

ENNIS ZONING ADMINISTRATOR
STAFF REPORT
Double Buck LLC / David Lyons
December 3, 2021

APPLICATION:

The proposed project involves a parcel located within the Town of Ennis, with N First Street frontage. The property is located at 222 N. First St.

Ownership: Double Buck LLC, PO Box 1075, Ennis Mt 59729

Legal description, Home Add, S33, T05 S, R01 W, BLOCK 1, LOT 1-4. Project will be built on Lot 4.

The properties are within the LCR zoned area and therefore subject to the Traditional Neighborhood Development (TND) provisions.

Primary access to properties is from N. First Street. Adjacent properties to the East and West of project are zoned LCR. Property to the South is zoned LCR. Properties on the North side would be zoned LCR.

Proposed application is to construct 1 Lodging House Unit. Unit will be approximately 720 sq feet.

Attached is site map showing property and dimensions of building and setbacks. Project will be set back 12' West side, 40' East side, North side 10' South side 25'. Height is 12'.

Lot square footage is 5,000 sq. ft. Similar to RTD density which is 4000 sq. ft. per one dwelling unit.

LANDSCAPING:

Landscaping encompasses the majority of the lot, landscaped area consists of grass, 2-Trees currently on property, 2-flower beds will be added.

PARKING:

Property will offer 2 parking spaces, as well as off street parking.

FLOODPLAIN MANAGEMENT:

Streams, lakes and flooding are not applicable to the project.

SIGNAGE:

No additional signage is included on application.

LIGHTING:

Applicant did not provide details regarding proposed lighting.

SCREENING:

Applicant did not provide details.

TRASH, GARBAGE:

Will be utilized by container sites provide by county.

SMOKE, DUST AND ORTHER PARTICULATE MATTER:

Applicant project does not propose activities that would produce smoke, dust, and particulate matter

BULK STORAGE, HAZARDOUS WASTES AND ODORS AND TOXIC GAS:

Are not applicable to this project

GENERAL ANALYSIS

Proposed project

Reviewers have the flexibility to interpret the appropriateness of proposed use. It is Staff's opinion that additional housing for our growing community is essential. Project upholds the small-town western theme as described in the 1996 Comprehensive Plan.

Water and sewer lines are already installed from home that was previously tore down. While the Public Works Department did not provide formal comment, the applicant is working with them to ensure compliance.

CONCLUSION:

Applicant's project meets all the standards in LCR, TND Overlay, and Performance Standards. Town has previously approved projects of same or similar as proposed by application in LCR Zoning and TND Overlay.

Susie Sprout

Town of Ennis 2021

Zone/Site Permit Application

All areas marked with an asterisk must be completed. All applicants must complete Zone/Site application Application must be completed in full; incomplete applications can cause a delay in approval DO NOT FILL IN SHADED AREAS

*Name Double Buck LLC (David Lyons)
 *Mailing Address: PO Box 1075
 *City: Ennis *State: MT *Zip Code: 59729
 *Telephone #: (H) _____ (W) _____ Cell (406)599-0445 Other _____
 *Job Address: TBD N. First St. Ennis, MT 59729
 * Contractor: Self
 *Address: _____
 *City: _____ *State: _____ *Telephone: _____

*Legal Description: Lot/Tract 4 Block 1 Subdivision Home Addition
 Zoning District LCR Floodplain-Yes No

Type of Permit Requested – Check all that apply (must include copy/sketch of site/plans)

- Construction Permit Residential Commercial *Manufactured/Modular
 *(Must complete page 3 if checked)
 New Residential Commercial
 Addition
 Garage Attached Detached
 Fence Type - Wood Wire Other Height _____
 Deck Covered Uncovered
 Auxiliary
 Other Describe _____

Water Sewer Setbacks- Front 35 Side _____ Rear _____ Height _____

Describe work to be done: Build lodging house.

Notes/Comments _____

(The following agreement does not apply to Manufactured/Mobile Home/Modular applications. All applicants for these homes must also complete and sign page 3)

AGREEMENT-Read and initial where indicated

The issuance or granting of a permit or approval of plans or specifications shall not be construed to be a permit for, or an approval of, a violation of any of the provisions of the adopted zoning code or any other ordinance of the Town of Ennis. The undersigned agrees that the proposed work shall be done in accordance with the plans and specifications and the statements made in this application and in conformance with applicable Town codes or ordinances pertaining to land or building uses. This permit becomes null and void if work or construction authorized by the permit has not been commenced/initiated within one (1) year of permit's issuance (6 months for a 1 year permit) or work described has not been substantially completed within two (2) years of permit's issuance (1 year for 1 year permit), or work/construction has been abandoned/stopped for more than 180 days at any time. Single issuance or granting of a fence, deck or auxiliary permit becomes null and void if work or construction authorized by permit is not substantially completed within 180 days (6 months) from date of issuance.

*Initial Here

DL
David Lyons (Double Buck)
 *Applicant Signature

11/17/2021
 Date

David Lyons (Double Buck)
 *Printed Name (applicant)

Approved <input type="checkbox"/>	Denied <input type="checkbox"/>
Attachments Yes <input type="checkbox"/>	No <input type="checkbox"/>
Public Works Director _____	
Date _____	

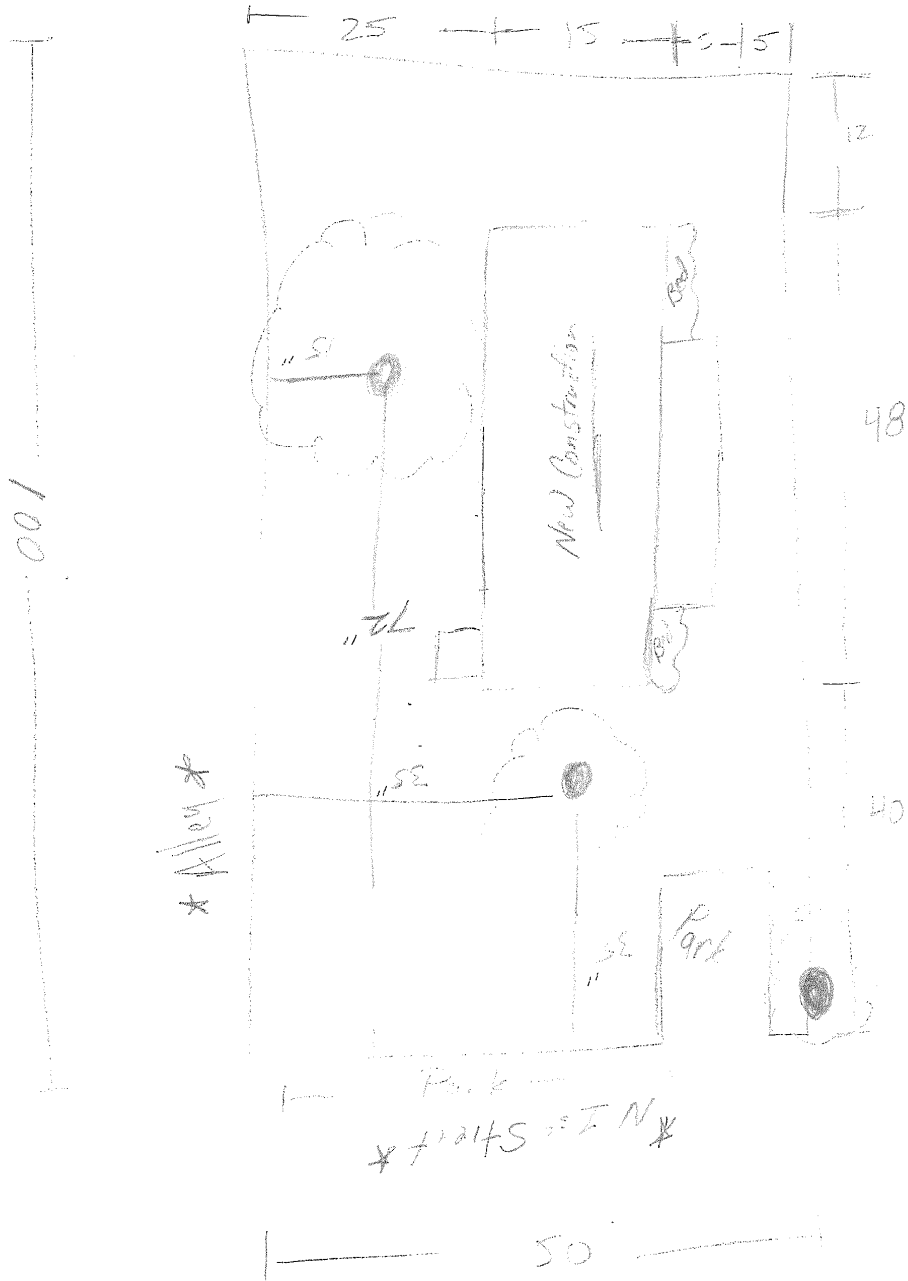
Approved <input type="checkbox"/>	Denied <input type="checkbox"/>
Zoning Administrator _____	
Date _____	

