

ORDINANCE NO. 74

AN ORDINANCE OF THE TOWN OF ENNIS, PROVIDING FOR THE ISSUANCE, SUSPENSION, AND REVOCATION OF GAMBLING LICENSES AND LICENSES FOR CARD GAMES, BINGO, RAFFLES, AND SPORT POOLS.

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BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF ENNIS, MONTANA AS FOLLOWS, TO-WIT:

SECTION 1

LICENSE REQUIRED

Pursuant to the provisions of Section 23-5-321 and 23-5-421, Montana Codes Annotated, 1979, no gambling shall be conducted in the Town of Ennis, Montana by anyone, either as owner, lessee, or employee, whether for hire or not, either solely or in conjunction with others, on premises which have been licensed for the sale of liquor, beer, food, cigarettes, or any other consumable products, without having first procured and thereafter maintaining in full force and effect a gaming license issued by the governing body.

SECTION 2

DEFINITIONS

A. A game of chance as the term is used herein shall be any game of chance authorized by the Acts referred to in paragraph 1 of this Ordinance.

B. A gaming device shall be any and all devices specifically named in the Acts referred to in paragraph 1 including but not limited to any devices which by pictorial display, mechanical or electronic means, simulate or represent such specifically named devices and by which such pictorial display, mechanical and electronic devices:

(1) Provide for a ratio of wins to losses for the players as opposed to the said devices as good or better than the ratio would be when the game would be played without such devices and;

(2) Provide random selection of wins as opposed to losses without overriding controls in either the players or the operator of such devices.

SECTION 3

LICENSES

A. A license known as a Class A license under this Ordinance shall be issued to each person, firm, entity or corporation making applications annually therefor who shall qualify under the provisions of the Acts referred to in paragraph 1 and who shall pay the required fee therefor. Such license shall authorize the holder to maintain or permit games of chance as authorized by this Ordinance and the laws of the State of Montana upon premises owned, leased or operated and managed by such person, firm, entity or corporation and where consumable products are otherwise sold.

B. A firm, entity or corporation shall qualify for a license if the principals, partners or principal officers in the case of corporations, shall qualify as individual persons.

C. Each applicant for a license under this Ordinance shall make application to the Town Clerk in writing, signed by the applicant and directed to the commission, which application shall specify the location by street and number of the premises where authorized card games and games of chance are to be conducted under the license applied for. The application must be accompanied by satisfactory evidence that the applicant is currently licensed

for the sale of liquor, beer, goods, cigarettes, or any other consumable products, or has applied for such a license. The license application shall set forth the character of gaming to be conducted, including the actual number of games to be operated.

D. Upon submission of the application and payment of the proper fee, the Class A license shall be issued by the Town Clerk.

E. Each holder of the Class A license shall in addition obtain a Class B license for each set of gaming devices sufficient to operate an authorized game of chance as herein defined in paragraph 2B and each table used for card games authorized herein, kept, maintained or operated on the premises authorized in the Class A license concerned.

SECTION 4

LICENSE FEES

A. The license fees charged for each of the licenses provided for in Section 3 shall be for a fiscal year. Licenses issued effective January 1, 1983 shall be pro-rated for the period of June 30, 1983. Thereafter, annual licenses shall be issued for one year periods due and payable by the 30th day of June of each year as follows:

1. Class A license \$50.00
2. Class B license \$200.00 per each electronic machine
 \$25.00 per each card table

B. Any fraternal or country club or veteran's organization holding a license under these regulations shall be entitled to operate additional gaming tables without charge on special occasions and social meetings of the members.

C. There shall be a conspicuous sign placed in proximity of each card table stating whether the table is used as a gambling table or amusement table.

D. Each person obtaining a license under the Bingo and Raffles Law shall pay an annual license fee of fifty dollars (\$50.00). Said license fee shall be due and payable on the 30th day of June each year.

E. Each person not obtaining an annual license may obtain a license for fifty dollars (\$50.00) for each day of operation under the Bingo and Raffle Law except that each person conducting a raffle other than in a gaming establishment licensed on an annual basis shall pay a fee of two hundred dollars (\$200.00) or five percent (5%) of the retail value of prizes to be awarded, whichever is the larger amount, for each raffle conducted. No more than two (2) temporary licenses may be issued to any one person or for the benefit of any one organization in any one year to conduct a raffle.

SECTION 5

LIMITATIONS

A. No person, firm, entity or corporation shall be a holder of a Class B license unless he is a holder of Class A license.

B. Any license issued pursuant to this Ordinance shall be considered revocable privilege not transferable and shall be revocable by the Town of Ennis Council upon its finding after duly noticed hearing that :

1. The holder has been convicted of a felony or misdemeanor originally triable in District Court of this state or a comparable crime or offense in another state or country, or

2. The holder has made false statements to authorities in his application for a license under this Ordinance, or

3. The holder has become disqualified to make original application for a license.

C. This Ordinance shall not apply to any person, firm, entity or corporation which maintains premises whereon authorized games are played or authorized devices are used for periods of not to exceed three consecutive days in any of five months per calendar year.

SECTION 6

REVOCACTION OF LICENSES

A. Any license issued pursuant of these regulations shall be deemed to be a revocable privilege, and no holder thereof shall acquire any vested rights therein or thereunder. Licenses issued under these regulations may be revoked for any violation of the Montana Card Games Act, or for any violation of the Bingo and Raffles Law.

B. Every person who willfully violates or procures, aids or abets in the willful violation of this Ordinance, shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than \$500.00 or imprisonment for three (3) months or both.

SECTION 7

EXEMPTIONS

A. All non-profit organizations are exempted from Sections one thru five of this ordinance

SECTION 8

A. All ordinances and parts of ordinances in conflict herewith are hereby repealed.

Passed by the Ennis Town Council and approved by the Mayor this 29th day of November 1982.


RANDY KIRTLEY, MAYOR

ATTEST:


VICKI J MANNING TOWN CLERK