

ORDINANCE NO. <sup>85</sup>~~78~~

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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 PARTS OF ORDINANCES IN CONFLICT THEREWITH.

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 known 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 ENACTING CLAUSE

This ordinance is 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, to finance the regulation of those business activities authorized by Title Seven of the Montana Code.

SECTION 2

CHAPTER 5.04

DEFINITIONS

5.04.005 PERSON

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

5.04.010 BUILDING CONTRACTOR

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 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, sheetmetal and excavating contractors.

5.04.020 BUSINESS

Employment, occupation, profession, or commercial activity engaged in for profit.

5.04.030 BUSINESS ESTABLISHMENT

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

1 5.04.040 HOME INDUSTRIES

2 A trade, occupation, or profession for profit within the  
3 confine of a residential dwelling provided it is a secondary use  
4 of the dwelling and employs only family members. There shall be  
5 not outward signs or display of the profession.

6 5.04.050 MANUFACTURING

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

11 5.04.060 NON PROFIT ORGANIZATIONS

12 A non-profit organization is any group which is religious,  
13 charitable, social, educational, recreational or scientific which  
14 does not contemplate the distribution of pecuniary gains, profit  
15 or dividends to the members thereof and that pecuniary profit is  
16 not the object of the group.

17 5.04.080 TRANSPORTATION FIRMS

18 Transportation for hire, while engaged in intracity,  
19 interurban, or intercity transporting of persons, freight,  
20 commodities or any other type of goods or refuse.

21 5.04.090 UTILITIES

22 Utilities services falling within the following listed  
23 categories: electric power, natural gas, telephone, and any other  
24 public utility not otherwise classified in this chapter, which is  
25 regulated by the Public Service Commission.

26 5.04.100 VEHICLE

27 Every device in, upon or by which person or property is or  
28 may be transported upon a Public Way.

29 5.04.105 COIN OPERATED GAMES

30 Any pinball game, video game or other game designed to be  
31 displayed where the public may play the game on depositing a  
32 coin, coins or tokens in the machine.

(a) Game Arcade: Any place where coin operated games are  
displayed for use by the public, whether or not another business  
is conducted on the premises.

(b) Video Game: A game using computer technology and a type  
of video display.

(c) Video game arcade: Any place where four or more video  
games or coin operated games of any kind are displayed for use by  
the public, whether or not another business is conducted on the  
same premises.

5.04.110 LICENSE FEES Moved to 5.06.020

SECTION 3

CHAPTER 5.06

ADMINISTRATION AND ENFORCEMENT

5.06.010 LICENSE REQUIRED

Pursuant to the provisions of Title 7, Chapter 21, Part 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, professions,  
vocation or business within the Town of Ennis, without first

1 applying for and obtaining a license therefore from the Town of  
Ennis herein provided.

2 5.06.020 LICENSE FEES

3 The license to be issued shall be issued by the Town Clerk  
4 and shall be countersigned by the Mayor. The Town Clerk shall  
5 collect the license fee as required by this ordinance upon making  
6 of the application thereto.

5 EXCEPTIONS

6 1. A sole proprietor or home industry conducting a business  
7 from a residence with no employees or agents, shall be exempt  
8 from the provisions of this title.

9 2. Non profit organizations defined in 5.04.060 and those  
10 activities exempted in Montana Code Annotated 7-21-2207.

11 3. Any enterprise carried out by Town, County, State or  
12 Federal Government.

13 4. Wholesalers and freight companies who deliver and sell  
14 merchandise on a regular basis solely to business establishments  
15 in Ennis.

16 5. The Town of Ennis shall not license a practicing  
17 professional governed by a section of Title 37 of the Montana  
18 Code only if the statute which forbids a local government from  
19 imposing such a license is specifically made applicable to local  
20 governments with self government powers or if the Montana Supreme  
21 Court has specifically made that statute applicable to self  
22 governing powers.

23 5.06.020 LICENSE - EACH SEPARATE BUSINESS

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

27 5.06.040 ALLOCATION OF FEES

28 All fees collected under this title shall be deposited by  
29 the Town Clerk in the All purpose General Fund and used to  
30 support the various departments, divisions, and activities of the  
31 Town of Ennis charged with providing the special services  
32 outlined in sections ~~5-06-030~~ and for the administration of this  
title.

