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Please print the following legal notice in the ~~1st~~ ~~10th~~, June 2nd, 9th ~~issues~~ ~~issues~~

ORDINANCE NO. 78

AN ORDINANCE OF THE TOWN OF ENNIS TO AMEND TITLE 5 OF THE ENNIS TOWN CODES BUSINESS LICENSES AND REGULATIONS OF THE ENNIS MUNICIPAL CODES PROVIDING FOR LICENSING OF ALL INDUSTRIES, TRADES, PROFESSIONS, VOCATIONS AND BUSINESS ESTABLISHMENTS, PROVIDING FOR BONDING OF CERTAIN ENTERPRISES FOR THE PUBLIC PROTECTION, PROVIDING PENALTIES FOR VIOLATIONS AND REPEALING ANY ORDINANCE OR PARKS OF ORDINANCES IN CONFLICT THEREWITH.

Town of Ennis
State of Montana
Madison County

I, Vicki J Manning, Town Clerk of the Town of Ennis, Montana, do hereby certify that the foregoing is the true and correct title and number of Ordinance No. 78 passed and adopted at a special session thereof held on the 24th day of May, 1983

Dated this 25th day of May, 1983

Vicki J. Manning
Vicki J Manning

Town clerk of The Town of Ennis

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BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF ENNIS:

SECTION 1

That Title 5, Business Licenses and Regulations of the Ennis Town Code be, and the same is hereby amended to read as follows:

CHAPTER 5.01

GENERAL PROVISIONS

5.01.010 TITLE

This ordinance shall be know and cited as the Business Licensing Ordinance of the Town of Ennis and referred to as the licensing codes of the Ennis Town Code.

5.01.020 MINIMUM REQUIREMENTS

In their interpretation and application the provisions of this ordinance shall be held to be minimum requirements adopted as an exercise of the general police powers of the Town of Ennis for the promotion of health, sanitation, traffic control, building use, fire protection, and general welfare of the community.

SECTION 2

CHAPTER 5.04

DEFINITIONS

5.04.010 CONTRACTOR BUILDING

A contractor is 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 without submitting himself to their control in respect to all its details, 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 to 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, sheetmetal and excavating contractors.

5.04.020 BUSINESS

Employment, occupation, profession, or commercial activity engages in for gain or livelihood. Activity or enterprise for gain, benefit, advantage or livelihood.

5.04.030 BUSINESS ESTABLISHMENT

All structures used for commercial means of employment or services rendered for gain or livelihood. This definition shall include but not limited to retail businesses, hospitals, nursing homes, medical clinics, doctor offices, and separate buildings from a residence.

5.04.040 HOME INDUSTRIES

A trade, occupation, or profession for commercial gain within the confine of ones personal dwelling provided it is a secondary use of the dwelling and employs only family members. There shall be not outward signs or display of the profession.

5.04.050 MANUFACTURING

The process of operation of making goods or any material produced by hand, by machinery or by other agency; anything made from raw materials by the hand, by machinery, or by art. The production of articles for use from raw or prepared materials by giving such materials new forms, qualities, properties, or combinations,

whether by hand, labor or machine.

5.04.060 NON PROFIT ORGANIZATIONS

A non-profit organization is 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.

5.04.070 SERVICES, OUTSIDE

Those businesses, occupations, trades and pursuits whose services are not rendered from their business location, rather the services must be rendered at the customer's location. This category would include, but not limited to the following services: tree spraying, tree trimming, custodial services and landscaping.

5.04.080 TRANSPORTATION FIRMS

Transportation for hire, engaged in intracity, interurban, or intercity transporting of persons, freight, commodities, refuse or any other type of goods. Transportation firms which fall into this category include but not limited to bus companies, taxicabs and limousine services, automobile rentals and leasing, trucking companies, intracity transportation and delivery services, charter and tour bus businesses, refuse or solid waste haulers, truck terminals and ambulance services.

5.04.090 UTILITIES

Utilities services falling within the following listed categories: electric power, natural gas, telephone, and any other public utility not otherwise classified in this chapter.

5.04.100 VEHICLE

Every device in, upon or by which person or property is or may be transported upon a highway.