PERMIT EXPIRATION DATE: _____
MUST RENEW ON OR BEFORE DATE OF EXPIRATION. EXTENSIONS MAY BE GRANTED WITH APPROVAL.
do not write below this line

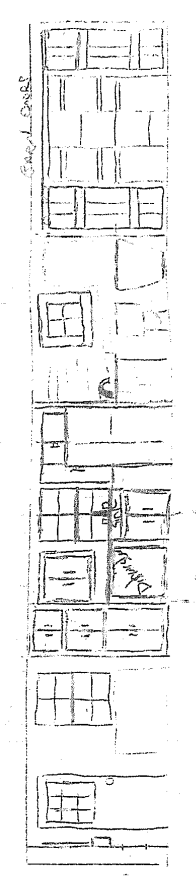
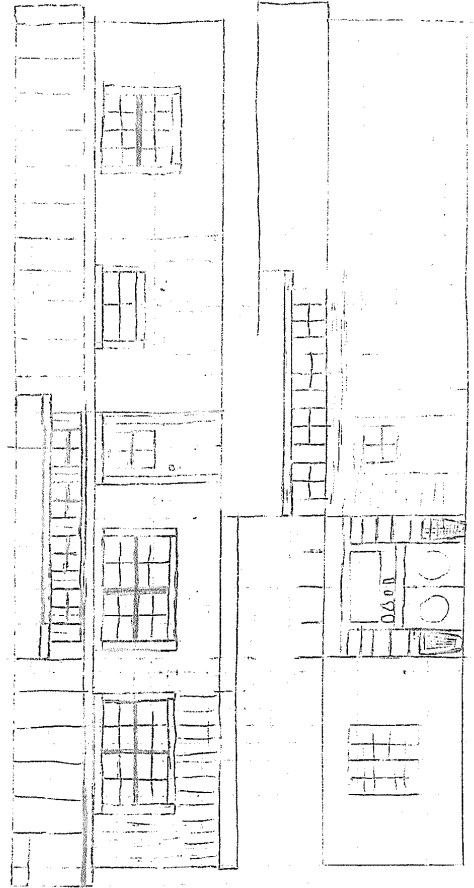
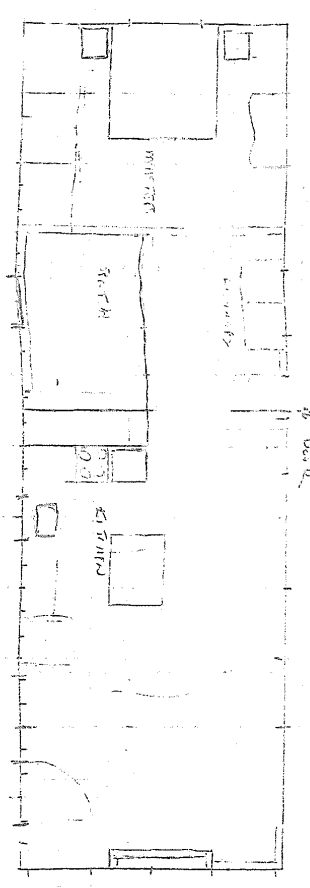
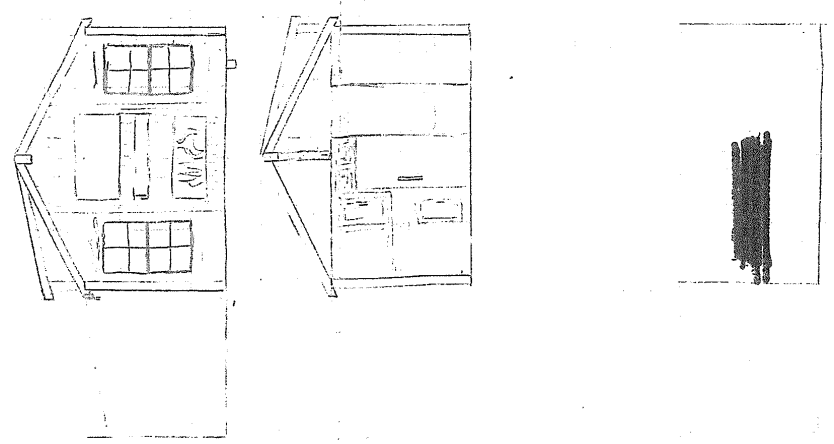
<u>Fees</u>		
Zoning permit requiring site plan review	\$200.00	<u>200.00</u>
Zoning permit requiring sketch plan review	\$100.00	_____
Zone change	\$500.00	_____
Addition-	\$100.00	_____
Garage-	\$75.00	_____
Fence-	\$25.00	_____
Deck-	\$25.00	_____
Auxiliary-	\$50.00	_____
Other-	\$50.00	_____
<u>MOBILE / MANUFACTURED HOMES</u>		
Move-in Permit-	\$50.00 (M/H)	_____
Foundation-	\$100.00 (M/H)	_____
Inspection-	\$50.00 (M/H)	_____
Manufactured/Mobile/Modular Deposit (refundable if compliant) _____		
<u>UTILITIES/STREET</u>		
Water hook-up	\$2425.00	_____
Sewer hook-up	\$3613.00	_____
Street bond (refundable after inspection by public works)		
Paved	\$500.00	_____
Unpaved	\$300.00	_____
Total		<u>200.00</u>

→ North

Lot # 4



45 246 16-1 red
152
152
152
2 x 8 x 5
140 2 x 8 x 5
140 2 x 8 x 5



152

ENNIS ZONING ADMINISTRATOR
STAFF REPORT
JOE DEPEW/IDAHO WILD S7 LLC
NOVEMBER 1, 2021

APPLICATION:

The proposed project involves two parcels located within the Town of Ennis, Both with William Street frontage. The properties are located at 310 E William Street.

Ownership: Idaho Wild S7 LLC, 1285 Trailcrest Dr, Bozeman Mt 59718

Legal description, Chowning Add, S33, T05 S, R01 W, BLOCK 2, LOT 6-7.

The properties are within the LCR zoned area and therefore subject to the Traditional Neighborhood Development (TND) provisions.

Primary access to both properties is from Williams Street. Adjacent properties to the East and West of project are zoned LCR. Property to the South is zoned CCR. Properties on the North side would be zoned RTD.

Proposed application is to construct 2 building with 3 additional lodging units. Units will be approximately 950 sq feet each.

Attached is site map showing all buildings on the property and dimensions of existing buildings and setbacks. Project will be set back from West side and East property line at 5'. Rear from alley is 5'. Height is 24'. Clear vision triangle is not applicable for this project.

Combined lots square footage is 15,000 sq. ft. Similar to RTD density which is 1/8 (.344) per one dwelling unit. Density for 3 dwelling is 16,335 or (.375).

Currently on the lot is a home built in 1920's that is in the process of being restored.

LANDSCAPING:

Landscaping encompasses 21 % of lots, landscaped area consists of grass, native potentillas, aspen tree, blue spruce, and lilac bushes.

PARKING:

Property will offer a total of 7 parking spaces, 5 new spaces and the 2 allocated to the existing home.

FLOODPLAIN MANAGEMENT:

Streams, lakes and flooding are not applicable to the project.

SIGNAGE:

No additional signage is included on application.

LIGHTING:

Applicant did not provide details regarding proposed lighting.

SCREENING:

Homes will be separated by a 4ft Cedar fencing

TRASH, GARBAGE:

Will be utilized by container sites provide by county.

SMOKE, DUST AND ORTHER PARTICULATE MATTER:

Applicant project does not propose activities that would produce smoke, dust, and particulate matter

BULK STORAGE, HAZARDOUS WASTES AND ODORS AND TOXIC GAS:

Are not applicable to this project

GENERAL ANALYSIS

Proposed project

Reviewers have the flexibility to interpret the appropriateness of proposed use. It is Staff's opinion that additional housing for our growing community is essential. Project upholds the small-town western theme as described in the 1996 Comprehensive Plan.

Additional water and sewer lines will be installed with coordination from Public Works Director. While the Public Works Department did not provide formal comment, the applicant is working with them to ensure compliance.

CONCLUSION:

Applicant's project meets all the standards in LCR, TND Overlay, and Performance Standards. Town has previously approved projects of same or similar as proposed by application in LCR Zoning and TND Overlay.

Susie Sprout

Town of Ennis 2021

Zone/Site Permit Application

All areas marked with an asterisk must be completed. All applicants must complete Zone/Site application Application must be completed in full; incomplete applications can cause a delay in approval DO NOT FILL IN SHADED AREAS

*Name JOE DEPEW / IDAMO WILD ST LLC
 *Mailing Address: 1885 TRAIL CROSSING
 *City: POOREMUN *State: MT. *Zip Code: 59710
 *Telephone #: (H) _____ (W) _____ Cell 706-531-2222 Other _____
 *Job Address: 310 ENNIS WILKINS ST. ENNIS, MT.
 * Contractor: B+E Construction
 *Address: _____
 *City: ENNIS *State: MT. *Telephone: 706-500-2222
 *Legal Description: Lot/Tract 6/7 Block 2 Subdivision Charming Nest
 Zoning District LR Floodplain-Yes No

Type of Permit Requested - Check all that apply (must include copy/sketch of site/plans)

Construction Permit Residential Commercial *Manufactured/Modular
 *(Must complete page 3 if checked)
 New Residential Commercial
 Addition
 Garage Attached Detached
 Fence Type - Wood Wire Other Height _____
 Deck Covered Uncovered
 Auxiliary
 Other Describe _____

Water Sewer Setbacks- Front 44 Side 9 Rear 10 Height 20

Describe work to be done: To build 3 LODGING/BOARDING
UNITS APPROXIMATELY 750 SQ FT EACH.