5.06.050 INSPECTION AND REGULATION OF LICENSES

Any business in the Town of Ennis may be inspected by  
town officers and employees authorized to enforce provisions of  
ordinances relating to that business. 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.  
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. Source  
Callahan on Municipal Ordinances, Section 3905B.

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.

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

1 accompanied with the necessary fees and shall be signed by the  
2 applicant. The form of the application shall be determined by  
3 the Town Clerk, but shall contain the following statement "The  
4 applicant agrees that a business license issued subject to all of  
5 the terms and conditions of the Ennis Town Code, Town and County  
6 Planning Commission, Zoning Ordinances, other applicable  
7 ordinances, and the applicant hereby agrees to be bound by said  
8 terms and conditions and that this license is not transferrable,  
9 except that the applicant may transfer the license to a  
10 difference business site upon submitting the proper form to the  
11 Town of Ennis".

12 5.06.070 GROUNDS FOR REVOCATION

13 The mayor on recommendation of the Town Clerk or law  
14 enforcement personnel may revoke and cancel any license issued by  
15 the town for fraud or misrepresentation in its procurement, or  
16 for violations of any provisions for this code or any ordinance  
17 of the town or any state or federal statute.

18 5.06.080 NOTICE OF DENIAL OR REVOCATION OF LICENSES

19 Denials of applications or revocations of town licenses  
20 shall be made in writing and the applicant shall be notified by  
21 certified mail, return receipt requested. The notice shall be  
22 mailed within three working days of denial or revocation.

23 5.06.090 APPEAL TO TOWN COUNCIL

24 An applicant who has been denied a license or whose license  
25 has been revoked may appeal said denial or revocation to the town  
26 council by notice in writing filed with the town clerk within ten  
27 day of the date of the revocation or denial. The notice shall  
28 state any reasons supporting the grant of a license, the  
29 applicants correct mailing address and shall be signed by the  
30 applicant. The clerk shall cause the matter to be placed on the  
31 council agenda, not more than thirty days after the receipt of  
32 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. The applicant may be  
represented by council at this hearing.

no such suspension or revocation is final until the  
license has been given the opportunity for a hearing to  
contest the suspension or revocation under the  
procedures prescribed

5.06.100 LICENSE ISSUED

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

5.06.110 NONTRANSFERABILITY

No license shall be transferable to another licensee and  
this shall be stated on both the application and the license.  
Transfer of business license to another site is governed by  
Section 5.06.130.

5.06.120 LICENSE YEAR

An applicant meeting all other requirements of this title,  
applying for a license after December 30th for a new business 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.

SECTION 4

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.

5.06.170 INTERSTATE COMMERCE  
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.

5.06.160 UNLAWFUL ACTIVITIES NOT LICENSED  
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.

5.06.150 LICENSE ISSUED CONTRARY TO TITLE  
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 businesses 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 or employee's belief that there are enough of a particular type of business in the town already.

5.06.145 NUMBERS OF LICENSES  
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.

5.06.140 LICENSE - POSTING REQUIRED  
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 an application to transfer a license with the Town Clerk.

5.06.130 TRANSFER OF LOCATION  
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 charges 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.

5.06.120 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 charges 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.

5.06.110  
Except where otherwise specifically provided in connection with a business, the license year shall run from July first until June Thirtieth of the following year. No person, firm or corporation 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. Source-Callahan on Municipal Ordinances Section 3905B.

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1 CHAPTER 5.08

2 FEE SCHEDULE

3 5.08.010 BUSINESS LICENSE FEES

4 For the purpose of establishing business license fees all  
5 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:

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

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

10 5.08.020 BUILDING CONTRACTOR

11 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.

12 5.08.030 GAMING - BINGO AND RAFFLES

13 The license fee for gambling tables, or gaming tables and  
14 electronic poker and keno machines, as described in Section 5.24,  
shall be as follows:

15	Class A Licenses		\$50.00 per year
	Class B Licenses	Per machine	200.00 per year
		Per table	25.00 per year

17 5.08.040 COIN OPERATED GAMES - AMUSEMENTS

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

20 5.08.050 HUCKSTERS

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

22 5.08.060 ITINERANT VENDORS

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

24 5.080.070 TRANSIENT RETAIL MERCHANTS

25 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.