5.04.110 LICENSE FEES

The license to be issued shall be issued by the Town Clerk and shall be countersigned by the Mayor. The Town Clerk shall collect the license fee as required by this ordinance prior to issuance of the license.

SECTION 3

CHAPTER 5.06

ADMINISTRATION AND ENFORCEMENT

5.06.010 LICENSE REQUIRED

Pursuant to the provisions of Title 7, Chapter 21, Parts 41 and 42, MCA, no person, no 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 of Ennis, without first applying for and obtaining a license therefore from the Town of Ennis herein provided.

EXCEPTIONS:

1. A sole proprietor or an independent agent conducting a business from a residence with no employees or agents, shall be exempt from the provisions of this title.
2. Non profit organizations
3. Business establishments supported by tax dollars
4. Wholesalers and freight companies who deliver and sale merchandise on a regular basis solely to business establishments in Ennis.
5. The Town of Ennis shall not license a person practicing a profession that is duly licensed and regulated by the state or federal government, but shall license the business of such professional.

5.06.020 LICENSE - EACH SEPARATE BUSINESS

Except as otherwise provided, no license issued by the Town Clerk shall cover more than one classification or more than one trade, pursuit, business, occupation, vocation or entertainment.

5.06.030 EXERCISE OF GENERAL POLICE POWERS

All industries, trade, pursuits, professions, vocations and businesses are required to procure licenses under the provisions of this title as a result of special services, regulations, inspection, control and protection provided under the general police powers of the Town of Ennis. In view of such special services involving

health, sanitation, traffic control, building use, fire protection and control, enforcement of the laws of the State of Montana, and general conditions of the Ennis Town Code, a fee (as specified elsewhere in this title) for each license shall be deposited with the Town Clerk.

5.06.040 ALLOCATION OF FEES

All fees collected under this title shall be deposited by the Town Clerk in the All purpose General Fund and used to support the various departments, divisions, and activities of the Town of Ennis charged with providing the special services outlined in sections 5.06.030 and for the administration of this title.

5.06.050 INSPECTION AND REGULATION OF LICENSES

Every person, firm, association, or corporation licensed under the provisions of this title shall be subject to regulation, inspection, control and supervision under the general police power of the Town of Ennis and all of the ordinances now in force, or which may be hereafter adopted, in aid of such police power and regulation; and each and every license shall be subject to suspension and revocation as provided in Section 5.06.110.

EXCEPTION: The Town of Ennis 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 regulations, inspection, control and supervision are clearly covered and provided for by such governmental agency. However, the Town of Ennis may cause such agency to regulate, inspect, control, and supervise such profession as determined necessary.

5.06.060 APPLICATION TO BE FILED WITH TOWN CLERK

Application for licenses shall be obtained from and filed with the Town Clerk. All applications when filed shall be accompanied with the necessary fees and shall be signed by the applicant. The form of the application shall be determined by the Town Clerk, but shall contain the following: The applicant agrees that a business license issued subject to all of the terms and conditions of the Ennis Town Code, Town and County Planning Commission, Zoning Ordinances, other applicable ordinances, and the applicant hereby agrees to be bound by said terms and conditions and that this license is not transferrable, except that the applicant may transfer the license to a different business site upon submitting the proper form to the Town of Ennis.

5.06.070 GROUNDS FOR REVOCATION

The mayor on recommendation may revoke and cancel any license issued by the town for fraud or misrepresentation in its procurement, or for violations of any provisions for this code or any ordinance of the town or any state or federal statute.

5.06.080 NOTICE OF DENIAL OR REVOCATION OF LICENSES

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 working days of denial or revocation.

5.06.090 APPEAL TO TOWN COUNCIL

An applicant who has been denied a license or whose license has been revoked may appeal said denial or revocation to the town council by notice in writing filed with the town clerk within ten days of the date of the revocation or denial. The notice shall state any reasons supporting the grant of a license, the applicants correct mailing address and shall be signed by the applicant. The clerk shall cause the matter to be placed on the council agenda, not more than thirty days after the receipt of the notice of appeal. 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. The applicant may appear at the time and place and be heard.