Notes/Comments _____

(The following agreement does not apply to Manufactured/Mobile Home/Modular applications. All applicants for these homes must also complete and sign page 3)

AGREEMENT-Read and initial where indicated

The issuance or granting of a permit or approval of plans or specifications shall not be construed to be a permit for, or an approval of, a violation of any of the provisions of the adopted zoning code or any other ordinance of the Town of Ennis. The undersigned agrees that the proposed work shall be done in accordance with the plans and specifications and the statements made in this application and in conformance with applicable Town codes or ordinances pertaining to land or building uses. This permit becomes null and void if work or construction authorized by the permit has not been commenced/initiated within one (1) year of permit's issuance (6 months for a 1 year permit) or work described has not been substantially completed within two (2) years of permit's issuance (1 year for 1 year permit), or work/construction has been abandoned/stopped for more than 180 days at any time. Single issuance or granting of a fence, deck or auxiliary permit becomes null and void if work or construction authorized by permit is not substantially completed within 180 days (6 months) from date of issuance.

*Initial Here

_____ 
*Applicant-Signature

8/17/2021

Date

JOE DEPEN / IDANTO WLD S1 LLC.
*Printed Name (applicant)

Approved Attachments	Yes	Denied	No
_____ Public Works Director			
Date _____			

Approved	Denied
_____ Zoning Administrator	
Date _____	

PERMIT EXPIRATION DATE: _____

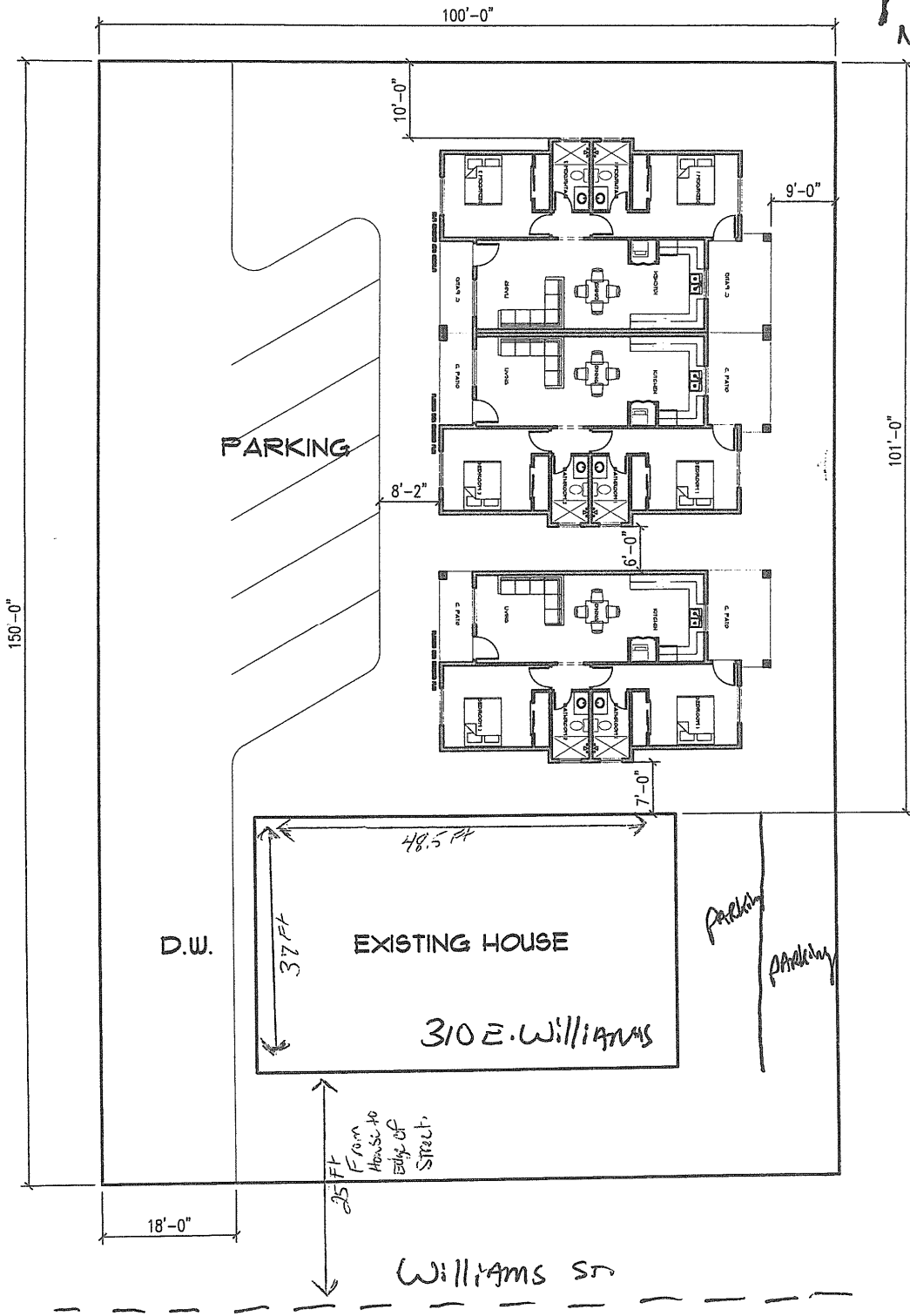
MUST RENEW ON OR BEFORE DATE OF EXPIRATION. EXTENSIONS MAY BE GRANTED WITH APPROVAL do not write below this line

<u>Fees</u>		
Zoning permit requiring site plan review	\$200.00	200.00
Zoning permit requiring sketch plan review	\$100.00	
Zone change	\$500.00	
Addition-	\$100.00	
Garage-	\$75.00	
Fence-	\$25.00	
Deck-	\$25.00	
Auxiliary-	\$50.00	
Other-	\$50.00	
<u>MOBILE / MANUFACTURED HOMES</u>		
Move-in Permit-	\$50.00 (M/H)	
Foundation-	\$100.00 (M/H)	
Inspection-	\$50.00 (M/H)	
Manufactured/Mobile/Modular Deposit (refundable if compliant)		
<u>UTILITIES/STREET</u>		
Water hook-up	\$2425.00	
Sewer hook-up	\$3613.00	
<u>Street bond (refundable after inspection by public works)</u>		
Paved	\$500.00	
Unpaved	\$300.00	
		Total _____





ALLEY WAY





ENNIS POLICE DEPARTMENT

328 West Main Street PO Box 147 Ennis, Montana 59729-0147
Office: 406-682-4287 Fax: 406-848-0601 Dispatch: 406-843-5301
Email: police@ennispolice.com

MONTHLY LAW ENFORCEMENT REPORT TO THE ENNIS TOWN COMMISSION

Regular Commission meeting December 9th, 2021

MDT has approved the encroachment permit for the new speed sign. Public Works will work with MDT to find a good location for the speed sign on MT287 within the 25 MPH zone. Thank you to Public Works for helping with the application, placement, and installation of the speed sign.

By the Commission meeting Officer Fisher will be on his 10th week of field training and continues to progress better than the standards for field training. Montana Law Enforcement Academy (MLEA) has confirmed Officer Fisher's spot for the January 10th to April 5th, 2022 class. Once he completes MLEA, Officer Fisher will complete field training before he can function as an officer on patrol by himself.

If anyone has trained someone for a high-risk position (law enforcement, fire, EMS, and many others) you want to ensure they do the job correctly, in part so they go home safely and avoid any issues that may arise from a poor decision. When training someone, it takes initially 3 -4 times as long for the same task completed by someone with experience. You must explain every step in detail, answer all questions, and ensure the trainee is learning the process and that the process can be repeated safely and effectively. With practice and repetition the process becomes faster and more efficient.

I have attached the Speed Sign report for November 2021. The speed sign report is for the North Main Street sign. I have continued to include the column on the speed report called "Number of Vehicles Inside Tolerated Range". The tolerated range is set at 30 mph.

If you have any questions, comments, or concerns please ask, my door is always open, email is available, and my phone is on.

SYNOPSIS:

During the month of November 2021, law enforcement responded to 48 incidents and/or calls for service. The Ennis Police Department issued 6 citations, issued 34 warnings, issued no parking tickets, and fingerprinted 2 people for various non-criminal background checks.

