

ORDINANCE 149-2022

**AN ORDINANCE REPEALING AND REPLACING TITLE 3 BUSINESS LICENSES
AND REGULATIONS**

Title 3 - BUSINESS LICENSES AND REGULATIONS

**CHAPTER 1
GENERAL PROVISIONS**

3-1-1: TITLE:

This title shall be known and cited as the *BUSINESS LICENSING ORDINANCE*. (Prior Code § 5.01.010; amd. 2003 Code)

3-1-2: ENACTING CLAUSE:

This title is adopted as an exercise of the general police powers of the Town for the promotion of health, sanitation, traffic control, building use, fire protection and general welfare of the community, to finance the regulation of those business activities authorized by title 7 of the Montana Code Annotated. (Prior Code § 5.01.020)

3-1-3: DEFINITIONS:

As used in this title, the following words and terms shall have the meanings ascribed to them in this section:

BUSINESS: Employment, occupation, profession, or commercial activity engaged in for profit. Every trade, occupation, profession, vocation, enterprise, nonprofit enterprise, establishment, or activity that is conducted for private profit or benefit and that is not specifically exempted by state law or this chapter. "Business" also includes the lease or rental of commercial facilities/buildings and includes the lease or rental of residential facilities, such as single-family homes, apartments, mobile homes, or condominiums, whether nightly or long-term. "Business" excludes temporary or short-term fundraising activities conducted by a church, school or by a nonprofit civic, fraternal organization, or individual under the age of eighteen.

BUSINESS ESTABLISHMENT: All structures used for sale or production of goods or services for profit.

CONTRACTOR: A person, firm, or corporation who, in the pursuit of any independent business, undertakes to do a specific piece of work for other persons, using his own means and methods and who renders service in the course of an independent occupation representing the will of his employer only as to the result of his work and not as a means by which it is accomplished. This definition shall include all building trades such as, but not limited to, general, carpenters, electrical, plumbing, roofing, mechanical, sheet metal and excavating contractors.

HOME INDUSTRIES: A trade, occupation, or profession for profit in the confines of a residential dwelling provided it is a secondary use of the dwelling and employs only family members. There shall be no outward signs or display of the profession without an approved sign permit from the Town of Ennis.

HOTEL: Includes motels, inns, boarding houses and lodging houses. (Prior Code §§ 5.20.010, 5.20.020)

ITINERANT VENDOR: Any person engaged or employed in the business of retailing to consumers by going from consumer to consumer, either on the streets or their place of residence or employment and there soliciting selling, or offering to sell, or exhibiting for sale (by sample, by catalogue or otherwise) or taking orders for future delivery of any goods, wares, or merchandise, or for services to be performed in the future. Itinerant vendors are prohibited within the Town of Ennis.

LODGING FACILITY: a residential or commercial building that contains individual sleeping rooms or suites and that provides overnight lodging for compensation. "Lodging facility" includes a hotel, motel, resort, dormitory, inn, condominium, dude ranch, guest ranch, hostel, public lodging house, time share, bed and breakfast facility, or nightly rental. "Lodging facility" also includes any campground, recreational vehicle or trailer park, or similar facility.

MANUFACTURING: The process of making goods, by machinery or by other method; the production of articles for use from raw or prepared materials by giving such materials new forms, qualities, properties, or combinations.

NONPROFIT ORGANIZATIONS: Any group which is religious, charitable, social, educational, recreational, or scientific which does not contemplate the distribution of pecuniary gains, profit, or dividends to the members thereof and that pecuniary profit is not the object of the group.

PERSON: An individual or a corporation, firm, partnership, association, or business entity.

PROFESSIONAL: Any person whose occupation is subject to the licensing and regulation requirements of title 37, Montana Code Annotated. (Prior Code § 5.40.010)

SHORT TERM RENTAL: A dwelling unit, or portion thereof, that is offered or provided to a guest by a short-term rental owner or operator for a fee for fewer than 30 consecutive nights. They are commonly referred to as vacation rentals and are a form of tourist or transient accommodations. Short-term rental units may be whole house rentals, apartments or condominiums but do not include hotels, motels, hospitals or nursing homes. For the purpose of administration and enforcement of this title, the terms "overnight rental," "nightly rental," and "vacation rental" are interchangeable with short-term rentals.