5.06.100 LICENSE ISSUED

Upon successful application the town clerk shall issue a license in accordance with the provisions of this title.

No license shall be transferable to another licensee and it shall be stated on both the application and the license. For transfer of business license see Section 5.06.060.

5.06.110 TERM OF LICENSE

Except as otherwise provided herein, all licenses issued under the provision of

this title shall be for the fiscal year in which they are issued and shall expire June 30th of each year.

An applicant meeting all other requirements of this title, applying for a license after December 30th and said applicant is for a new business pursuit not previously licensed by the Town of Ennis, shall be entitled to a one-half year license at one-half the fee as required in Chapter 5.08 of this title.

5.06.120 LICENSE --WHEN DELINQUENT

All applications and renewals for an annual license, as required herein, shall be filed with the Town Clerk not later than August 1st of each year. These applications filed after the 1st of August are hereby declared delinquent and subject to a delinquent charge as provided in Chapter 5.08.

Applications post-marked by midnight August 1st shall not be declared delinquent.

Exception: This section shall not apply to those applications filed for a half-year license as provided in Section 5.06.110.

5.06.130 TRANSFER OF LOCATION

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 file a new application with the Town Clerk.

5.06.140 LICENSE--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.

5.06.150 LICENSE 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.

5.06.160 UNLAWFUL ACTIVITIES NOT LICENSED

No provision herein contained shall be construed so as to license any trade, business, occupation, vocation, profession, or entertainment prohibited by any law of the United States, of the State of Montana, or any ordinance of the Town of Ennis.

5.06.170 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.

SECTION 4

CHAPTER 5.08

FEE SCHEDULE

5.08.010 BUSINESS LICENSE FEES

For the purpose of establishing business license fees all business establishments, unless otherwise specified in this chapter, shall be based on the number of permanent full time employees, based in any three month period as follows:

| | |
|------------------------------------------------|------------------|
| Businesses with less than five (5) employees | \$25.00 per year |
| Businesses with five (5) to ten (10) employees | 40.00 per year |
| Businesses with ten (10) or more employees | 50.00 per year |

Immediate family members are excluded from determining the number of employees.

5.08.020 BUILDING CONTRACTOR

The license fee for all building contractors as defined in Section 5.04.010 shall be based on the number of employees as in Section 5.08.010.

5.08.030 GAMING--BINGO AND RAFFLES

The license fee for gambling tables, or gaming tables and electronic poker

and Keno machines, as described in Section 5.24, shall be as follows:

| | | |
|-----------------|-------------|-------------------|
| Class A License | | \$50.00 per year |
| Class B License | per machine | \$200.00 per year |
| | per table | 25.00 per year |

5.08.040 ELECTRONIC GAMES -- AMUSEMENTS

The license fee for all electronic games or any mechanical device operated for the sole purpose of amusement of the patrons shall be \$5.00 per machine or device per year.

5.08.050 HUCKSTERS

The license fee for each huckster as defined in Section 5.16.020 shall be \$25.00 per year.

5.08.060 ITINERANT VENDORS

The license fee for each itinerant vendor as defined in Section 5.10.020 shall be \$10.00 per ninety days.

5.08.070 TRANSIENT RETAIL MERCHANTS

The license fee for each itinerant vendor as defined in Section 5.14.020 shall be \$12.50 for the first week or fraction thereof, and \$12.50 per each succeeding week or fraction thereof.

5.08.080 TRANSIENT WHOLESALE MERCHANTS

The license fee for each transient wholesale merchant as defined in Section 5.12.020 shall be \$12.50 for the first week or fraction thereof, and \$12.50 for each succeeding week or fraction thereof.

5.08.090 JUNK DEALERS, PAWN BROKERS, SECOND HAND DEALERS, ANTIQUE DEALERS

The license fee for such establishments as defined in Section 5.18.020 shall be as follows:

| | |
|------------------------------------------------|------------------|
| Businesses with less than five (5) employees | \$25.00 per year |
| Businesses with five (5) to ten (10) employees | 40.00 per year |
| Businesses with ten (10) or more employees | 50.00 per year |

Number of employees shall be based on permanent, full time employees, excluding immediate family members.