INCIDENTS AND CALLS FOR SERVICE:

Date	Location	Agency	Nature of Call	Disposition	TIME
11/1	Charles	EPD	Suspicious Circumstances	Closed	D

11/1	Chowning	EPD	Traffic Complaint	Closed	D
11/3	N Main St	MCSO	Crash - Hit & Run	Open	D
11/3	Charles	EPD	Suicidal Threats	Closed	D
11/4	E Main St	EPD/MCSO	Burglar Alarm	Closed	D
11/5	Beaverhead	MCSO	Suspicious Vehicle	Closed	N
11/5	Charles	EPD	Panic Alarm	Closed	D
11/6	E Main St	MCSO	Agency Assist - Fire, traffic control	Closed	D
11/6	Bauer Ln	MCSO	Suspicious Vehicle	Closed	D
11/9	Comley	EPD	Public Assist - Disabled Vehicle	Closed	D
11/9	W Main St	EPD	Agency Assist - Motor Carrier Services	Closed	D
11/9	MT287	EPD	Dogs at Large	Closed	D
11/10	US287	MCSO	Burglar Alarm	Closed	N
11/10	Charles	EPD	Suspicious Circumstances & Vehicle	Closed	D
11/10	W Hugel	MCSO	Mental Health Issues	Closed	N
11/11	Charles	EPD	Suicidal Person	Closed	D
11/11	Madison	MCSO	Partner Family Assault	Closed	N
11/11	N Main St	MCSO	Disorderly Person	Closed	N
11/12	W Main St	MCSO	Suspicious Vehicle	Closed	N
11/14	Undisclosed	MCSO/EPD	Sexual Assault	Open	N
11/15	N Main St	EPD	Arrest - Suspended Habitual Traffic Offender	Closed	D
11/15	S First	EPD	Agency Assist - Welfare Check	Closed	D
11/17	Mirza Way	EPD	Standby to Assure the Peace	Closed	D
11/17	S Third	EPD	Suspicious Vehicle & Persons	Closed	D
11/17	E Main St	EPD	Crash	Closed	D
11/19	E Main St	EPD	Crash Reports Request	Closed	D
11/20	Forest Service Dr	MCSO	Wildlife Complaint	Closed	D
11/20	N Main St	MCSO	Person Down	Closed	D
11/20	E Main St	MCSO	Disturbance	Closed	D
11/20	S Third	MCSO	Neighbor Dispute	Closed	N
11/20	Madison	MCSO	Standby to Assure the Peace	Closed	N
11/22	S First	EPD	Public Assist - Lost Dog	Closed	D
11/22	S Second	EPD	Agency Assist - Ambulance	Closed	D
11/22	S First	EPD	Public Assist - Courtesy Ride	Closed	D
11/22	E Main St	EPD	Animal Complaint - Found Dog	Closed	D
11/23	Mirza Way	EPD	Standby to Assure the Peace	Closed	D
11/23	MT287	EPD	Traffic Complaint	Closed	D
11/23	Madison	EPD	Standby to Assure the Peace	Closed	D
11/23	Beaverhead	MCSO	Wildlife Complaint	Closed	D
11/24	E Main St	EPD	Wildlife Complaint	Closed	D
11/25	N Main St	MCSO	Suspicious Vehicle	Closed	N
11/25	W Main St	MCSO	Disturbance	Closed	N

11/27	E Main St	MCSO	Suspicious Circumstances	Closed	D
11/27	Charles	MCSO	911 Open Line	Closed	D
11/28	W Fagin	MCSO	Suspicious Circumstances	Closed	D
11/28	Pearl St	MCSO	Agency Assist - Ambulance	Closed	D
11/29	W Main St	EPD	Abandoned Vehicle	Closed	D
11/30	US287	EPD	Theft	Closed	D

D = Day Call 0600-1800 N = Night Call 1800-0600
37 Day Calls and 11 Night Call

EPD CITATION ENFORCEMENT SUMMARY:

Traffic Citations-
 Speeding 2
 No Insurance 1
 Driving While License Suspended 1
 Expired Registration 1

Criminal Citations-
 Theft 1

Ordinance Violations-

EPD PARKING TICKET ENFORCEMENT SUMMARY:

None

Custom Report

Technician Name: administrator

Location: N Main Street Southbound 300 Block

State/Province: MT

Address: 305 N Main St

Postal Code/ZIP: 59729

City: Ennis



Report Period: 11/1/2021 to 12/1/2021

		Total Vehicle Count	Number of Speed Limit Violations	Number of Vehicles Respecting Limit	Number of Vehicles inside Tolerated Range
11/1/2021	00:00:00	2,486	1,780	706	1,159
11/2/2021	00:00:00	2,429	1,705	724	1,126
11/3/2021	00:00:00	2,486	1,766	720	1,114
11/4/2021	00:00:00	^H 2,771	^H 2,006	765	^H 1,281
11/5/2021	00:00:00	2,008	1,478	530	859
11/6/2021	00:00:00	1,643	1,172	471	704
11/7/2021	00:00:00	2,449	1,699	750	1,140
11/8/2021	00:00:00	2,358	1,607	751	1,078
11/9/2021	00:00:00	2,554	1,804	750	1,187
11/10/2021	00:00:00	2,472	1,660	812	1,098
11/11/2021	00:00:00	2,671	1,822	849	1,206
11/12/2021	00:00:00	2,066	1,510	556	897
11/13/2021	00:00:00	1,666	1,198	468	739
11/14/2021	00:00:00	2,520	1,716	804	1,159
11/15/2021	00:00:00	2,379	1,641	738	1,060
11/16/2021	00:00:00	2,444	1,742	702	1,168
11/17/2021	00:00:00	2,433	1,664	769	1,114
11/18/2021	00:00:00	2,551	1,774	777	1,139
11/19/2021	00:00:00	2,023	1,502	521	891
11/20/2021	00:00:00	1,715	1,260	455	759
11/21/2021	00:00:00	2,542	1,800	742	1,213
11/22/2021	00:00:00	2,548	1,711	837	1,133
11/23/2021	00:00:00	2,758	1,736	^H 1,022	1,147
11/24/2021	00:00:00	1,155	868	287	471
11/25/2021	00:00:00	1,991	1,400	591	866
11/26/2021	00:00:00	1,980	1,478	502	904
11/27/2021	00:00:00	1,681	1,250	431	718
11/28/2021	00:00:00	2,192	1,551	641	1,064
11/29/2021	00:00:00	2,432	1,595	837	1,091
11/30/2021	00:00:00	2,754	1,806	948	1,246
		SUM: 68,157	SUM: 47,701	SUM: 20,456	SUM: 30,731

Title 3 - BUSINESS LICENSES AND REGULATIONS

CHAPTER 1 GENERAL PROVISIONS¹

3-1-1: TITLE:

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

3-1-2: ENACTING CLAUSE:

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

3-1-3: DEFINITIONS:

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

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

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

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

~~**COIN OPERATED GAMES:** Any pinball game, video game, or other game designed to be displayed where the public may play the game on depositing a coin, coins, or tokens in the machine.~~

~~—**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.~~

~~—Video Game: A game using computer technology and a type of video display.~~

~~—Video Game Arcade: Any place where four (4) 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.~~

HOME INDUSTRIES: A trade, occupation, or profession for profit in the confines of a residential dwelling provided it is a secondary use of the dwelling and employs only family members. ~~There shall be no outward signs or display of the profession.~~

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

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

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

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

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

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

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

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

~~ITINERANT VENDOR: Any person engaged or employed in the business of retailing to consumers by going from consumer to consumer, either on the streets or 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. (Prior Code § 5.10.020; and, 2003 Code)~~

CHAPTER 2 ADMINISTRATION AND ENFORCEMENT

3-2-1: LICENSE REQUIRED:

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

3-2-2: LICENSE FEES; EXCEPTIONS:

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

B. Fee: The Town Clerk-Treasurer or Deputy Clerk shall collect the license fee as required by this title upon making of the application thereto.

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

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

3-2-3: APPLICATION:

Application for licenses shall be obtained from and filed with the Town Clerk-Treasurer or Deputy Clerk. All applications, when filed, shall be accompanied with the necessary fees and shall be signed by the applicant. The form of the application shall be determined by the Town Clerk-Treasurer or Deputy Clerk, but shall contain the following statement:

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 transferable, except that the applicant may transfer the license to a different business site upon submitting the proper form to the town of Ennis.

(Prior Code § 5.06.060)

3-2-4: SEPARATE LICENSE REQUIRED:

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

3-2-5: ALLOCATION OF FEES:

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

3-2-6: ISSUANCE:

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

3-2-7: TERM OF LICENSE:

~~A. After December 30: An applicant meeting all other requirements of this title, applying for a license after December 30 for a new business not previously licensed by the town, shall be entitled to a one-half (¹/₂) year license at one-half (¹/₂) the fee as required in chapter 3 of this title.~~

A. Prohibition On Rebate/Proration: License fees shall not be prorated. No rebate or refund of any license fee, or part thereof, shall be made by reason of the nonuse of such license or by reason of a change of location or business rendering the use of such license ineffective.

