

TITLE 3 - BUSINESS LICENSES AND REGULATIONS

CHAPTER 1 GENERAL PROVISIONS

3-1-1: TITLE:

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

3-1-2: ENACTING CLAUSE:

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

3-1-3: DEFINITIONS:

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

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

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

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

such as, but not limited to, general, carpenters, electrical, plumbing, roofing, mechanical, sheet metal and excavating contractors.

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

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

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

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

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

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

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

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

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

terms “overnight rental,” “nightly rental,” and “vacation rental” are interchangeable with short-term rentals.

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

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

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

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

CHAPTER 2 ADMINISTRATION AND ENFORCEMENT

3-2-1: LICENSE REQUIRED:

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

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

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

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

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

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

3-2-3: APPLICATION:

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

3-2-4: SEPARATE LICENSE REQUIRED:

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

3-2-5: ALLOCATION OF FEES:

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

3-2-6: ISSUANCE:

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

3-2-7: TERM OF LICENSE:

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

3-2-8: TRANSFERABILITY:

- A. Licensee: No license shall be transferable to another licensee and this shall be stated on both the application and the license. (Prior Code § 5.06.110; and. 2003 Code)
- B. Location Change: When a business is moved from one location to another, the license for such business shall be transferred to the new location. The licensee shall complete a new application with the updated information/location and pay any applicable transfer fees, submit new application to the Town Clerk-Treasurer or Deputy Clerk and obtain updated license before operating in new location.

3-2-9: POSTING REQUIRED:

Every license issued under the provisions of this title shall be posted in a conspicuous place on the premises where the business is conducted. All licenses issued for a business without a fixed place of business shall be carried by the licensee while the licensee is conducting business and shall be shown to any person with whom the

licensee is conducting business or any law enforcement officer upon demand. (Prior Code § 5.06.150)

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

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

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

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

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

3-2-11: NUMBER OF LICENSES:

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

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

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

3-2-13: UNLAWFUL ACTIVITIES:

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

3-2-14: INTERSTATE COMMERCE:

Nothing in this title contained is intended to operate as to interfere with the power of the

Congress of the United States to regulate the commerce between the states. (Prior code § 5.06.190)

3-2-15: GROUNDS FOR REVOCATION:

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

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

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

3-2-17: APPEAL:

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

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

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

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

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

3-2-18: VIOLATION; PENALTY:

A. Form of Complaint: Whenever a violation of this title occurs or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the cause and basis thereof shall be filed with the Town Clerk-Treasurer or Deputy Clerk, who shall make or cause to be made a complete investigation of the

allegations and take the appropriate action as provided by this title. (Prior code § 5.28.010)

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

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

3-3-1: DEFINITIONS:

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

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

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

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

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

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

SECONDHAND DEALER: Any person, partnership, or corporation who engages in the business of buying and selling, trading, or taking as pledge, pawn, or security for money

loaned any secondhand or used merchandise or property of any kind.

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

3-3-2: REGISTER; POLICE INSPECTION:

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

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

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

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

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

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

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

pledgor or to redeem property pledged to inspect any article purchased or traded or received. (Prior Code § 5.18.030)

3-3-4: REPORT TO POLICE:

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

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

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

3-3-6: RECEIVING ARTICLES FROM MINORS:

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

CHAPTER 4 SHORT TERM RENTALS

3-4-1 Short-Term Rental Compliance

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

1. In order to operate a short-term rental in the Town of Ennis, the owner is required to abide by all applicable sections of Town Code in addition to applying for and obtaining a business license with the Town before beginning operations. Accompanied with the annual business license application must be:
 - a. Completed Town of Ennis Short-Term Rental Property Inspection Checklist

- b. Any applicable State, County or other licenses, inspections or required documents
2. On each short-term rental property, a visible sign must be posted with clear instruction for contacting the property owner or manager, with the following information:
 - a. Business Name
 - b. Area code and telephone number where assistance is available 24 hours a day, 365 days a year

CHAPTER 5 GUEST REGISTERS¹

3-5-1: DEFINITIONS:

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

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

3-5-2: GUEST REGISTER:

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

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

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

PENDING AMENDMENT AND ADOPTION:
CHAPTER 6
MARIJUANA

- 3-6-1** **Definitions**
- 3-6-2** **Business License Required**
- 3-6-3** **Location Restrictions**
- 3-6-4** **Visibility and Property Requirements**
- 3-6-5** **Commercial Marijuana Business Security**
- 3-6-6** **No Open Use or Display**
- 3-6-7** **Notice of Violation, Penalties and Prohibitions**
- 3-6-8** **Enforcement**
- 3-6-9** **Conflicts and Interpretation**
- 3-6-10** **Severability**

3-6-1: DEFINITIONS:

As used herein, the following terms shall have the meanings ascribed to them below. The general definition rules of § 1-2-105, MCA, apply to this Ordinance. All terms not specifically defined herein are to be defined according to their common usage at the time of the effective date of this Ordinance.