26 5.08.080 TRANSIENT WHOLESALE MERCHANT

27 The license fee for each transient wholesale merchant as  
28 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.

29 5.08.090 JUNK DEALERS, PAWN BROKER, SECOND HAND DEALERS, ANTIQUE  
30 DEALERS

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

32	Businesses with less that 5 employees	\$25.00 per year
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1 Businesses with 5 to 10 employees 40.00 per year  
2 Businesses with 10 or more employees 50.00 per year

3  
4 Number of employees shall be based on permanent, full time  
5 employees, excluding immediate family members.

6 5.08.100 MANUFACTURING

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

10 5.08.110 RETAIL LIQUOR ESTABLISHMENTS

11 Any business establishment who deals in the resaling of any  
12 alcoholic beverages shall pay an additional business license of  
13 \$75.00 per year, along with any other required license fees  
14 mentioned in this title.

15 5.08.120 TRANSPORTATION FIRMS

16 The license fee for transportation firms as defined in  
17 Section 5.04.080 shall be as follows:

18 First vehicle  
19 (as defined in Section 5.05.100) \$25.00 per year  
20 Each additional vehicle  
21 (as defined in Section 5.05.100) \$ 5.00 per year

22 5.08.130 UTILITIES

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

25 5.08.140 MISCELLANEOUS BUSINESSES NOT INCLUDED IN SECTION  
26 5.08.010 OR OTHERWISE

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

- 30 (1) Auctioneers \$25.00 per year  
31 (2) Carnivals, street fairs, tent shows and the like either  
32 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, and all exhibitions and entertainment of  
similar character whether in the town or within a three mile  
radius.  
(4) 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.  
(5) All other industries, trades, pursuits, professions,  
vocations and business establishments, not specifically mentioned  
in this section or any other sections of this title shall be  
required to purchase a business license based on the fees  
established in Section 5.08.010.

33 5.08.150 DELINQUENT CHARGED

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

39 SECTION 5

1 CHAPTER 5.10

2 ITINERANT VENDORS

3 5.10.010 LICENSE REQUIRED

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

7 5.10.020 DEFINITIONS

8 Any person engaged or employed in the business of retailing  
9 to consumers by going from consumer to consumer, either on the  
10 streets or to their place of residence or employment, and there  
11 soliciting, selling, or offering to sell, or exhibiting for sale,  
12 (by sample, by catalogue, or otherwise), or taking orders for  
13 future delivery of any goods, wares or merchandise, or for  
14 services to be performed in the future, is within the meaning of  
15 this chapter, an "itinerant vendor"; a "consumer" is one who  
16 purchases, uses, maintains, and disposes of products and service.  
17 (MCA 7-21-2301)

18 5.10.030 SOLICITING AT PRIVATE RESIDENCES

19 The practice of going in and upon private residences in the  
20 town by an itinerant vendor not having been requested or invited  
21 to do so by the owner or owners, occupant or occupants of said  
22 private residence for the purpose of soliciting orders for the  
23 sale of goods, wares, services and merchandise and/or for the  
24 purpose of disposing of and/or peddling or hawking the same is  
25 a violation of this ordinance.

26 5.10.040 LICENSE DURATION

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

32 5.10.050 APPLICATION FOR ITINERANT VENDOR LICENSE

Every person desiring to do business an itinerant vendor  
shall file with the Town Clerk an application which shall set  
forth: (a) Name of applicant  
(b) His place of permanent residence  
(c) His local headquarters, if any  
(d) Time of arrival in the county  
(e) County from which last license, if any, received  
(f) Whether acting as principal, agent, or employee  
(g) If acting as agent or employee, the name and place of  
business of his principal employer.  
(h) brief descriptive list of articles to be offered for  
sale or services to be performed  
(i) Whether payments or deposits of money are collected  
when orders taken or in advance of final delivery