B. License Year: Except where otherwise specifically provided in connection with a business, the license year shall run from July 1 until June 30 of the following year. No person may continue to operate a business after the expiration of the license unless an application has been made for a new license and a new license has been issued. (Prior Code § 5.06.120)

C. Renewal:

1. Filing Deadline: All applications and renewals for an annual license, as required herein, shall be filed with the Town Clerk-Treasurer or Deputy Clerk no later than August 1 of each year.
2. Declared Delinquent: These applications filed after August 1 are hereby declared delinquent and subject to a delinquent charge as provided in chapter 3 of this title. Applications postmarked by midnight of August 1 shall not be declared delinquent.
3. ~~Exception: This subsection shall not apply to those applications filed for a half-year license as provided in subsection A of this section. (Prior code § 5.06.130)~~

3-2-8: TRANSFERABILITY:

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

B. Location: 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 notify the Town Clerk-Treasurer or Deputy Clerk and obtain an updated license with corrected information to be posted at business location. (Prior Code § 5.06.140)

3-2-9: POSTING REQUIRED:

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

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

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

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

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

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

3-2-11: NUMBER OF LICENSES:

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

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

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

3-2-13: UNLAWFUL ACTIVITIES:

No provision herein contained shall be construed so as to license any trade, business, occupation, vocation, profession, or entertainment prohibited by any enforced law of the United States, of the state, or any ordinance of the town. (Prior code § 5.06.180; amd. Ord. 134, 11-5-2010)

3-2-14: INTERSTATE COMMERCE:

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

3-2-15: GROUNDS FOR REVOCATION:

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

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

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

3-2-17: APPEAL:

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

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

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

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

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

3-2-18: VIOLATION; PENALTY:

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

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

CHAPTER 3 FEE SCHEDULE

3-3-1: BUSINESS LICENSE FEES:

For the purpose of establishing business license fees, all business establishments, unless otherwise specified in this title, must pay appropriate fees as outlined below before business operations begin. Business license fees will be reviewed annually and fee amounts will be set by Resolution of the Town Commission. ~~shall be based on the number of permanent full-time employees. based on any three (3) month period as follows:~~

Basic business license fee: \$50

ANY ESTABLISHMENT SELLING ALCOHOLIC BEVERAGES (BEER & WINE ONLY)	\$175
ANY ESTABLISHMENT SELLING ALCOHOLIC BEVERAGES (LIQUOR)	\$250
CAMPGROUNDS & RV PARKS	BASIC FEE PLUS \$1 PER UNIT
COMMUNICATIONS & TECHNOLOGY	\$100
LODGING & RENTALS	BASIC FEE PLUS \$3 PER UNIT
TRANSFERRED BUSINESS	\$25

A transferred business is any business that changes ownership or moves addresses.

Expositions and Events: \$25 per vendor that does not already hold a Town of Ennis business license. The event host and/or sponsor is responsible for ensuring that all vendors are properly licensed by the Town of Ennis.

~~Immediate family members are excluded from determining the number of employees. (Prior Code § 5.08.010)~~

~~3-3-2: BUILDING CONTRACTOR:~~

~~The license fee for all "building contractors" as defined in section 3-1-3 of this title shall be based on the number of employees as in section 3-3-1 of this chapter. (Prior Code § 5.08.020)~~

~~3-3-3: GAMING; BINGO AND RAFFLES:~~

~~The license fee for gaming tables or gaming tables and electronic poker and keno machines as described in section 3-12-1 of this title shall be as follows:~~

Class A licenses	\$ 75.00 per year
Class B licenses (per machine)	150.00 per year
Class B licenses (per table)	25.00 per year

(Ord. 89, 9-10-1987; amd. 2003 Code)

3-3-4: COIN OPERATED GAMES; AMUSEMENTS:

The license fee for all video games or any mechanical device operated for the sole purpose of amusement of the patrons shall be fifty dollars (\$50.00) per machine or device per year. (Prior Code § 5.08.040; amd. 2003 Code)

3-3-5: HUCKSTERS:

The license fee for each "huckster" as defined in section 3-8-1 of this title shall be twenty five dollars (\$25.00) per year. (Prior Code § 5.08.050)

3-3-6: ITINERANT VENDORS:

The license fee for each "itinerant vendor" as defined in section 3-5-1 of this title shall be ten dollars (\$10.00) per ninety (90) days. (Prior Code § 5.08.060)

3-3-7: TRANSIENT RETAIL MERCHANTS:

The license fee for each "transient retail merchant" as defined in section 3-7-1 of this title shall be twelve dollars fifty cents (\$12.50) for the first week or fraction thereof, and twelve dollars fifty cents (\$12.50) per each succeeding week or fraction thereof. (Prior Code § 5.08.070)

3-3-8: TRANSIENT WHOLESALE MERCHANTS:

The license fee for each "transient wholesale merchant" as defined in section 3-6-1 of this title shall be twelve dollars fifty cents (\$12.50) for the first week or fraction thereof, and twelve dollars fifty cents (\$12.50) for each succeeding week or fraction thereof. (Prior Code § 5.08.080)

3-3-9: JUNK DEALERS, PAWNBROKERS, SECONDHAND DEALERS AND ANTIQUE DEALERS:

The license fee for such establishments as defined in section 3-9-1 of this title shall be as follows:

Businesses with less than 5 employees	\$25.00 per year
Businesses with 5 to 10 employees	40.00 per year
Businesses with 10 or more employees	50.00 per year

Number of employees shall be based on permanent, full-time employees, excluding immediate family members. (Prior code § 5.08.090)

3-3-10: MANUFACTURING:

The license fee for "manufacturing" establishments as defined in section 3-1-3 of this title shall be based on the number of employees as described in section 3-3-1 of this chapter. (Prior code § 5.08.100)

3-3-11: RETAIL ALCOHOLIC BEVERAGES ESTABLISHMENTS:

Any business establishment which deals in the reselling of any alcoholic beverage shall pay an additional business license fee of one hundred twenty five dollars (\$125.00) two hundred dollars

~~(\$200.00) per year along with any other required license fees mentioned in this title. (Prior code § 5.08.110; amd. 2003 Code)~~

3-3-12: TRANSPORTATION FIRMS:

The license fee for "transportation firms" as defined in section 3-1-3 of this title shall be as follows:

First vehicle ("vehicle" as defined in section <u>3-1-3</u> of this title)	\$25 .00 per year
Each additional vehicle ("vehicle" as defined in section <u>3-1-3</u> of this title)	5 .00 per year

~~(Prior code § 5.08.120)~~

3-3-13: UTILITIES:

The license fee for "utilities" as defined in section 3-1-3 of this title shall be twenty five dollars ~~(\$25.00) per year. (Prior code § 5.08.130)~~

3-3-14: MISCELLANEOUS BUSINESSES:

The license fee for miscellaneous businesses not included in section 3-3-1 of this chapter or otherwise classified by this chapter shall be as follows:

Auctioneers	-	\$25 .00 per year
Carnivals, street fairs, tent shows and the like either within the town limits or within 3 miles of said town limits:	-	-
Single tent shows	-	25 .00 per day
Each additional show, game, concession and miscellaneous riding device	-	5 .00 per day
Parades	-	10 .00 per day additional
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 3 mile radius	-	25 .00 per day
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
Medical marijuana		See <u>chapter</u>

(Prior code § 5.08.140; amd. Ord. 134, 11-5-2010)

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 3-3-1 of this chapter. (Prior code § 5.08.140)

3-3-15: DELINQUENT CHARGES:

When an application is declared delinquent, as provided in subsection 3-2-7C of this title, a delinquent charge of ten percent (10%) 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. (Prior code § 5.08.150)

CHAPTER 4 PROFESSIONAL BUSINESSES

3-4-1: DEFINITION:

~~A "professional" is any person whose occupation is subject to the licensing and regulation requirements of title 37, Montana Code Annotated. (Prior Code § 5.40.010)~~

3-4-2: LICENSE REQUIRED:

~~All persons maintaining within the town a place in or from which they practice a profession governed by title 37, Montana Code Annotated, shall procure a license under the provisions of this chapter, unless exempted as set out in section 3-2-2 of this title. (Prior Code § 5.40.020)~~

3-4-3: ENACTING CLAUSE:

~~The town commission has determined that a license for a professional business establishment is necessary for the same reasons set out in section 3-1-2 of this title. (Prior Code § 5.40.030)~~

3-4-4: FEE REQUIRED:

~~The fee for a professional business license shall be the same as for a general business license. (Prior Code § 5.40.040)~~

CHAPTER 5 ITINERANT VENDORS

3-5-1: DEFINITIONS:

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

~~CONSUMER: One who uses and by using destroys the value of the article purchased.~~

~~ITINERANT VENDOR: Any person engaged or employed in the business of retailing to consumers by going from consumer to consumer, either on the streets or 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. (Prior Code § 5-10-020; amd. 2003 Code)~~

3-5-2: LICENSE REQUIRED:

~~Every itinerant vendor before doing any business in the town shall first procure a license therefor as provided in section 3-2-1 of this title. (Prior Code § 5-10-010)~~

3-5-3: APPLICATION:

~~Every person desiring to do business as an itinerant vendor shall file with the Town Clerk-Treasurer or Deputy 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 town;~~

- ~~E. Town or city 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 are 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. (Prior Code § 5.10.040; amd. 2003 Code)

3-5-4: TERM OF LICENSE:

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. (Prior Code § 5.10.040)

3-5-5: SOLICITING AT PRIVATE RESIDENCES:

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 occupant of such 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 a violation of this code. (Prior Code § 5.10.030)

CHAPTER 6 TRANSIENT MERCHANTS¹

3-6-1: DEFINITIONS:

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

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.