TRANSFERRED BUSINEES: Any business that changes location from one address to another address.

TRANSPORTATION FIRMS: Transportation for hire, while engaged in intracity, interurban, or intercity transporting of persons, freight, commodities, or any other type of goods or refuse.

UTILITIES: Utility services falling within the following listed categories: electric power, natural gas, telephone and any other public utility not otherwise classified in this title, which is regulated by the Public Service Commission.

VEHICLE: Every device in, upon, or by which persons or property are or may be transported upon a public way. (Prior Code §§ 5.04.010 _ 5.04.110)

CHAPTER 2 ADMINISTRATION AND ENFORCEMENT

3-2-1: LICENSE REQUIRED:

Pursuant to the provisions of title 7, chapter 21, parts 41 and 42, Montana Code Annotated, no person, business establishment, firm, association, or corporation shall conduct, operate, transact, engage in, or carry on any industry, trade, pursuit, profession, vocation, or business within the Town without first applying for and obtaining a license therefor from the Town as herein provided. (Prior Code § 5.06.010)

3-2-2: LICENSE FEES; PENALTIES; EXCEPTIONS:

A. License: The license to be issued shall be issued by the Town Clerk-Treasurer or Deputy Clerk and shall be countersigned by the Mayor.

B. License Fees: All license fees will be set by resolution by the Town of Ennis Commission. For the purpose of establishing business license fees, all business establishments, unless otherwise specified in this title, must pay appropriate fees as outlined by resolution before business operations begin. Business license fees may be reviewed annually and fee amounts will be set by Resolution of the Town Commission. The Town Clerk-Treasurer or Deputy Clerk shall collect the license fee as required by this title upon making of the application thereto.

C. Exceptions: The following enterprises shall be excepted from licensing:

1. A sole proprietor or home industry conducting a business from a residence with no employees or agents shall be exempt from the provisions of this title. (Prior Code § 5.06.020)
2. "Nonprofit organizations" as defined in section 3-1-3 of this title. (Prior Code § 5.06.020; amd. 2003 Code)
3. Any enterprise carried out by the Town, county, state, or federal governments.
4. Wholesalers and freight companies who deliver and sell merchandise on a regular basis solely to business establishments in the Town.
5. The Town shall not license a practicing professional governed by a section of title 37 of the Montana Code Annotated, only if the statute which forbids a local government from imposing such a license is specifically made applicable to local governments with self-government

powers or if the Montana supreme court has specifically made that statute applicable to self-governing powers. (Prior Code § 5.06.020)

3-2-3: APPLICATION:

Application for licenses shall be obtained from and filed with the Town Clerk-Treasurer or Deputy Clerk. All applications, when filed, shall be accompanied with the necessary fees and any other documents required and shall be signed by the applicant. The form of the application shall be determined by the Town Clerk-Treasurer or Deputy Clerk, but shall contain a statement regarding the applicant's agreement to all terms and conditions of Ennis Town Code or other applicable ordinances.

3-2-4: SEPARATE LICENSE REQUIRED:

Except as otherwise provided, no license issued by the Town Clerk-Treasurer or Deputy Clerk shall cover more than one classification or more than one trade, pursuit, business, occupation, vocation, or entertainment. (Prior Code § 5.06.030)

3-2-5: ALLOCATION OF FEES:

All fees collected under this title shall be deposited by the Town Clerk-Treasurer or Deputy Clerk in the all-purpose general fund and used to support the various departments, divisions and activities of the Town charged with providing the special services required and for the administration of this title. (Prior Code § 5.06.040)

3-2-6: ISSUANCE:

Upon successful application, the Town Clerk-Treasurer or Deputy Clerk shall issue a license in accordance with the provisions of this title. (Prior Code § 5.06.100)

3-2-7: TERM OF LICENSE:

- A. Prohibition On Rebate/Proration: License fees shall not be prorated. No rebate or refund of any license fee, or part thereof, shall be made by reason of the nonuse of such license or by reason of a change of location or business rendering the use of such license ineffective.
- B. License Year: Except where otherwise specifically provided in connection with a business, the license year shall run from July 1 until June 30 of the following year. No person may continue to operate a business after the expiration of the license unless an application has been made for a new license and a new license has been issued. (Prior Code § 5.06.120)
- C. Renewal:
 - 1. Filing Deadline: All applications and renewals for an annual license, as required herein, shall be filed with the Town Clerk-Treasurer or Deputy Clerk no later than August 1 of each year.
 - 2. Declared Delinquent: Applications filed after August 1 are hereby declared delinquent and shall pay a late fee of \$10 per month; total late fee not to exceed cost of business license. Applications postmarked by midnight of August 1 shall not be declared delinquent.