COMPLIANCE means full compliance with all the provisions of this Ordinance, Town Code, Town Zoning Code, Town Business License regulations in general, and any and all other applicable local, state and county rules, regulations, laws, codes or ordinances that may be applicable.

CONDITIONAL USE PERMIT means the Conditional Use Permit approval, review, process and permit described in the Ennis Town Zoning Code and any amendments thereto.

COMMERCIAL MARIJUANA PREMISES means any marijuana dispensary, marijuana manufacturer, marijuana testing laboratory, or other premises at which commercial activity related to the sale, production, promotion, manufacture, distribution or consumption of THC products or related paraphernalia occurs. A retail marijuana business shall not be considered a commercial marijuana business, unless a substantial portion, more than 50% of annual or gross revenue is commercial in nature.

CONTINUOUS OPERATION means open for business no less than 20-hours per week within regular business hours of 8 AM to 5 PM for no less than 50 continuous weeks prior to November 21, 2021.

DETECTABLE means that a qualified K9 or drug sniffing dog alerts or otherwise indicates the presence of marijuana odor or presence of marijuana.

DISTANCE MEASUREMENT when computing the distance between a marijuana business and any school, library, public park, public pool, residence or any other location that requires a location measurement, the distance shall be computed by direct measurement in a straight line from the nearest legal parcel line of the land used for the school, library, public park, public pool, residence or other location to the nearest external portion of the building or premises where the marijuana business is located.

MARIJUANA means all plant material from the genus Cannabis containing tetrahydrocannabinol (THC) or seeds of the genus capable of germination. The term does not include hemp, including any part of that plant, including the seeds and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than three-tenths of one percent on a dry weight basis, or commodities or products manufactured with hemp, or any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink, or other products.

MARIJUANA BUSINESS means and includes without limitation any storefront, premises, business, operation, facility or location where there are any activities regarding the sale, distribution, supply, transportation, growth, testing, dispensary, provider, manufacture or production of any marijuana derivative, marijuana infused product, medical marijuana, marijuana plants or THC product or related products, goods or services. No marijuana business shall be allowed or permitted and in the Town of Ennis without a business license from the Town of Ennis and without showing compliance with all requirements of this Ordinance, the Town Zoning Code, Town Business License regulations generally, and other applicable local, state and / or county laws, rules, regulations or ordinances. No person shall be permitted to engage in Marijuana Business without a first obtaining a Marijuana Business license or permit from the Town of Ennis identifying the location of the Marijuana Business and showing compliance with all applicable provisions of this Ordinance.

MARIJUANA DERIVATIVE means any mixture or preparation of the dried leaves, flowers, resin, or byproducts of the marijuana plant, including but not limited to marijuana concentrates and marijuana-infused products.

MARIJUANA DISPENSARY means any premises from which THC products are available for commercial sale to general consumers and/or to medical marijuana cardholders. A hospital, clinic, pharmacy, or doctor's office shall not be considered a marijuana dispensary merely because they may prescribe or dispense medical

marijuana, unless prescribing or dispensing medical marijuana is the location's primary source of revenue.

MARIJUANA-INFUSED PRODUCT means a product that contains marijuana and is intended for use by a means other than smoking. The term includes but is not limited to edible products, ointments, and tinctures.

MARIJUANA MANUFACTURER includes any business, location, premises or facility where marijuana is grown or THC products are made, prepared, produced or developed for commercial purposes, distribution or sales.

MARIJUANA PROVIDER means a person licensed by the Department of Revenue to manufacture and provide marijuana-infused products for consumers and/or licensed by the Department of Health and Human Services to manufacture and provide medical marijuana to cardholders.

MARIJUANA TESTING LABORATORY means a building, location, premise or facility which provides through the use of equipment and testing processes or analysis generates information or determines the chemical composition, potency, presence of molds, pesticides or contaminants or other quantitative analysis regarding marijuana or THC products or samples thereof.

PERSON means any individual, company, limited liability company, partnership, association, association, employee, manager, member-manager or other entity with ownership, control, management or employment with the marijuana business. Person or persons, plural and singular shall apply throughout whenever necessary or reasonably required to give meaning and effect to the provisions.