If the applicant is acting as an agent, the principal's  
acknowledgment of such agency must accompany the application as  
part of the application. (MCA 7-21-2305(2)(3))

SECTION 6

CHAPTER 5.12

TRANSIENT MERCHANTS

1 5.12.010 LICENSE REQUIRED

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

5 5.12.020 DEFINITIONS

6 A "transient merchant" is any person, firm or corporation  
7 whether as owner, agent consignee or employee, or whether a  
8 resident within the city limits, that:

9 (a) engages in a temporary business of selling and/or  
10 delivering goods, wares or services, or who conducts meeting open  
11 to the general public where franchises, distributorship,  
12 contracts or business opportunities are offered to participants;  
13 or

14 (b) sells, offers or exhibits for sale any goods, wares or  
15 services, franchises, distributorships, contracts or business  
16 opportunities during the course of or any time within six months  
17 after a lecture or public meeting on said goods, wares services,  
18 franchises, business opportunities, contracts or  
19 distributorships.

20 The foregoing notwithstanding, however, a transient  
21 merchant, for the purposes of this section, shall not include the  
22 following:

23 (a) a person, firm or corporation who shall occupy any of  
24 the aforesaid places for the purpose of conducting a permanent  
25 business therein; provided however, that no person, firm or  
26 corporation shall be relieved from the provisions of the  
27 ordinance by reason of a temporary association with any local  
28 dealer, trader, merchant or auctioneer, or by conducting such  
29 temporary or transient business in connection with or as a part  
30 of or in the name of any local dealer, trader, merchant or  
31 auctioneer; or

32 (b) any sales of merchandise damaged by smoke or fire, or of  
bankrupt concerns, where such stocks have been acquired from  
merchants of the town therefore regularly licensed and engaged in  
business; provided, however, no such stocks of merchandise shall  
be augmented by new goods; or

(c) a person, firm or corporation exhibiting goods for sale  
concurrent with and as an adjunct to a group display, meeting or  
convention duly authorized to be held in a publicly owned  
building and authorized and licensed pursuant to this ordinance.

(d) a person who sells his own property which was not  
acquired for resale, barter or exchange and who does not conduct  
such sales or act as a participant by furnishing goods in such a  
sale more than twice during any calendar 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 stations, railroad car or  
truck, temporarily occupied for the business defined above. (MCA  
7-21-2401)

28 SECTION 7

29 CHAPTER 5.14

30 TRANSIENT RETAIL MERCHANTS

31 5.14.010 LICENSE REQUIRED

32

1 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.

2  
3 5.14.020 DEFINITIONS

4 (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  
5 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  
6 continue to apply until such person is continuously engaged at  
such temporary premises for a period of one(1) year.

7  
8 (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,  
9 vacant lot, freight station, railroad car or truck, temporarily  
occupied for the business defined above.

10 SECTION 8

11 CHAPTER 5.16

12 HUCKSTERS

13 5.16.010 LICENSE REQUIRED

14 Every huckster before doing business in the Town of Ennis  
shall first procure a license therefore as provided in Chapter  
15 5.06.

16 5.16.020 DEFINITIONS

17 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  
18 within the meaning of this chapter, a "huckster". (MCA 7-21-2501)

19 5.16.030 LICENSE - APPLICATION - FEE

20 Every huckster desiring to do business in the Town of Ennis  
shall file with the Town Clerk an application as requested in  
Chapter 5.08 and pay the fee as required.

21 5.16.040 LICENSE - DURATION

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

24 SECTION 9

25 CHAPTER 5.18

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

27 5.18.010 DEFINITIONS

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

29 (1) "Pawnbroker" means any person whose business it is to  
take or receive by the way of pledge, pawn or exchange, any  
30 goods, wares or merchandise or any kind of personal property  
whatsoever, as security for the repayment of money loaned:

31 (2) "Junk dealer" means any person who engages in the  
32

1 business of buying and selling old iron, lead, steel, copper,  
2 brass, or other metals, bottles or broken glass, bagging,  
3 secondhand clothing or secondhand goods, wares or merchandise,  
4 etc. of any kind, or any other articles usually found in a junk  
5 shop:

6 (3) "Coin dealer" means any person, partnership or  
7 corporation who engages in the business of buying and selling,  
8 trading or taking as pledge, pawn or security for money loaned,  
9 any coin issued by the government of the United States or any  
10 other government which is or ever has been in existence:

11 (4) "Stamp Dealer" means any person, partnership or  
12 corporation who engages in the business of buying and selling,  
13 trading or taking as pledge, pawn or security for money loaned,  
14 any stamp issued by the government of the United States or any  
15 other government which is or ever has been in existence:

16 (5) "Gem dealer" means any person, partnership or  
17 corporation who engages in the business of buying and selling,  
18 trading or taking as pledge, pawn or security for money loaned,  
19 any gem or precious stone:

20 (6) "Antique dealer" means any person, partnership or  
21 corporation who engages in the business of buying and selling,  
22 trading or taking as pledge, pawn or security for money loaned  
23 any antique or other object the value of which appreciates with  
24 age:

25 (7) "Secondhand dealer" means any person, partnership,  
26 corporation who engages in the business of buying and selling,  
27 trading or taking as pledge, pawn or security for money loaned,  
28 any secondhand or used merchandise or property of any kind.

29 5.18.020 REGISTER POLICE INSPECTION

30 Any person, partnership or corporation who carries on the  
31 business of pawnbroker, secondhand dealer, junk dealer, keeper of  
32 a secondhand store, keeper of a junk shop, coin dealer, stamp  
33 dealer, gem dealer or antique dealer, shall keep a register in  
34 which shall be entered in legible writing a description of  
35 property purchased or taken as pledge, pawn or security, for  
36 money loaned, of any description whatsoever, together with the  
37 names and residences of the persons from whom such property was  
38 purchased, traded or taken. Such register shall at all times be  
39 subject to examination by the chief law enforcement officer for  
40 the Town of Ennis or any law enforcement officer.

41 5.18.030 EXAMINATION OF REGISTER AND PROPERTY

42 No person, partnership or corporation carrying on the  
43 business of a pawnbroker, junk dealer, secondhand dealer, keeper  
44 of a secondhand store, coin dealer, stamp dealer, gem dealer or  
45 antique dealer shall fail or neglect to keep the register  
46 required by Section 5.18.020 or refuse to exhibit it to the chief  
47 law enforcement officer for the Town of Ennis or to any law  
48 enforcement officer, or to any third person brought as a friend  
49 to redeem property pledged by another requesting to do so, or  
50 refuse to permit the chief law enforcement officer for the Town  
51 of Ennis or any law enforcement officer or any third person  
52 brought by the pledge or to redeem property pledged, to inspect  
53 any article purchased or traded or received.

54 5.18.040 REPORT TO POLICE

55 Any person, partnership or corporation carrying on the

1 business of a pawnbroker, junk dealer, secondhand dealer, keeper  
2 of junk shop, keeper of a secondhand store, coin dealer, stamp  
3 dealer, gem dealer or antique dealer shall be required to make at  
4 noon of each day a copy of the entries for the proceeding twenty-  
5 four hours in the register required by Section 5.18.020 and to  
6 deliver a copy of the same to the chief law enforcement officer  
7 for the Town of Ennis except items purchased from all estates  
8 sales, licensed auction sales, licensed dealers and regular  
9 licensed supplies.

10 5.18.050 ARTICLES TO BE RETAINED ONE WEEK AFTER DELIVERY OF  
11 REGISTER TO POLICE

12 No property or articles purchased, traded or received by an  
13 pawnbroker, junk dealer, secondhand dealer, keeper of a junk  
14 shop, keeper of a secondhand store, coin dealer, stamp dealer,  
15 gem dealer or antique dealer shall be sold or taken from the  
16 place of business for one week after the date of its receipt and  
17 the entry of its description in the register, and delivery of a  
18 copy of such register to the chief law enforcement officer for  
19 the Town of Ennis, except upon written authority from the chief  
20 law enforcement officer.