3-2-8: TRANSFERABILITY:

A. Licensee: No license shall be transferable to another licensee and this shall be stated on both the application and the license. (Prior Code § 5.06.110; and. 2003 Code)

B. Location Change: When a business is moved from one location to another, the license for such business shall be transferred to the new location. The licensee shall complete a new application with the updated information/location and pay any applicable transfer fees, submit new application to the Town Clerk-Treasurer or Deputy Clerk and obtain updated license before operating in new location.

3-2-9: POSTING REQUIRED:

Every license issued under the provisions of this title shall be posted in a conspicuous place on the premises where the business is conducted. All licenses issued for a business without a fixed place of business shall be carried by the licensee while the licensee is conducting business and shall be shown to any person with whom the licensee is conducting business or any law enforcement officer upon demand. (Prior Code § 5.06.150)

3-2-10: INSPECTION AND REGULATION; EXCEPTION:

A. Authority to Inspect: Any business in the Town may be inspected by Town officers and employees authorized to enforce provisions of ordinances relating to that business.

B. Time of Inspection: In the absence of an emergency and in the absence of sound reasons whereby an inspection cannot be made during regular business hours, inspections shall be made during normal business hours.

C. Identification: Immediately upon arriving at a place of business for the purpose of making an inspection, the Town officer or employee making the inspection shall identify himself or herself and shall state that the purpose of the visit is to make an inspection.

D. Exception: The Town may not regulate, inspect, control and supervise any aspect of a profession that is duly licensed and regulated by the state or federal government where such regulation, inspection, control and supervision are clearly covered and provided for by such governmental agency. (Prior code § 5.06.050)

3-2-11: NUMBER OF LICENSES:

In the absence of a specific provision to the contrary, no ordinance is to be interpreted as limiting the number of licenses that may be issued or as limiting the number of business enterprises of any particular kind that may be operated in the Town. No Town officer or employee may refuse to issue a license because of the officer's or employee's belief that there are enough of a particular type of business in the Town already. (Prior code § 5.06.160)

3-2-12: LICENSES ISSUED CONTRARY TO TITLE:

Any license issued in violation of this title shall be null and void and of no effect without necessity of any proceedings or revocation or nullification thereof. (Prior code § 5.06.170)

3-2-13: UNLAWFUL ACTIVITIES:

No provision herein contained shall be construed so as to license any trade, business, occupation,

vocation, profession, or entertainment prohibited by any enforced law of the United States, of the state, or any ordinance of the Town. (Prior code § 5.06.180; amd. Ord. 134, 11-5-2010)

3-2-14: INTERSTATE COMMERCE:

Nothing in this title contained is intended to operate as to interfere with the power of the Congress of the United States to regulate the commerce between the states. (Prior code § 5.06.190)

3-2-15: GROUNDS FOR REVOCATION:

The Mayor, on recommendation of the Town Clerk-Treasurer or Deputy Clerk or law enforcement personnel may revoke and cancel any license issued by the Town for fraud or misrepresentation in its procurement or for violation of any provision of this code or any ordinance of the Town or any state or enforced federal statute. (Prior code § 5.06.070; amd. Ord. 134, 11-5-2010)

3-2-16: NOTICE OF DENIAL OR REVOCATION:

Denials of applications or revocations of Town licenses shall be made in writing and the applicant shall be notified by certified mail, return receipt requested. The notice shall be mailed within three (3) working days of denial or revocation. (Prior code § 5.06.080)

3-2-17: APPEAL:

A. Notice of Appeal: An applicant who has been denied a license or whose license has been revoked may appeal said denial or revocation to the Town Commission by notice, in writing, filed with the Town Clerk-Treasurer or Deputy Clerk within ten (10) days of the date of the revocation or denial.

B. Contents of Notice: The notice shall state any reasons supporting the grant of a license, the applicant's correct mailing address and shall be signed by the applicant.