PUBLIC PARK includes any playground or outdoor sports area or facility that is open to the general public. The term does not include fishing accesses, State or National forests, campgrounds or BLM land.

RESIDENCE includes any private premise where a person lives such as a private dwelling, a place of habitation, a house, a multi-dwelling unit for residential occupants, or an apartment unit, regardless of whether said premise is occupied seasonally or year-round, as well as any building which is publicly available for sale for residential purposes. No marijuana business shall be permitted or allowed in any residence, and no homes business shall be operated as a marijuana business.

RESIDENTIAL SUBDIVISION means any platted subdivision that is primarily residential in character, includes ten or more residences, and is not within a town site. No commercial or marijuana business shall be permitted in any residential subdivision, residential zone or home business.

SCHOOL for purposes of determining compliance with Distance Measurement or Location of any marijuana business as required the word "school" includes without

limitation any home school, preschool, daycare center, elementary school, middle school, high school, or other building or premises used for adult education or other learning center.

THC PRODUCTS includes marijuana, marijuana concentrate, marijuana derivatives, and marijuana-infused products, and any other naturally occurring or synthetic product which contains THC and which is advertised or intended for the medicinal and/or recreational uses commonly associated with marijuana. The term does not include CBD or hemp products with a delta-9 tetrahydrocannabinol concentration of not more than three-tenths of one percent on a dry weight basis.

3-6-2: BUSINESS LICENSE REQUIRED:

A. COMPLIANCE: A Marijuana Business license applicant must show compliance with state and county laws, rules, regulations and ordinances. No business license shall be issued until applicant shows compliance with any and all state, county or other Town laws, rules, ordinances or regulations.

B. CONDITIONAL USE PERMIT: No Marijuana Business license shall issue without a Conditional Use Permit issued by the Town Commission. The Town Commission shall have broad discretionary authority to require any reasonable conditions that would promote public health, safety, welfare, security or otherwise accomplish the provisions of Chapter 6, Marijuana Business and / or serve or promote the Intent and Purpose, Design Parameters, or other provisions of the Traditional Neighborhood District Overlay 11-3F-1.

3-6-3: LOCATION RESTRICTIONS:

A. LOCATION: No Marijuana Business may be located within 500 feet of a school or 250 feet of a library, public park, or public pool, or in a residential zone or subdivision.

B. EXCEPTIONS: The location restrictions 3-6-3(A) shall not apply to any marijuana business which can show that it has been in continuous operations at the same location since November 21, 2021.

C. SUBSEQUENT DEVELOPMENT: No Marijuana Business shall be made non-compliant by subsequent development of any school, library, public park, public pool or approved residential subdivision by annexation, development or otherwise.

D. ZONING DISTRICTS PROHIBITED: No marijuana business shall be a Permitted Use in any Zoning District or a Conditional Use in any Residential Districts 11-3B-1 through 11-3B-4, R-RD, R-LD, R-MD, R-TD and Local Commercial Residential District 11-3C-1.

E. ZONING DISTRICTS CONDITIONAL USE: Marijuana Business shall be allowed only as a Conditional Use in the Zoning Districts: Core Commercial Residential 11-3C-2, Highway Commercial 11-3D-1, Commercial Industrial 11-3D-2, Planned Industrial District 11-3E-1, and Agricultural Districts 11-3A-3.

3-6-4: VISIBILITY AND PROPERTY REQUIREMENTS:

A. VISIBILITY: Commercial Marijuana premises are responsible to ensure that THC products are not plainly visible from any residence, public property, or public roadway.

B. GROW LIGHTS: Marijuana Business that use grow lights are required to ensure that grow lighting is not plainly visible from any residence, public property, or public roadway during night hours.

C. HOURS OF OPERATION: Commercial Marijuana premises which are located within 500 feet of any residence may not be open to the public or require employees to be present between the hours of 10:00 PM and 6:00 AM and shall not have more than seven employees working at the premises at any single time.

D. ODOR CONTAINMENT: Commercial Marijuana premises must ensure that they do not generate any marijuana odors which are detectable or discernible within the interior of any residence, other business, or public building, or at any outdoor location more than 100 feet from their property during normal weather. Marijuana manufacturers which are located within 1,000 feet of any residence must install carbon or charcoal filters or similar devices sufficient to prevent marijuana or other chemical smells from being immediately discernible on any other person's property during normal weather. The Town of Ennis is given discretion to resolve any disputes regarding the adequacy of a given manufacturer's filtration system.

