FEE AND PENALTIES THEREFOR

Whereas, the City of Ronan has adopted Title 6 to its Municipal Codes, providing certain rules and regulations pertaining to permanent business enterprises; and,

Whereas, the City of Ronan desires to adopt regulation of solicitors, as defined herein, in order to protect the public health and safety; and,

Whereas, administration by the City staff of such solicitor's licensing ought not burden the taxpayers, and ought instead be paid by the users thereof; and,

Whereas, the City Council desires to amend Ordinance No. 2010-01, to provide addition conditions and penalties for failure to comply with the said Ordinance:

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RONAN, MONTANA:

1. The foregoing are not mere Recitals but are part and parcel of this Ordinance.
2. Section 6-2-101, et seq., is hereby amended to read as follows:

VENDORS

6-2-101: Definitions. "vendor" within the meaning of this chapter is defined to be any person who goes from house to house or place to place within the city limits, or from a stand, wagon, railcar, motor vehicle, or upon any street, or upon any public grounds, or from temporary quarters within the city, whether such business be conducted by personal contact and interview or by use of telephone for such purposes, selling or taking orders for or offering to sell or take orders for goods, wares, merchandise, professional or personal services, or for the making, manufacturing, or repairing of any article or thing whatsoever, except those selling to merchants for resale.

6-2-102: Vendor business license required: Each individual or entity engaging in Vendor type business within the City must first obtain a Vendor license. The Vendor license must be obtained prior to soliciting any customer or offering any goods or products for sale. No vendor shall park a vehicle or any other movable temporary entity on any public street, alley or private lot between the hours of 9:00 o'clock p.m. until 9:00 o'clock a.m. without the prior approval of the City Council.

6-2-103: Application. Application for each license shall be made at City Hall during regular business hours upon payment of the usual fee therefore and completion of an application.

6-2-104: Terms and fees. There shall be three forms of license. The short-term license shall be good for one week from the date of issuance. The long term license is good from the issue date through December 31 of the same year. The Event license shall be good for City Parks and ballfields and any other city property for the length of the event only. Fees for each license shall be fixed from time to time by the Ronan City Council. Farmers Market is a long term license.

6-2-105: Denial or revocation. The City reserves the right to deny a license, or to revoke a license if issued, upon receiving citizen complaints regarding the vendor, merchandise or practices or upon discovering any misrepresentation or falsehood in the application.

6-2-106. Charitable Organizations. License applicants representing bona-fide charitable or fraternal organizations shall be exempt from for the license issued under this Chapter. The determination as to whether the applicant is a bona-fide charitable or fraternal organization is within the sole discretion of the City Council.

6-2-107. Penalties. Any person, firm, or organization conducting business within the City of Ronan that fail to comply with the terms hereof shall be subject to an administrative fine in an amount equal to double the then-existing cost of the license. A second offense shall be punishable by an administrative fine equal to four times the then-existing cost of the license. Third and subsequent offenses shall be punishable as provided in the City's general penalty municipal code.

6-2-108. Description of Stand. Vendor shall provide to the City of Ronan a description and photograph or drawing of any stand to be used in the operation of the business.

6-2-109. Health Permit. If selling food or beverages, Vendor shall obtain and provide copies to the City of Ronan of all required health permits from the State, County and/or Confederated Salish and Kootenai Tribe.

6-2-110. Permission Surrounding Property. Vendor shall obtain and provide copies to the City of Ronan of written permission from the manager or owner of all property surrounding the vending location of the vendor. Said permission shall state that the manager or owner has no objection to the vending business being located and operated on property abutting the manager or owner's property.

6-2-111. Sanitation. During the term of the license, Vendor shall provide and have at least one garbage can, and more as necessary, for the use of the public at the vending location. During the term of the license, Vendor shall keep the location free from refuse, garbage and other litter. At the end of the term of the license, Vendor shall remove all refuse, vendor property and vehicles and leave the vending location in as good condition as at the commencement of the license.

6-2-112. Vendor Vehicles. Vendor shall not park vehicle/s at the vending location when the business is not open to the public.

6-2-113. Signs and Advertising. All signs or advertising of Vendor shall be on Vendor's vehicle or stand and shall not be directly on property within the City of Ronan unless they do not block sidewalks or ingress or egress from other abutting properties and businesses.

6-2-114. Driving on City Property. Other than roadways, streets and alleys, Vendor may not drive over city property to the vending location without prior permission of the Ronan City.

6-2-115. Event vendor will be defined at the time of approval and shall pay the following fees: 4 vendors or less - \$75.00, 5 vendors or more - \$150.00.

6-2-116. School and Youth Groups not included. The provisions of this ordinance shall not apply to school sponsored or youth group activities, including but not limited to car washes and lemonade stands. The determination as to whether the applicant is a school sponsored or youth group activity is within the sole discretion of the City Council.

6-2-117. Activities not covered. The provisions of this ordinance shall not apply to rummage, garage or estate sales. The determination as to whether the activity is a rummage, garage or estate sale is within the sole discretion of the City Council.

6-2-118 Central Business District. The Central Business District of the City of Ronan is defined as including the streets one block north and south of Main Street from Highway 93 to hospital and on 93 within the city limits.

6-2-119 Insurance. Vendor who are required to purchase a vendor license hereunder shall provide insurance in the minimum amount of \$1,000,000 and shall name the City of Ronan as a co-insured and shall provide written proof of said insurance and co-insurance.

6-2-119 Indemnification. Vendors shall indemnify the City, including attorney fees and court costs, against all third parties claiming through the vendor or for any act of the vendor.

REPEALING CLAUSE: All Ordinances or parts of ordinances in conflict herewith are hereby repealed.

FIRST READING: May 6, 2019.

SECOND READING: May 20, 2019.

NOW, THEREFORE, the foregoing Ordinance shall become effective on June 19, 2019.

PASSED AND ADOPTED THIS date.

CITY OF RONAN

Kim Aipperspach, Mayor

ATTEST:

Kaylene Melton, City Clerk

APPROVED AS TO FORM:

Benjamin R. Anciaux
Anciaux Law Office,
Ronan City Attorney