C. Placement of Agenda: The Clerk-Treasurer shall cause the matter to be placed on the Commission agenda not more than thirty (30) days after the receipt of the notice of appeal.

D. Notice of Hearing: The applicant shall be notified, in writing, by certified mail, return receipt requested, of the date and time the matter will be considered on the agenda.

E. Hearing: The applicant may appear at the time and place and be heard. The applicant may be represented by counsel at this hearing. No such suspension or revocation is final until the licensee has been given the opportunity for a hearing to contest the suspension or revocation under the procedures prescribed. (Prior code § 5.06.090)

3-2-18: VIOLATION; PENALTY:

A. Form of Complaint: Whenever a violation of this title occurs or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the cause and basis thereof shall be filed with the Town Clerk-Treasurer or Deputy Clerk, who shall make or cause to be made a complete investigation of the allegations and take the appropriate action as provided by this title. (Prior code § 5.28.010)

B. Penalty: Violations of the provisions of this title or failure to comply with any of its requirements shall constitute a misdemeanor. Any person who violates this title or fails to comply with any of its requirements shall, upon conviction thereof, be subject to penalty as provided in section 1-4-1 of this code, and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense and punishable as such. (Prior Code § 5.28.020; amd. 2003 Code)

CHAPTER 3 JUNK DEALERS, PAWNBROKERS, SECONDHAND DEALERS AND ANTIQUE DEALERS¹

3-3-1: DEFINITIONS:

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

ANTIQUÉ DEALER: Any person, partnership, or corporation who engages in the business of buying and selling, trading, or taking as pledge, pawn, or security for money loaned any antique or other object the value of which appreciates with age.

COIN DEALER: Any person, partnership, or corporation who engages in the business of buying and selling, trading, or taking as pledge, pawn, or security for money loaned any coin issued by the government of the United States or any other government which is or ever has been in existence.

GEM DEALER: Any person, partnership, or corporation who engages in the business of buying and selling, trading, or taking as pledge, pawn, or security for money loaned any gem or precious stone.

JUNK DEALER: Any person who engages in the business of buying and selling old iron, lead, steel, copper, brass, or other metals, bottles, or broken glass, bagging, secondhand clothing, or secondhand goods, wares, or merchandise, etc., of any kind, or any other article usually found in a junk shop.

PAWNBROKER: Any person whose business it is to take or receive by the way of pledge, pawn, or exchange any goods, wares, or merchandise, or any kind of personal property whatsoever as security for the repayment of money loaned.

SECONDHAND DEALER: Any person, partnership, or corporation who engages in the business of buying and selling, trading, or taking as pledge, pawn, or security for money loaned any secondhand or used merchandise or property of any kind.

STAMP DEALER: Any person, partnership, or corporation who engages in the business of buying and selling, trading, or taking as pledge, pawn, or security for money loaned any stamp issued by the government of the United States or any other government which is or ever has been in existence. (Prior Code § 5.18.010)

3-3-2: REGISTER; POLICE INSPECTION:

A. Any person who carries on the business of pawnbroker, secondhand dealer, junk dealer, keeper of a secondhand store, keeper of a junk shop, coin dealer, stamp dealer, gem dealer, or antique dealer shall keep a register in which shall be entered in legible writing a description of every article pawned to him or purchased by him, with:

1. The date of the pawning or purchasing;
2. Date when the article must be redeemed;
3. The name of the person by whom the same was pawned or by whom purchased; and
4. The amount loaned thereon or paid therefor.

B. In case of the sale of any article pawned or pledged, the pawnbroker or junk dealer must enter upon said register:

1. The name of the purchaser;
2. The time of the sale; and
3. The price paid therefor.

C. The register must always be open to inspection and examination of any peace officer or other persons. (Prior Code § 5.18.020; amd. 2003 Code)

3-3-3: EXAMINATION OF REGISTER AND PROPERTY:

No person carrying on the business of a pawnbroker, junk dealer, secondhand dealer, keeper of a secondhand store, coin dealer, stamp dealer, gem dealer, or antique dealer shall fail or neglect to keep the register required by section 3-3-2 of this chapter or refuse to exhibit it to the chief law enforcement officer of the Town or to any law enforcement officer, or to any third person brought as a friend to redeem property pledged by another requesting to do so, or refuse to permit the chief law enforcement officer for the Town or any law enforcement officer or any third person brought by the pledgor or to redeem property pledged to inspect any article purchased or traded or received. (Prior Code § 5.18.030)