21 5.18.060 RECEIVING ARTICLES FROM MINORS

22 No person, partnership or corporation carrying on the  
23 business of a pawnbroker, junk dealer, secondhand dealer, keeper  
24 of a junk shop, keeper of a secondhand store, coin dealer, stamp  
25 dealer, gem dealer or antique dealer shall purchase, trade or  
26 receive any article from any person eighteen years of age or  
27 under.

28 SECTION 10

29 CHAPTER 5.20  
30 HOTEL GUEST REGISTERS

31 5.20.010 DEFINITION - HOTEL

32 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. Such register shall be available for  
inspection by law enforcement officers at all times.

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.

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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 terms 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

1 losses without overriding controls in either the players or the operators of such devices.

2 5.24.030 LICENSES

3 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 therefore 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.

7 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.

9 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.

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

16 5.24.040 LICENSE FEE

17 The license fee in 5. ~~08~~ 030 expires on June 30 of each year. This license fee must be prorated if the machine is in operation for less than a full year.

19 Any license under this section may receive a prorated refund for any machine taken out of operation, based on the number of unit months left in the license year, by surrendering the Class B license for that machine to the Town Clerk. The Town Clerk shall thereupon issue a refund to the licensee.

23 SECTION 13

24 CHAPTER 5.26  
GOING OUT OF BUSINESS SALES

25 5.26.010 DEFINITIONS

26 "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.

27 "Going out of business sale" is a sale held out in such 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 mortgage sale, receivers, trustee's, and business.

ods" is meant to include any goods, ware, merchandise or

1 other property capable of being the object of a sale regulated  
hereunder.

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

5 5.26.020 LICENSE REQUIRED

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

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

13 SECTION 14

14 CHAPTER 5.28  
15 VIOLATION - PENALTIES

16 5.28.010 FORM OF COMPLAINT

17 Whenever a violation of this title occurs or is alleged to  
18 have occurred, any person may file a written complaint. Such  
19 complaint stating fully the cause and basis thereof shall be  
20 filed with the Town Clerk, who, shall make, or cause to be made,  
21 a complete investigation of the allegations and take the  
22 appropriate action as provided by this title.

23 5.28.020 PENALTIES

24 Violations of the provisions of this title or failure to  
25 comply with any of its requirements shall constitute a  
26 misdemeanor. Any person who violates this title or fails to  
27 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 dollars (\$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.

28 5.28.030 SEVERABILITY CLAUSE

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

34 SECTION 15

35 CHAPTER 5.30  
36 REPEAL

37 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.

SECTION 16

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CHAPTER 5.40  
PROFESSIONAL BUSINESS LICENSE

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5.40.010 DEFINITION

A professional is any person whose occupation is subject to the licensing and regulation requirements of Title 37, MCA.

5.40.020 PROFESSIONAL SERVICE ESTABLISHMENTS - LICENSE REQUIRED.

All person maintaining within the Town of Ennis a place in or from which they practice a profession governed by Title 37 shall procure a license under the provisions of this ordinance, unless exempted as set out in Section 5.06.010 above.

5.40.030 ENACTING CLAUSE

The Town Council has determined that a license for a professional business establishment is necessary for the same reasons as set out in Section 5.01.02 above.

5.40.040 FEE REQUIRED

The fee for a professional business license shall be the same as for a general business license.

SECTION 17

CHAPTER 5.50  
VIDEO GAMES AND ARCADES

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5.50.030 LICENSE

Any business having not more than five video games or coin operated games open for business shall obtain a license for each game. The annual fee for such license shall be twenty-five dollard for each game machine. No additional license need be obtained when a different machine is substituted for a machine on the premises, without increasing the total number of machines offered for use on the premises. Any business having an arcade license as required by Section 3 of this ordinance shall not be required to obtain a license for each machine. No proprietor shall operate any video game arcade or any arcade for five or more coin operated games without having a valid current license for conducting a business. The annual fee for such license shall be \$25.00. Any business that is already licensed as a restaurant, food store or other business, shall also be required to obtain a video game arcade license if five or more video games or coin operated games of any kind are displayed for use by the public on the premises.

PASSED AND ADOPTED by the Town Council of the Town of Ennis this 11<sup>th</sup> day of July, 1985.

Barbara A. Kirby  
MAYOR

ATTEST: Rick J. Mannix