5.08.100 MANUFACTURING

The license fee for manufacturing establishments as defined in Section 5.04.050 shall be based on the number of employees described in Section 5.08.010.

5.08.110 RETAIL LIQUOR ESTABLISHMENTS

Any business establishment who deals in the resaling of any alcoholic beverages shall pay an additional business license of \$75.00 per year, along with any other required license fees mentioned in this title.

5.08.120 TRANSPORTATION FIRMS

The license fee for transportation firms as defined in Section 5.04.080 engaged in intracity, interurban, intercity transportation of persons, freight, commodities and the like shall be as follows:

| | |
|----------------------------------------------------------|------------------|
| First vehicle (as defined in Section 5.05.100) | \$25.00 per year |
| Each additional vehicle (as defined in Section 5.05.100) | \$5.00 per year |

5.08.130 UTILITIES

The license fee for utilities as defined in Section 5.04.090 shall be \$25.00 per year.

5.08.140 MISCELLANEOUS BUSINESSES NOT INCLUDED IN SECTION 5.08.010 or OTHERWISE

The license fee for miscellaneous businesses not included in Section 5.08.010 or otherwise classified by this chapter shall be as follows:

(1) Auctioneers \$25.00 per year

(2) Carnivals, street fairs, tent shows and the like either within the corporate limits of the town or within three miles of said corporate limits; single tent shows \$25.00 per day. Each additional show, game, concession and miscellaneous riding devices, \$5.00 per day. Parades \$10.00 per day addition.

(3) Circuses, menageries, wild animal shows and the like, dog and pony shows, rodeos, and all exhibitions and entertainment of similar character whether in the

open and under canvas either within the corporate limits of the town or within three miles of said corporate limits: first ring \$25.00 per day; each additional ring \$5.00 per day. Parades \$10.00 per day extra.

(4) Demonstrations or exhibitions of any article, implement, utensil, goods, wares, products or merchandise of any kind, for the purpose of advertising or selling the same any place within the corporate limits of the town \$25.00 per year.

(5) Fortune tellers, astrologers, clairvoyants, horoscopists, palmists, phrenologists, itinerant medical practitioners, hypnotists, mediums, readers of past or future by whatsoever name called, \$25.00 per day.

(6) All other industries, trades, pursuits, professions, vocations and business establishments, not specifically mentioned in this section or any other section of this title shall be required to purchase a business license based on the fees established in Section 5.08.010.

5.08.150 DELINQUENT CHARGE

When an application is declared delinquent as provided in Section 5.06.120, a delinquent charge of 10 percent of the annual license fee per month, or part thereof, the application remains delinquent, shall be due and payable along with the annual license fee.

SECTION 5

CHAPTER 5.10

ITINERANT VENDORS

5.10.010 LICENSE REQUIRED

Every itinerant vendor before doing any business in the Town of Ennis shall first procure a license therefore as provided in Section 5.06 of this title.

5.10.020 DEFINITIONS

Any person engaged or employed in the business of retailing to consumers by going from consumer to consumer, either on the streets or to 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, is within the meaning of this chapter, an "itinerant vendor"; a "consumer" is one who purchases, uses, maintains, and disposes of products and service.

5.10.030 SOLICITING AT PRIVATE RESIDENCES DECLARED NUISANCE

The practice of going in and upon private residences in the town by an itinerant vendor not having been requested or invited to do so by the owner or owners, occupant or occupants of said private residence for the purpose of soliciting orders for the sale of goods, wares, services and merchandise and/or for the purpose of disposing of and/or peddling or hawking the same is declared to be a nuisance.

5.10.040 LICENSE DURATION

A license to carry on the business of an itinerant vendor shall authorize the applicant to conduct such business for a period not to exceed ninety (90) days. Any itinerant vendor wishing to choose to buy a license for a full year at the general business rate may do so.

SECTION 6

CHAPTER 5.12

TRANSIENT WHOLESALE MERCHANTS

5.12.010 LICENSE REQUIRED

Every transient wholesale merchant before doing any business in the Town of Ennis shall first procure a license therefore as provided in Chapter 5.06 of this title.