3-3-4: REPORT TO POLICE:

Any person carrying on the business of a pawnbroker, junk dealer, secondhand dealer, keeper of a junk shop, keeper of a secondhand store, coin dealer, stamp dealer, gem dealer, or antique dealer shall be required to make at twelve o'clock (12:00) noon of each day a copy of the entries for the preceding twenty four (24) hours in the register required by section 3-3-2 of this chapter and to deliver a copy of the same to the chief law enforcement officer for the Town, except items purchased from all estate sales, licensed auction sales, licensed dealers and regular licensed suppliers. (Prior Code § 5.18.040)

3-3-5: RETENTION AFTER DELIVERY OF REGISTER TO POLICE:

No property or article purchased, traded, or received by a pawnbroker, junk dealer, secondhand dealer, keeper of a junk shop, keeper of a secondhand store, coin dealer, stamp dealer, gem dealer, or antique dealer shall be sold or taken from the place of business for one week after the date of its receipt and the entry of its description in the register and delivery of a copy of such

register to the chief law enforcement officer for the Town, except upon written authority from the chief law enforcement officer. (Prior Code § 5.18.050)

3-3-6: RECEIVING ARTICLES FROM MINORS:

No person carrying on the business of a pawnbroker, junk dealer, secondhand dealer, keeper of a junk shop, keeper of a secondhand store, coin dealer, stamp dealer, gem dealer, or antique dealer shall purchase, trade, or receive any article from any person eighteen (18) years of age or under without the written consent of the parent or guardian of such minor. (Prior Code § 5.18.060; amd. 2003 Code)

CHAPTER 4 SHORT TERM RENTALS

3-4-1 Short-Term Rental Compliance

A short-term rental is defined in 3-1-3.

1. In order to operate a short-term rental in the Town of Ennis, the owner is required to abide by all applicable sections of Town Code in addition to applying for and obtaining a business license with the Town before beginning operations. Accompanied with the annual business license application must be:
 - a. Completed Town of Ennis Short-Term Rental Property Inspection Checklist
 - b. Any applicable State, County or other licenses, inspections or required documents
2. On each short-term rental property, a visible sign must be posted with clear instruction for contacting the property owner or manager, with the following information:
 - a. Business Name
 - b. Area code and telephone number where assistance is available 24 hours a day, 365 days a year

CHAPTER 5 GUEST REGISTERS¹

3-5-1: DEFINITIONS:

As used in this chapter, the following words and terms shall have the meanings ascribed to them in this section:

GUEST: Any person who shall resort to a hotel, motel or short term rental within the Town limits for refreshment or lodging for any period of time during the day or night.

3-5-2: GUEST REGISTER:

- A. Required; Inspection: Every hotel/short-term rental in the Town shall keep and maintain a register to which each guest shall enter his name and address upon the day of arrival. Such register shall be available for inspection by law enforcement officers at all times.
- B. Required; Emergency Contact: Every hotel/short-term rental in the Town shall provide a local emergency contact name, with phone number, to the Town to keep on record in case of need for emergency notification.
- C. Failure To Provide Or Maintain: Failure to provide or maintain such a register, or failure to require any guest to enter his name and address therein on the day of arrival, or to knowingly enter or permit such guest to enter a false or fictitious name or address in such register as the name and address of such guest shall be a violation of this chapter. (Prior Code § 5.20.020)

3-5-3: FAILURE TO SIGN; FALSE ENTRIES:

Any guest who fails or refuses to enter his name and address in the register provided upon his arrival, or who shall enter a false or fictitious name or address as his own in such register shall be deemed guilty of a violation of this chapter. (Prior Code § 5.20.030)

CHAPTER 6 MEDICAL MARIJUANA

3-6-1: DEFINITIONS:

CAREGIVER: An individual, eighteen (18) years of age or older who has agreed to undertake responsibility for managing the wellbeing of a person with respect to the medical use of medical marijuana. A qualifying patient may have only one caregiver at any one time.

COMMERCIAL PURPOSES: Where medicinal medical marijuana is grown, produced, cultivated or provided for resale, barter or gift to a person not a resident of that household or where more than two (2) patients acquire medicine from a residential home business.