~~TRANSIENT MERCHANT: A. Any person, firm, or corporation whether as owner, agent, consignee, or employee, or whether a resident within the town limits, that:~~

- ~~1. Engages in a temporary business of selling and/or delivering goods, wares, or services, or who conducts meetings open to the general public where franchises, distributorships, contracts, or business opportunities are offered to participants; or~~
 - ~~2. Sells, offers, or exhibits for sale any goods, wares, or services, franchises, distributorships, contracts, or business opportunities during the course of or any time within six (6) months after a lecture or public meeting on said goods, wares, services, franchises, business opportunities, contracts, or distributorships.~~
- ~~B. The foregoing notwithstanding, however, a transient merchant, for the purposes of this chapter, shall not include the following:~~
- ~~1. A person, firm, or organization who shall occupy any of the aforesaid places for the purpose of conducting a permanent business therein; provided, however, that no person, firm, or corporation shall be relieved from the provisions of this chapter by reason of a temporary association with any local dealer, trader, merchant, or auctioneer, or by conducting such temporary or transient business in connection with or as a part of or in the name of any local dealer, trader, merchant, or auctioneer;~~
 - ~~2. Any sales of merchandise damaged by smoke or fire, or of bankrupt concerns, where such stocks have been acquired from merchants of the town therefor regularly licensed and engaged in business; provided, however, no such stocks of merchandise shall be augmented by new goods;~~
 - ~~3. 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 title; or~~
 - ~~4. 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. (Prior Code § 5.12.020)~~

3-6-2: LICENSE REQUIRED:

~~Every transient wholesale merchant before doing any business in the town shall first procure a license therefor as provided in section 3-2-1 of this title. (Prior Code § 5.12.010)~~

Footnotes - Click any footnote link to go back to its reference.

Footnote 1: MCA § 7-21-2401 et seq.

CHAPTER 7 TRANSIENT RETAIL MERCHANTS¹

3-7-1: DEFINITIONS:

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

~~TEMPORARY PREMISES: 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 herein.~~

~~TRANSIENT RETAIL MERCHANT: Any person who shall bring into temporary premises within the town 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. Such definition shall continue to apply until such person is continuously engaged at such temporary premises for a period of one year. (Prior Code § 5.14.020)~~

3-7-2: LICENSE REQUIRED:

~~Every transient retail merchant before doing any business in the town shall first procure a license therefor as provided in section 3-2-1 of this title. (Prior Code § 5.14.010)~~

Footnote 1: MCA § 7-21-2401 et seq.

CHAPTER 8 HUCKSTERS¹

3-8-1: 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 of this chapter, a "huckster". (Prior Code § 5.16.020)~~

3-8-2: LICENSE REQUIRED:

~~Every huckster before doing business in the town shall first procure a license therefor as provided in chapter 2 of this title. (Prior Code § 5.16.010)~~

3-8-3: APPLICATION; FEE:

Every huckster desiring to do business in the town shall file with the Town Clerk-Treasurer or Deputy Clerk an application as requested in chapter 3 of this title and pay the fee as required. (Prior Code § 5-16.030)

3-8-4: TERM OF LICENSE:

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. (Prior Code § 5-16.040)

Footnotes - Click any footnote link to go back to its reference.

Footnote 1: MCA § 7-21-2501 et seq.

CHAPTER 9 JUNK DEALERS, PAWNBROKERS, SECONDHAND DEALERS AND ANTIQUE DEALERS¹

3-9-1: DEFINITIONS:

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

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

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

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

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

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

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

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

3-9-2: REGISTER; POLICE INSPECTION:

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

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

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

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

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

3-9-3: EXAMINATION OF REGISTER AND PROPERTY:

No person carrying on the business of a pawnbroker, junk dealer, secondhand dealer, keeper of a secondhand store, coin dealer, stamp dealer, gem dealer, or antique dealer shall fail or neglect to keep the register required by section 3-9-2 of this chapter or refuse to exhibit it to the chief law enforcement officer of the town or to any law enforcement officer, or to any third person brought as a friend to redeem property pledged by another requesting to do so, or refuse to permit the chief law enforcement officer for the town or any law enforcement officer or any third person brought by the pledgor or to redeem property pledged to inspect any article purchased or traded or received. (Prior Code § 5.18.030)

3-9-4: REPORT TO POLICE:

Any person carrying on the business of a pawnbroker, junk dealer, secondhand dealer, keeper of a junk shop, keeper of a secondhand store, coin dealer, stamp dealer, gem dealer, or antique dealer shall be required to make at twelve o'clock (12:00) noon of each day a copy of the entries for the proceeding twenty four (24) hours in the register required by section 3-9-2 of this chapter and to deliver a copy of the same to the chief law enforcement officer for the town, except items purchased from all estate sales, licensed auction sales, licensed dealers and regular licensed suppliers. (Prior Code § 5.18.040)

3-9-5: RETENTION AFTER DELIVERY OF REGISTER TO POLICE:

No property or article purchased, traded, or received by a pawnbroker, junk dealer, secondhand dealer, keeper of a junk shop, keeper of a secondhand store, coin dealer, stamp dealer, gem dealer, or antique dealer shall be sold or taken from the place of business for one week after the date of its receipt and the entry of its description in the register and delivery of a copy of such register to the chief law enforcement officer for the town, except upon written authority from the chief law enforcement officer. (Prior Code § 5.18.050)

3-9-6: RECEIVING ARTICLES FROM MINORS:

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

Footnotes - Click any footnote link to go back to its reference.

Footnote 1: MCA §§ 7-21-4201, 7-21-4207, 7-21-4208, 32-1-401 et seq., and 45-5-623.

CHAPTER 10 HOTEL GUEST REGISTERS¹

3-10-1: DEFINITIONS:

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

GUEST: Any person who shall resort to a hotel within the town limits for refreshment or lodging for any period of time during the day or night.

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

3-10-2: GUEST REGISTER:

A. Required; Inspection: Every hotel in the town shall keep and maintain a register to which each guest shall enter his name and address upon the day of arrival. Such register shall be available for inspection by law enforcement officers at all times.

B. Failure To Provide Or Maintain: Failure to provide or maintain such a register, or failure to require any guest to enter his name and address therein on the day of arrival, or to knowingly enter or permit such guest to enter a false or fictitious name or address in such register as the name and address of such guest shall be a violation of this chapter. (Prior Code § 5.20.020)

3-10-3: FAILURE TO SIGN; FALSE ENTRIES:

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

Footnotes - Click any footnote link to go back to its reference.

[Footnote 1](#): MCA § 50-51-101 et seq.

CHAPTER 11
POOL AND BILLIARD HALLS¹

3-11-1: HOURS OF OPERATION:

All pool halls and billiard halls shall close each night of the year by two o'clock (2:00) A.M. and shall be kept and remain closed until at least eight o'clock (8:00) A.M. the following morning. (Prior Code § 5.22.010)

3-11-2: PRESENCE AFTER HOURS:

A. Prohibited: No person except the owner, agent, or employee of any pool hall or billiard hall shall be or remain in such place of business between the hours of two o'clock (2:00) A.M. and eight o'clock (8:00) A.M. of the following day. (Prior Code § 5.22.020)

B. Penalty: Any person except the owner, agent, or employee of such owner of any pool hall or billiard hall who is found within such pool hall or billiard hall between the hours of two o'clock (2:00) A.M. and eight o'clock (8:00) A.M. of the following morning shall be deemed guilty of a violation of this chapter and shall be punished as provided in section 3-2-18 of this title. (Prior Code § 5.22.030)

3-11-3: 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 section 3-2-18 of this title, be revoked as provided in chapter 2 of this title, and no license shall be issued to the same owner or proprietor for the same place of business for a period of six (6) months thereafter. (Prior Code § 5.22.040)

Footnotes — Click any footnote link to go back to its reference.

Footnote 1: MCA § 7-21-4201.

CHAPTER 12 GAMING

3-12-1: DEFINITIONS:

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

GAME OF CHANCE: As the term is used herein shall be any game of chance authorized by the acts referred to in section 3-12-2 of this chapter.