5.12.020 DEFINITIONS

(A) Any person who shall bring into temporary premises in the Town of Ennis any goods, wares, articles of merchandise, notions, articles of trade, natural products of the farm, natural products of the orchard, vineyard, garden or apiary.

raw or manufactured or beverages (except beer, wine and liquor) who solicits, sells, or offers to sell, or exhibits for sale any of the above at wholesale, is, within the meaning of this chapter, a "transient wholesale merchant," and such definition shall continue to apply until such person shall be continuously engaged at such particular place in the Town of Ennis for period exceeding six (6) months.

(B) "Temporary premises," within the meaning of this chapter, shall be construed to mean any hotel, motel, rooming house, storeroom building, or any part of any building whatsoever, tent, vacant lot, freight station, railroad car or truck, temporarily occupied for the business defined above.

5.12.030 EXCEPTIONS

The provisions of this chapter do not apply to:

1. A rancher, farmer, or gardener selling his own products.
2. A trucker operating for hire under M.R.C. license and not buying or selling any products.

5.12.040 INSPECTION OF AGRICULTURE PRODUCTS

Whenever any person applies for a license, as required in this chapter, for the sale of natural products of the ranch, farm, orchard, vineyard or garden, as defined in Section 5.12.020, which have been or are brought into the Town of Ennis for sale from outside the State of Montana, such person shall exhibit and show to the Town Clerk a certificate of inspection of such products by the Department of Agriculture of the State of Montana, or the Commissioner thereof, setting forth that the said natural products have been inspected by such officer upon entering the state, as required by the laws of the State of Montana, and no license shall be issued until such inspection has been made and certificate issued.

SECTION 7

CHAPTER 5.14

TRANSIENT RETAIL MERCHANTS

5.14.010 LICENSE REQUIRED

Every transient retail merchant before doing any business in the Town of Ennis shall first procure a license therefore as provided in Chapter 5.06 of this title.

5.14.020 DEFINITIONS

(A) Any person who shall bring into temporary premises into the Town of Ennis a stock of goods, wares or articles of merchandise or notions or other articles of trade, and who solicits, sells or offers to sell, or exhibits for sale, such stock of goods wares or articles of merchandise or notions or other articles of trade at retail is within the meaning of this chapter a "transient retail merchant," and such definition shall continue to apply until such person is continuously engaged at such temporary premises for a period of one (1) year.

(B) "Temporary premises" within the meaning of this chapter, shall be construed to mean any hotel, motel, rooming house, storeroom building, or any part of any building whatsoever, tent, vacant lot, freight station, railroad car or truck, temporarily occupied for the business defined above.

SECTION 8

CHAPTER 5.16

HUCKSTERS

5.16.010 LICENSE REQUIRED

Every huckster before doing business in the Town of Ennis shall first procure a license therefore as provided in Chapter 5.06.

5.16.020 DEFINITIONS

Any person engaged or employed in the business of buying and selling farm products who disposes of such products by selling them at retail to consumers by going from house to house, is within the meaning this chapter, a "huckster."

5.16.030 LICENSE--APPLICATION--FEE

Every huckster desiring to do business in the Town of Ennis shall file with the

Town Clerk an application as required in Chapter 5.06 and pay the fee as required in Chapter 5.08.

5.16.040 LICENSE -- DURATION

A license to carry on the business of a huckster shall authorize the applicant to conduct such business for a period not to exceed six (6) months.

SECTION 9

CHAPTER 5.18

JUNK DEALERS, PAWN BROKERS, SECOND HAND DEALERS, ANTIQUE DEALERS

5.18.010 DEFINITIONS

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

(1) "Pawnbroker" means 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;

(2) "Junk dealer" means 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 articles usually found in a junk shop:

(3) "Coin dealer" means 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:

(4) "Stamp dealer" means 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:

(5) "Gem dealer" means 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:

(6) "Antique dealer" means 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:

(7) "Secondhand dealer" means any person, partnership, 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.