ELECTRICAL INSPECTION: An inspection by a licensed electrician to ensure entire facility meets national electric code.

GROW HOUSE: A commercial grow facility where medical marijuana is grown, produced or cultivated.

INVOLUNTARY EXPOSURE: Any circumstance where one individual may consume secondhand smoke without knowledge or consent.

MARIJUANA: All plant material from the genus Cannabis containing tetrahydrocannabinol (THC) or seeds of the genus capable of germination.

MEDICAL MARIJUANA: The uses of medical marijuana described in 50-46-102, Montana Code Annotated. Other phrases herein such as the "use of medical marijuana" or "the medical use of medical marijuana" shall have the same meaning.

MEDICAL MARIJUANA DELIVERY LICENSE: Required for anyone delivering medical marijuana in the Town of Ennis, unless they have already obtained a storefront license.

MEDICAL USE:

A. The acquisition, possession, cultivation, manufacture, delivery, transfer, or transportation of medical marijuana or paraphernalia by a qualifying patient or a caregiver relating to the consumption of medical marijuana to alleviate the symptoms or effects of a qualifying patient's debilitating medical condition;

B. The use of medical marijuana or paraphernalia by a qualifying patient to alleviate the symptoms or effects of the patient's debilitating medical condition; or

C. The use of paraphernalia by a caregiver for the cultivation, manufacture, delivery, transfer, or transportation of medical marijuana for use by a qualifying patient.

ODOR ABATEMENT SYSTEM: A barrier that eliminates the smell of medical marijuana from exiting the building.

OPEN TO THE PUBLIC: Anywhere in the Town of Ennis that is commonly used by public.

PRODUCTION: Includes the manufacture, planting, cultivation, growing, or harvesting of a substance or drug regulated under the provisions of this chapter.

SECURITY INSPECTION: An inspection from the Ennis Police Department to ensure that all the required security measures are in place and functioning well.

STOREFRONT: A retail outlet where patients licensed to that caregiver may either walk in, or by appointment, purchase their medicine on site. A medical marijuana storefront is a business and single location used solely for the distribution and sale to patients of medical marijuana. The location or business is not to be used for the testing, growing or processing of medical marijuana. (Ord. 134, 11-5-2010)

3-6-2: APPLICABILITY; FAILURE TO MAINTAIN STATE AUTHORIZATION:

For purposes of this chapter, the definitions, words, phrases, and expressions as set forth in this chapter are to be construed the same as those set forth in the Montana Medical Marijuana Act¹. Any individual or entity licensed under this chapter to conduct any transaction, use or business, involving medical marijuana, in addition to the requirements of this chapter, is subject to all other requirements of this title, this code, and the Montana medical marijuana act and any limits on possession, clean air, and all other provisions of title 50, chapter 46, and any applicable administrative rules established by the state. Should such rules or laws change, any person or entity licensed under this chapter shall immediately come into compliance with any newly adopted rules. Notwithstanding the above, nothing in this code shall be construed to authorize any person or entity to perform any act or conduct any enterprise not in conformance with state law. Compliance with this title does not shield any person, corporation, or other legal entity from the requirements of, or enforcement by, other governing entities, or from civil liabilities. Each individual or entity issued a license under this chapter shall at all times maintain authorization from the state of Montana to acquire, possess, cultivate, manufacture, deliver, transfer, or transport medical marijuana. Failure to maintain authorization under the medical marijuana act shall be cause for immediate suspension of a license issued under this chapter and may be cause for revocation or cause for criminal prosecution as provided by law. (Ord. 134, 11-5-2010)

3-7-3: LICENSE; APPLICATION, FEES, TRANSFERABILITY:

A. Business Licenses: Any individual or entity desiring to conduct any transaction, use, or business regarding medical marijuana within the Town of Ennis must first submit and obtain approval for an application for a business license under this chapter from the Town Clerk-Treasurer or Deputy Clerk. Prior to receiving any business license(s), all fees must be paid and all documentation provided that all the inspection(s) have been performed and passed for such license(s) as established by this title. An activity where a duly licensed medical doctor engages in the review of a person's medical condition for purposes of recommending medical marijuana and who does not provide medical marijuana to a qualifying patient is not subject to these licensing requirements but may be subject to other requirements of this code.