GAMING DEVICE: Any and all devices specifically named in the acts referred to in section 3-12-2 of this chapter, including, but not limited to, any devices which by 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 same 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. (Prior Code § 5.24.020)

3-12-2: LICENSE REQUIRED:

No gambling shall be conducted in the town 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 town commission. (Prior Code § 5.24.010)

3-12-3: LICENSES:

A. ~~Class A License: A license known as a class A license under this chapter shall be issued to each person making application annually therefor who shall qualify under the provisions of the acts referred to in section 3-12-2 of this chapter 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 title upon premises owned, leased, or operated and managed by such person and where consumable products are otherwise sold.~~

B. ~~Qualification Of Firm, Entity Or Corporation: 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. ~~Application: Each applicant for a license under this title shall make application to the Town Clerk-Treasurer or Deputy Clerk, in writing, signed by the applicant and directed to the commission, which application 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. ~~Issuance: Upon submission of the application and payment of the proper fee, the class A license shall be issued by the Town Clerk-Treasurer or Deputy Clerk. (Prior Code § 5.24.030)~~

3-12-4: LICENSE FEE:

A. ~~Fee; Proration: The license fee provided for in section 3-12-3 of this chapter 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.~~

B. ~~Refund: Any licensee 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-Treasurer or Deputy Clerk. The Town Clerk-Treasurer or Deputy Clerk shall thereupon issue a refund to the licensee. (Prior Code § 5.24.040)~~

CHAPTER 13

GOING OUT OF BUSINESS SALES

3-13-1: DEFINITIONS:

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

~~FIRE AND OTHER ALTERED GOODS SALES: 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: 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: adjusters, adjustments, alteration, assignee, bankrupt, benefit of creditors, benefit of trustees, building coming down, closing, creditor's mortgage sale, receivers, trustees and quitting business.~~

~~GOODS: Includes any goods, wares, merchandise, or other than property capable of being the object of a sale regulated hereunder.~~

~~RELOCATION OF BUSINESS: 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. (Prior Code § 5.26.010)~~

3-13-2: 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:

A. ~~Going out of business sale;~~

B. ~~Relocation of business sale; and~~

C. ~~Fire and other altered stock sale. (Prior Code § 5.26.020)~~

CHAPTER 14 VIDEO GAMES AND ARCADES

3-14-1: LICENSE REQUIRED; FEE:

Any business having not more than five (5) video games or coin-operated games open for business shall obtain a license for each game. The annual fee for such license shall be fifty dollars (\$50.00) 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 ~~chapter 3~~ of this title shall not be required to obtain a license for each machine. No proprietor shall operate any video game arcade or any arcade for five (5) or more coin-operated games without having a valid current license for conducting a business. The annual fee for such license shall be fifty dollars (\$50.00). 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 (5) or more video games or coin-operated games of any kind are displayed for use by the public on the premises. (Prior Code § 5.50.010; amd. 2003 Code)

CHAPTER 15 MEDICAL MARIJUANA

3-15-1: DEFINITIONS:

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

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

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

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

cultivated.

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

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

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

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

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

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

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

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

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

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

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

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

3-15-2: APPLICABILITY; FAILURE TO MAINTAIN STATE AUTHORIZATION:

For purposes of this chapter, the definitions, words, phrases, and expressions as set forth in this chapter are to be construed the same as those set forth in the Montana medical marijuana act¹. Any individual or entity licensed under this chapter to conduct any transaction, use or business, involving medical marijuana, in addition to the requirements of this chapter, is subject to all other requirements

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

3-15-3: LICENSE; APPLICATION, FEES, TRANSFERABILITY:

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

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

1. Storefront/Retail Locations: Any person or entity that provides a permanent location other than the residence of the person's or entity's qualifying patient(s) where a transaction or use related to medical marijuana is engaged in for more than three (3) qualifying patients registered by the state of Montana to the applicant or the applicant's employees or agents shall prior to engaging in such transaction or use obtain a medical marijuana storefront license. The maximum number of medical marijuana storefront licenses shall be three (3) within the town of Ennis. Prior to approval the storefront must meet all security requirements, and present documents verifying the security equipment is in place and functioning well.
2. Delivery: Any person or entity that delivers medical marijuana within the town of Ennis to more than three (3) qualifying patients residing in the town of Ennis or another entity regardless of whether the medical marijuana is sold, bartered, exchanged, or gifted shall prior to engaging in such activity obtain a medical marijuana delivery license. A medical marijuana delivery license is required for anyone delivering medical marijuana in the town of Ennis. A medical marijuana delivery license is included with a storefront, growing and/or processing license.
3. Growing and/or Processing: Any person or entity that operates a facility for the purpose of growing and/or processing medical marijuana shall prior to engaging in such activity obtain a medical marijuana grow license. Prior to the license being issued the grow facility must pass all security, electrical and ventilation requirements, and present documents verifying that they have passed

inspection. The town of Ennis has the right to request that the fire marshal inspect the facilities as well.

4. Processing: All processing of food or sundry products with medical marijuana as an ingredient shall meet all security requirements as set forth herein. All food products must be prepared in a licensed commercial kitchen. A processing license is for a business wishing to alter raw medicine into different forms of medicine for medicinal marijuana purposes. This does not allow the facility to be used as a storefront, grow house, testing or delivery unless the applicable license or licenses have been obtained.
5. Testing Facilities: All medical marijuana testing facilities shall meet the security requirements and ventilation requirements. A medical marijuana testing facility license is solely for the purpose of testing marijuana for chemical components, structure or abnormalities in the medicine and is not licensed to grow, process, deliver, or be used as a storefront.

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

B. Application:

1. Contents: An application under this chapter, in addition to the requirements in chapter 2 of this title, shall include the following:
 - a. The name of all owners/principals of the business as applicable and the name of all agents, contractors or employees, if any;
 - b. Documentation demonstrating the applicant and all owners/principals, agents, contractors or employees, as applicable, that may be involved in transactions regarding medical marijuana within the town of Ennis are registered with the state of Montana under title 50, chapter 46, Montana Code Annotated, and are duly authorized by state law to acquire, possess, cultivate, manufacture, deliver, transfer, or transport medical marijuana;
 - c. Documentation of any inspection(s) required must be provided to the town clerk;
 - d. A statement addressing how the applicant will comply with the security requirement provisions of section 3-15-6 of this chapter; and
 - e. Each applicant for a business license shall provide a detailed statement regarding the nature of activities related to medical marijuana for which the applicant is engaged in and the specific license(s) for which an application is being submitted.
2. Confidentiality: An application for business license under this chapter is a public document except that the names of all agents, employees and/or contractors and the number of qualifying patients provided to the town of Ennis in fulfillment of the requirements of this chapter are to be kept on a

separate form and are to be considered confidential by the town of Ennis unless disclosure is required by law. Nothing herein shall prevent a duly authorized agent of the town of Ennis from sharing the information described in this section with other authorized federal, state, or local law enforcement as necessary to perform official duties.

C. Fees: The registration and license fee of ~~twenty five dollars (\$25.00)~~ includes a delivery license. Growing and/or processing occurring at the same physical location only require a single license, however all business activities must be listed on the license application.

License Types	Registration And License Fee	Special Services And Regulatory Inspection Fee
Storefront	\$25.00 \$150.00	\$30.00 \$100.00
Delivery	25.00 150.00	n/a
Growing	25.00 150.00	60.00 100.00
Processing ¹	25.00 150.00	30.00 100.00
Testing facility	25.00 150.00	30.00 100.00

Note:

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

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

3-15-4: VARIANCE:

Variance for the number of storefront/retail locations:

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

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

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

3-15-5: INSPECTION:

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

3-15-6: SECURITY REQUIREMENTS:

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

Footnotes - Click any footnote link to go back to its reference.

[Footnote 1](#): MCA 50-46.

**TOWN OF ENNIS COMMISSION MEETING
NOVEMBER 18, 2021
7:00 PM
ENNIS TOWN HALL**

Open Meeting Mayor Leavitt opens meeting at 7:02 pm

Commission Present: Mayor Leavitt, Schroder, Ranson, Roberts, Hardy, Bancroft

Pledge to the Flag

Minutes: Review and Vote on Minutes from November 3, 2021

Bancroft moves to approve. Hardy seconds. Roberts asks for clarifying verbiage to be added to her comment made regarding CUP and height restrictions for text amendments.

Call to vote. All vote yes.

Public Comment(s) on Non-Agenda Matters

Christian Pederson directs question to Roberts, asking why funds were taken from Public Works to pay attorney for alleyway litigation. Roberts states she is unaware of what Pederson is referring to.

Ginger Guinn states that \$25,000 was borrowed from Public Works with the term of a 5-year payback, annually at budget time.

North 40 Phase 6: Final Plat review and vote to approve/disapprove

Vujovich gives updates and provides construction progress.

Bancroft asks about areas marked as parks, makes comment with concern on safe place for kids.

Hardy asks Vujovich about the terms for completing paving. Vujovich clarifies a 5-year term is standard but he does not have any intention to take that long.

Roberts references the amendment of #19 regarding condominiums. Vujovich states he will add to his disclosure.

Schroeder moves to approve final plat. Bancroft seconds.

Kristi calls to vote. All vote yes.

Attorney Greenbaum comments in favor of mentioning findings of fact in motion for final plat.

Roberts moves to approve the Madison County Planning Subdivision Report #E PP 2101 on North 40 Subdivision Phase 6 prepared on 07/22/2021 by Alex Hogle with the findings of facts determined by the MCPB and with the conditions of approval number 1-19 with the amendment previously adopted on 08/25/2021.

Kristi seconds. No discussion.

Leavitt calls to vote. All vote yes.

Resolution 563-2021: Review, discussion & Vote on a Resolution setting application fee for Annexation requests

Leavitt reads resolution.

Resolution reads to impose annexation fees to \$500 plus \$100 per acre, nonrefundable.