5.18.020 REGISTER POLICE INSPECTION

Any person, partnership or corporation 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 property purchased or taken as pledge, pawn or security, for money loaned, of any description whatsoever, together with the names and residences of the persons from whom such property was purchased, traded or taken. Such register shall at all times be subject to examination by the chief law enforcement officer for the Town of Ennis or any law enforcement officer.

5.18.030 EXAMINATION OF REGISTER AND PROPERTY

No person, partnership or corporation 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 fail or neglect to keep the register required by Section 5.18.020 or refuse to exhibit it to the chief law enforcement officer for the Town of Ennis 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 of Ennis or any law enforcement officer or any third person brought by the pledge or to redeem property pledged, to inspect any article purchased, traded or received.

5.18.040 REPORT TO POLICE

Any person, partnership or corporation 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 noon of each day a copy of the entries for the proceeding twenty-four hours in the register required by Section 5.18.020 and to deliver a copy of the same to the chief law enforcement officer for the Town of Ennis except items purchased from all estates sales, licensed auction sales, licensed dealers and regular licensed suppliers.

5.18.050 ARTICLES TO BE RETAINED ONE WEEK AFTER DELIVERY OF REGISTER TO POLICE

No property or articles purchased, traded or received by any 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 the delivery of a copy of such register to the chief law enforcement officer for the Town of Ennis, except upon written authority from the chief law enforcement officer.

5.18.060 RECEIVING ARTICLES FROM MINORS

No person, partnership or corporation 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 years of age or under.

SECTION 10

CHAPTER 5.20

HOTEL GUEST REGISTERS

5.20.010 DEFINITION--HOTEL

For purposes of this chapter the word hotel shall include motels, inns, boarding houses and lodging houses.

5.20.020 GUEST

Within the meaning of this chapter a guest is any person who shall resort to a hotel, as defined above, within the limits of the Town of Ennis for refreshment or lodging for any period of time during the day or night.

Every hotel in the Town of Ennis shall keep and maintain a register to which each guest shall enter their name and address upon the day of arrival.

Failure to provide or maintain such a register, or failure to require any guest to enter their 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.

5.20.030 FAILURE TO SIGN REGISTER --FALSE ENTRIES

Any guest who fails or refuses to enter their name and address in the register provided upon their 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.

SECTION 11

CHAPTER 5.22

POOL AND BILLIARD HALLS

5.22.010 HOURS OF OPERATION

All pool halls and billiard halls shall close each night of the year by 2 a.m. and shall be kept and remain closed, until at least 8 a. m. the following morning.

5.22.020 PRESENCE ON PREMISES AFTER HOURS PROHIBITED

No person except the owner, agent or employees of any pool hall or billiard hall, shall be, or remain, in such place of business between the hours of 2 a. m. and 8 a. m. of the following morning.

5.22.030 PRESENCE ON PREMISES AFTER HOURS--PENALTY

Any person or persons except owner, agent or employees of such owner, of any pool hall or billiard hall who are found within such pool hall or billiard hall between

the hours of 2 a. m. and 8 a. m. of the following morning, shall be deemed guilty of a violation of this chapter and shall be punishable as provided in Chapter 5.28.

5.22.040 VIOLATIONS --REVOCATION OF LICENSE

The license, of any owner or proprietor, of any pool hall or billiard hall, who shall violate the provisions of this chapter, shall upon conviction for the second offense, in addition to the punishment as provided in Chapter 5.26 of this title, be revoked as provided in Chapter 5.06 of this title, and no license shall be issued to the same owner, proprietor for the same place of business for a period of six months thereafter.

SECTION 12

CHAPTER 5.24

GAMING LICENSE

5.24.010 LICENSE REQUIRED

No gambling shall be conducted in the Town of Ennis 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.

5.24.020 DEFINITIONS

(1) a game of chance as the term is used herein shall be any game of chance authorized by the acts referred to in section 5.24.010.