There shall be the following types of business licenses related to medical marijuana activities conducted in the Town of Ennis regardless of whether the medical marijuana is sold, bartered, exchanged, or gifted:

1. Storefront/Retail Locations: Any person or entity that provides a permanent location other than the residence of the person's or entity's qualifying patient(s) where a transaction or use related to medical marijuana is engaged in for more than three (3) qualifying patients registered by the state of Montana to the applicant or the applicant's employees or agents shall prior to engaging in such transaction or use obtain a medical marijuana storefront license. The maximum number of medical marijuana storefront licenses shall be three (3) within the Town of Ennis. Prior to approval the storefront must meet all security requirements, and present documents verifying the security equipment is in place and functioning well.
2. Delivery: Any person or entity that delivers medical marijuana within the Town of Ennis to more than three (3) qualifying patients residing in the Town of Ennis or another entity regardless of whether the medical marijuana is sold, bartered, exchanged, or gifted shall prior to engaging in such activity obtain a medical marijuana delivery license. A medical marijuana delivery license is required for anyone delivering medical marijuana in the Town of Ennis. A medical marijuana delivery license is included with a storefront, growing and/or processing license.
3. Growing and/or Processing: Any person or entity that operates a facility for the purpose of growing and/or processing medical marijuana shall prior to engaging in such activity obtain a medical marijuana grow license. Prior to the license being issued the grow facility must pass all security, electrical and ventilation requirements, and present documents verifying that they have passed inspection. The Town of Ennis has the right to request that the fire marshal inspect the facilities as well.
4. Processing: All processing of food or sundry products with medical marijuana as an ingredient shall meet all security requirements as set forth herein. All food products must be prepared in a licensed commercial kitchen. A processing license is for a business wishing to alter raw medicine into different forms of medicine for medicinal marijuana purposes. This does not allow the facility to be used as a storefront, grow house, testing or delivery unless the applicable license or licenses have been obtained.
5. Testing Facilities: All medical marijuana testing facilities shall meet the security requirements and ventilation requirements. A medical marijuana testing

facility license is solely for the purpose of testing marijuana for chemical components, structure or abnormalities in the medicine and is not licensed to grow, process, deliver, or be used as a storefront.

A person or entity desiring to engage in an activity related to medical marijuana must obtain a separate license for each activity described above except a person or entity obtaining a medical marijuana storefront license may also under said license deliver medical marijuana from that location without obtaining a separate medical marijuana delivery license. A person who has obtained a medical marijuana growing license may process at the same facility without obtaining a separate processing license. All installation and inspections are the applicant's responsibility, and must be completed before applying for any license.

6. Any food preparation must be done in a commercial kitchen.

7. Transferability: A license issued under this chapter is not transferable. (Ord. 134, 11-5-2010)

B. Application:

1. Contents: An application under this chapter, in addition to the requirements in chapter 2 of this title, shall include the following:

a. The name of all owners/principals of the business as applicable and the name of all agents, contractors or employees, if any;

b. Documentation demonstrating the applicant and all owners/principals, agents, contractors or employees, as applicable, that may be involved in transactions regarding medical marijuana within the Town of Ennis are registered with the state of Montana under title 50, chapter 46, Montana Code Annotated, and are duly authorized by state law to acquire, possess, cultivate, manufacture, deliver, transfer, or transport medical marijuana;

c. Documentation of any inspection(s) required must be provided to the Town clerk;

d. A statement addressing how the applicant will comply with the security requirement provisions of section 3-15-6 of this chapter; and

e. Each applicant for a business license shall provide a detailed statement regarding the nature of activities related to medical marijuana for which the applicant is engaged in and the specific license(s) for which an application is being submitted.

2. Confidentiality: An application for business license under this chapter is a public document except that the names of all agents, employees and/or contractors and the number of qualifying patients provided to the Town of Ennis in fulfillment of the requirements of this chapter are to be kept on a separate form and are to be considered confidential by the Town of Ennis unless disclosure is required by law. Nothing herein shall prevent a duly authorized agent of the Town of Ennis from sharing the information described in this section with other authorized federal, state, or local law enforcement as necessary to perform official duties.

C. Fees: All license fees, delinquent penalties or other are set by resolution by the Town Commission. Growing and/or processing occurring at the same physical location only require a single license, however all business activities must be listed on the license application.