Hardy moves to approve. Ranson seconds. Leavitt calls to vote. All vote yes.

Greenbaum comments that there must be public comment.

Leavitt opens for public comment. No public comment given. Vote stands.

Resolution 564-2021: Review, discussion & Vote on a Resolution increasing Library employee's wages and withholdings

Leavitt makes mention to commission that there is a letter from some Town of Ennis employees to review.

Leavitt reads motion.

Resolution reads to amend the 2021-2022 budget by increasing wages and withholdings in the amount of \$14,903.29 and \$1,341.29 respectively – funds to come from cash reserves.

Roberts moves to approve. Ranson seconds.

Hardy comments that it may make sense to address all Town employee wages simultaneously.

Ranson comments in favor of addressing all Town employee wages.

Discussion and clarification on future annual raises for the Library.

Roberts comments in favor of passing this proposed resolution now and doing other departments in the future.

Guinn raises question about pay structure referenced for the Town of Ennis, states that there is no pay structure.

Ketchu clarifies that they are referencing hiring wages of recent new employees.

Guinn comments that her and fellow employees feel that their longevity (24-31 years) has not been considered.

Roberts comments that benefits and retirement are a benefit of longevity.

Guinn corrects Roberts those benefits do not improve or increase with longevity.

Schroeder comments in favor of taking a look at other departments as well, stating that would only be fair.

Roberts comments on increase of Town's budget with taxable value increasing.

Guinn makes clarifying statement on budget, mills, leavying, etc. States concern on commission saying that the Town budget is increasing because of tax value increasing but that the number of mills the Town can leavy actually went down so the budget has not increased as much as commissioners make it seem in discussion.

Discussion on increasing business licensing, zoning and annexation fees to help increase revenue of Town. Guinn comments that expenses are also increasing while bringing in additional professional help.

Hardy clarifies that the money used for increase in wages is coming from the Library Cash Reserves.

Statement that the Library was slated to have \$19,000 in cash reserves at the end of 2022. With wage increases that will change to be approximately \$3,000.

Mayor Leavitt opens for Public Comment

Pederson comments in favor of looking at the whole town at once and not approving the library increase until looking at the entire town employee pay. Comments with concern of slighting other employees by only raising the library at this time.

Ranson comments on PW increases two years ago.

Discussion on increases for employees, mayor, commission, reviews for all employees, possible future Town Manager position.

Guinn comments in favor of also taking a look at the PW Director wage as current director retires and position is filled.

Lori A from audience asks about the wage increase for the library compared to the increase that other employees received during budget time.

Guinn comments that library increases at budget time were 3-7.5% and these additional increases range up from 16-41%.

Bancroft comments in favor of the library staying within their budget, comments that he was unaware of specifics to the library budget even though he was on the board.

Hardy comments in favor of raising the wages that are below \$15/hour, clarifies that these positions at part time and do receive benefits.

Guinn poses question to incoming commission member (Nikki Hankins) in audience that they will continue looking at reviews and wage comparison for other departments.

Ranson confirms they have full intention of moving forward with other departments. Hankins comments in favor as well.

Brittney Hirsch states concern on the inconsistent treatment between the Library additional wages and Police Department additional wages. References recent meetings when John Moore was scrutinized and hounded repeatedly regarding where he would get funding for future years of salary (current year to be used by grant); he was even required to start the process on a mil leavy. Raises concern for the increased responsibility of the Friends of the Library – references prior meeting where it was mentioned that the Friends are currently under pressure to increase their fundraising.

Ketchu clarifies that the library business plan moving forward stems from cutting expenses from the Library Town Budget and put them on the Friends of the Library (fundraising) so that the town could pay for increased wages. States that she anticipates library revenue will increase with a higher mill value and town employee structure may change. Comments that the Library board is on board with the current plan and it has been their choice to put more fundraising responsibility on the Friends.

Hardy questions if the Library Board approved the increased wages. Ketchu confirms.

Leavitt calls to vote. Bancroft abstains. Others vote yes.

Resolution 565-2021: Review, Discussion & Vote on a Resolution of Intent to Annex Property into the incorporated limits of the Town of Ennis

Leavitt reads resolution.

Attorney Greenbaum asks what the process for annexation is and raises concern over multiple steps in the process that have not been presented prior.

Sprout presents her documents on file. Guinn explains past processes. Discussion continues on how to proceed with time frame requirements referenced in 7-2-3707.

Annexation put on hold until December meeting.

Text Amendment(s) to the Zoning Code: Setback requirements chart discussion and decision to proceed with setback changes

Discussion on leaving TND from last meeting. LCR and CCR districts have footnote three.

Roberts suggests addressing height limits in LCR, CCR, C-I and P-I be 35 feet high.

Discussion referencing chart, setbacks, conditional use permit suggests from MCPB.

Decision to have a draft prepared, first public hearing and next steps for December meeting.

Guinn to check in on regulations for process.

Roberts asks about Sterling Codifiers being bought, comments in favor of looking for other options because the transition to American Legal is not user friendly, especially on mobile devices. Ranson agrees.

Discussion on scanning code as PDF on web page for ease of access, searchability.

Department Reports:

Library

Written report. Ketchu mentions Bancroft's resignation from the Library Board, states that commissioner needs to be appointed to the board. Roberts suggests a parking time limit on Main Street.

Roberts asks about hot spot usage after business hours. Ketchu comments October was 12-21 people per day using the hot spot wifi after hours.

Hardy asks Ketchu's position on the Master Plan and impact on Main Street Parking. Ketchu says that the outdoor seating proposed would take away one parking spot from the library.

Ketchu states that 5-7 Main St parking spots are permanently occupied by the neighbors.

Roberts comments in favor of and ordinance adjustment to limit parking time on Main, contacting business owners to get their opinion. Suggests that perhaps with the additional police officer that enforcement of parking could be increased.

Discussion on drainage issues and parking.

Police

Written report.

Roberts comments on the addition of the radar sign being installed on W Main Street, asks where funding came from for that sign.

Commission gives thanks to Fortner for opening a spot for Officer Fisher to go to the Academy in January.

Schroder requests status update on mil leavy.

Public Works

Written report.

Eric Olson mentioned the purchase of a new plow, in need of four-wheeler and a new sander. Future plans on auction for Town. States that he will be working on road bond resolution; would like that on the December meeting.

Zoning

Written Report.

Discussion on 310 W William St - was sent to county but pulled back to be used as lodging and boarding. Sprout states the commission will see that project since it falls under TND.

Riverside project will not be seen until after the new year.

Discussion on other pending projects.

Hardy comments on water rights with annexation.

Clerk

Written report. Mentions adding Deputy Clerk to future agendas for report.

Hirsch notifies that there is now an update to the website for anyone to subscribe to Town News & Events at ennismontana.org.

Hirsch comments on marijuana business license applicant in Lone Elk Mall denied due to recent Madison County Ordinance that passed which restricts a retail shop being within 250 feet of a daycare.

Suggestions on updating Town marijuana ordinance and business licenses since Jan 1 will include recreational marijuana use.

Question from audience on background checks. Discussion on ordinance, opting out, free market, county enforcement.

Suggestion from Lori in audience to treat marijuana license like liquor license – where it must be posted in the paper, owner's name, two-week period for comments.

Ranson asks Guinn if she is close on cash reconciliation. Guinn confirms yes.

Mayor: Comment and report

Mayor Leavitt brings up outstanding items that need attention: street bond, business license, noise ordinance, IT proposal to be forwarded to the December meeting agenda.

Requests Olson and Sprout to prepare draft of street bond.

Requests examples be sent from Hirsch to Commission for business license.

Requests draft proposal from Greenbaum for noise ordinance.

Commission Comment

Schroeder comments in favor of delegating out tasks from agenda in order to make sure items are accomplished. Suggests incoming council to have a plan for 'unresolved' agenda items.

Ranson states that the Ennis Schools passed the bond language. Comments on the County Commissioner appointment, official Nov 23.

Ranson mentions that Ennis Schools and County are ending WebEx, virtual viewing of meetings and wanted to bring it up as discussion for Ennis commission to possibly vote on.

Commission training on January 11 from Dan Clark.

Ranson comments in favor of putting lights on the east side of main street. Mayor Leavitt says if we can get MDT approval then he is all for it.

Roberts comments in favor of annexing the fish access and another parcel south of Town, in addition, moving the 25 MPH sign on the south side of the bridge.

Discussion.

Ranson comments in favor of certification for raises.

Hardy comments in favor of a structure for employee wages. States he would like to have a meeting with incoming elected officials.

Claims: Review & Vote

Bancroft moves to approve. Ranson seconds. No discussion.

Call to vote. All vote yes.

Adjourn the Meeting

Bancroft moves to adjourn. Ranson seconds.

Call to vote. All vote yes.

Meeting adjourned at 9:08 pm

*Live recording of all Town of Ennis Public Meetings is available for viewing on YouTube at the following link or by searching "Town of Ennis Montana Public Meetings"

<https://www.youtube.com/channel/UCFA-L4QnVfTOqOD2QEOsWVA>

Blake Leavitt, Mayor

Brittney Hirsch, Deputy Clerk