(2) a gaming device shall be any and all devices specifically named in the acts referred to in Section 5.24.010 including but not limited to any devices which pictorial display, mechanical or electronic means, simulate or represent such specifically named device and by which such pictorial display, mechanical and electronic devices:

(a) 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;

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

5.24.030 LICENSES

A. A license known as a Class A License under this chapter shall be issued to each person, firm, entity or corporation making application annually therefor who shall qualify under the provisions of the acts referred to in Section 5.24.010 and who shall pay the required fee therefore. Such license shall authorize the holder to maintain or permit games of chance as authorized by this title 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 a corporation, shall qualify as individual persons.

C. Each applicant for a license under this title shall make application to the Town Clerk in writing, signed by the applicant and directed to the commission, which applications shall specify the location by street 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 section 5.24.020 and each table used for card games authorized herein kept, maintained or operated on the premises authorized in the Class A license concerned.

5.24.040 LICENSE FEES

The license fees charged for each license shall be for a fiscal year running from July 1st to June 30th.

| | | |
|-----------------|------------|-------------------------------------------------|
| Class A license | | \$50.00 per year |
| Class B license | (per year) | 200.00 per each machine 25.00 per each 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 in 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 obtaining a license under the Bingo and Raffles law shall pay an annual license fee of fifty dollars (\$50.00).

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 (\$200.00) or five percent (5%) of the retail value of prizes to be awarded, whichever, is the largest 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.

5.24.050 LIMITATIONS

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

B. Any license issued pursuant to this Chapter 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 a false statement (s) to authorize in his application for a license under this chapter or

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

C. This title shall not apply to any person, firm, entity or corporation which maintain 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.

5.24.070 EXEMPTIONS

All non-profit organizations are exempted from Sections 5.24.010 thru 5.24.050.

SECTION 13

CHAPTER 5.26

GOING OUT OF BUSINESS SALES

5.26.010 DEFINITIONS

"Fire and other altered good sales" is a sale held out in such a manner as to reasonably cause the public to believe that the sale will offer goods damaged or altered by fire, smoke, water or other means.

"Going out of business sale" is a sale held out in such a manner as to reasonably cause the public to believe that upon disposal of the stock of goods on hand, the business will cease and be discontinued, including but not limited to the following sales: adjuster's, adjustments, alteration, assignee, bankrupt, benefit of creditor's, benefit of trustees, building coming down, closing, creditor's,

creditor's committee, end, executor's, final days, forced out, forced out of business, insolvent, last days, lease expires, liquidation, loss of lease, mortgage sale, receivers, trustee's, and quitting business.

"Goods" is meant to include any goods, wares, merchandise or other property capable of being the object of a sale regulated hereunder

"Relocation of business" is a sale held out in such a manner as to reasonably cause the public to believe that the person conducting the sale will cease and discontinue business at the place of sale upon disposal of the stock of goods on hand and will then move to and resume business at a new location in the town or will then continue business from other existing locations in town.

5.26.020 LICENSE REQUIRED

Only persons or business establishments holding a valid Business License issued by the town may sell any goods at a sale to be advertised or held out by any means to be one of the following kind:

- (1) Going out of business sale;
- (2) Relocation of business sale; and
- (3) Fire and other altered stock sale.

SECTION 14

CHAPTER 5.28

VIOLATION -- PENALTIES

5.28.010 COMPLAINT REGARDING VIOLATIONS

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, who, shall make, or cause to be made, a complete investigation of the allegations and take the appropriate action as provided by this title.

5.28.020 PENALTIES

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 fined not less than one hundred dollars (\$100.00) nor more than five hundred (\$500.00) or imprisoned not more than six (6) months or both 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.

5.28.030 SEPARABILITY CLAUSE

Should any section or provision of this ordinance as declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of this title as a whole or any part thereof other than the part so declared unconstitutional or invalid.

SECTION 15

CHAPTER 5.30


REPEAL

5.30.010 REPEAL

All ordinances or portions thereof in conflict with this ordinance are hereby repealed.

This ordinance shall be in full force and effect thirty days after its adoption by the Ennis Town Council and duly notice has been given to the public.

Passed and Adopted by the Town Council of the Town of Ennis this 24th day of May, 1983.


RANDY KIRTLEY, MAYOR

ATTEST: 
VICKI J MANNING, TOWN CLERK