3-6-4: VARIANCE:

Variance for the number of storefront/retail locations:

A. The applicant shall provide the commission with documentation to support the need of the community to exceed the limit of storefront/retail locations.

B. The applicant shall provide the commission with documentation to support its ability to abide by all the necessary requirements of that location, including security requirements.

C. The variance application accompanied by a proper business license request shall be submitted to the commission for their consideration. (Ord. 134, 11-5-2010)

3-6-5: INSPECTION:

The authorization to inspect as a condition of receiving a business license under this chapter, local law enforcement, may without notice during normal business hours inspect any premises under license pursuant to this chapter to determine whether the licensee is in compliance with the Montana medical marijuana act or any other state or local regulation, and may inspect the number of plants or amount of medical marijuana or usable medical marijuana on the premises or in control of the licensee to determine whether these amounts correspond to the amounts established by title 50, chapter 46, Montana Code Annotated, which the licensee is authorized to lawfully possess. Businesses must at that time be able to present documentation for all patients to include their medical marijuana identification number, and expiration date for current patients applicable to that location to justify number of plants, and/or quantity of medicine present. Proof that all employees who handle plants are licensed caregivers or licensed patients and are in compliance with current state statute. A minimum of three (3) inspections must be made annually. (Ord. 134, 11-5-2010)

3-6-6: SECURITY REQUIREMENTS:

Prior to issuance of a license under this chapter, a medical marijuana commercial business where any amount of medical marijuana or usable medical marijuana is stored on the premises and/or where medical marijuana is grown in any amount shall be secured at all times by a physical barrier with suitable locks and also by an electronic barrier or alarm that is designed to detect entry by unauthorized persons at any time. In addition, any medical marijuana or usable medical marijuana grown or stored on the premises after normal business hours shall be kept in a security safe incorporated into the building's structure or securely attached thereto. Security cameras must be placed internally and externally of the facility along with recording equipment for logging the recorded footage. (Ord. 134, 11-5-2010)

**CHAPTER 7
FEE SCHEDULE**

3-7-1: BUSINESS LICENSE FEE SCHEDULE:

The following fee schedule may be updated by resolution of the Town Commission.

BASIC BUSINESS LICENSE FEE	\$50
ANY ESTABLISHMENT SELLING LIQUOR	\$250
ANY ESTABLISHMENT SELLING BEER & WINE ONLY	\$175
CAMPGROUNDS & RV PARKS	BASIC FEE PLUS \$1 PER UNIT/SPACE
COMMUNICATIONS & TECHNOLOGY	\$100
EXPOSITIONS AND EVENTS (DOES NOT APPLY TO NOT-FOR-PROFITS)	\$25 PER VENDOR
LODGING	BASIC FEE PLUS \$3 PER UNIT
SHORT-TERM RENTAL	\$150
TRANSFERRED BUSINESS LICENSSE	\$25
MARIJUANA STOREFRONT	BASIC FEE PLUS \$250
MARIJUANA DELIVERY	BASIC FEE PLUS \$250
MARIJUANA GROWING	BASIC FEE PLUS \$250
MARIJUANA PROCESSING	BASIC FEE PLUS \$250
MARIJUANA TESTING FACILITY	BASIC FEE PLUS \$250

LEGISLATIVE NOTES PUBLICATION AND VOTING

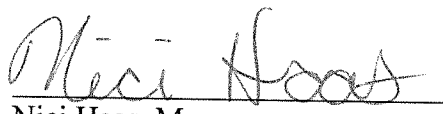
Date of First Public Reading: April 28, 2022.

Date of Second Public Reading: May 19, 2022.

Record of vote of First and Second Public Reading: April 28, 2022 and May 19, 2022 at regularly scheduled duly noticed public meeting held at Ennis Town Hall, 328 West Main Street, Ennis, Montana, the following Commissioners being present voted as follows:


Commissioner	Present/Absent	Vote 4/28/22	Vote 5/19/22
Allison	P	yes	yes
Hankins	P	yes	yes
Hardy	P	yes	yes
Palmerton	P	yes	yes
Ranson	P	yes	yes

PASSED, ADOPTED AND FINALLY APPROVED by the Town of Commission of the Town of Ennis, Montana, at a regular session thereof held on the 19th day of May, 2022.



Nici Haas, Mayor

ATTEST:



Ginger Guinn, Clerk/Treasurer