E. ENVIRONMENTAL: Prior to beginning operations and obtaining a business license in the Town of Ennis, any marijuana manufacturer or marijuana testing laboratory must provide the Town of Ennis with a written plan for disposal of any chemicals, runoff, fertilizer, marijuana plant waste, or other substances which are regulated by the County or Town; State Department of Environmental Quality, or U.S. Environmental Protection Agency, or which otherwise could plausibly create a public health hazard exceeding the hazards created by ordinary household trash or waste.

3-6-5: COMMERCIAL MARIJUANA BUSINESS SECURITY:

A. SECURITY: Commercial Marijuana premises are responsible to ensure that any buildings containing THC products are secured and locked at all times. THC products may not be stored or grown outdoors, except temporarily during transportation.

B. AUDIO AND VIDEO SURVEILLANCE: Commercial Marijuana premises are responsible to ensure that any building which regularly stores THC products or is

used in any marijuana business operations must have security audio and video motion-activated cameras with minimum full color HD “high definition” image quality or better which cover all entrances, exits and areas where THC products are located or stored and which are in good operating condition and repair at all times. Any and all captured audio and video must be stored and backed up no less than 30-days from time of capture and made available on demand to the Ennis Town Zoning Administrator of Ennis Police Department.

C. EMPLOYEES: Commercial Marijuana premises may not employ, or subcontract with, any person who is under 18 years of age, and may not knowingly permit any person who is under 18 years of age to be present on the premises unless that person is a medical marijuana cardholder and/or is in the immediate presence of a parent or guardian.

D. HOURS OF OPERATION: Commercial Marijuana premises may not sell, give, or otherwise transfer THC products to the general public between the hours of 9:00 PM. and 7:00 AM.

3-6-6: NO OPEN USE OR DISPLAY:

A. No person shall use, smoke, consume or display in an open and visible manner any marijuana or THC products in any place in the Town of Ennis that is commonly used by the public. Violation of this provision shall be punishable and enforceable as per the applicable provisions of this Ordinance.

B. Possession of a medical marijuana license or prescription for use of marijuana or THC products shall be no defense to the prohibition against open display or use.

3-6-7: ENFORCEMENT:

A. ENNIS: The Ennis Police Department is hereby vested with the power and authority to enforce all portions of this Ordinance. Such authority includes, but is not limited to, the authority to investigate alleged or suspected violations of the Ordinance, to issue complaints, to issue notices of violations, to post notice of violations at a commercial marijuana premises found to be in violation, and, where necessary to obtain compliance with a suspension issued under this Ordinance, to lock or otherwise physically block access to a commercial marijuana facility.

B. MADISON COUNTY: Madison County Sanitarian's office and its designated representatives are also hereby vested concurrent jurisdiction and authority to enforce Section 6 of this Ordinance. Such authority includes, but is not limited to, the authority to investigate alleged or suspected violations of the Ordinance, to issue complaints, to issue notices of violations, and to post notice of violations at a commercial marijuana premises alleged to be in violation.

C: INSPECTIONS: Owners or operators of commercial marijuana premises are responsible to make the premises available for inspection by the Town of Ennis Zoning Administrator and/or Ennis Police Department at any time during their regular business hours, and at other times if reasonable advance notice is given, for the purposes of confirming that they are complying with this Ordinance.

D. CONCURRENT JURISDICTION: Nothing in this Ordinance is intended to limit the authority of the Department of Revenue, Department of Public Health and Human Service, or any other state or federal agency to enforce relevant laws and regulations in the Town of Ennis. Nothing in this Ordinance shall be construed as limiting the authority of a state or county to regulate marijuana business within their jurisdiction which are more restrictive than those in this Ordinance.

E. NO DEFENSE: Prescription for medical purposes, medical marijuana license or any other permit, approval or license by any board, department, agency or governing body by the state or county shall not be a defense to any violation of this Ordinance. MCA 16-12-301 provides authority for the Town of Ennis to adopt local regulations more restrictive than the state or county.

3-6-8: NOTICE OF VIOLATION, PENALTIES AND PROHIBITIONS:

A. NOTICE OF VIOLATION: Whenever there is probable cause to believe that a violation of this Ordinance has occurred or is occurring, the Town of Ennis Zoning Administrator or Ennis Police Department may serve a Notice of Violation on any person or persons suspected to have violated or be in violation any provision, section or requirement of this Ordinance. Service of the Notice of Violation shall be considered sufficient if it is: (1) delivered to or posted at the location of the commercial marijuana business and mailed to the address which the marijuana provider has provided to the Town of Ennis on its business license application or to the agent for service of process on file with the Montana Secretary of State; (2) served personally to the person or persons; (3) served by any other lawful means provided by Montana Criminal Procedure law for the service of any misdemeanor complaint; or (4) served by any other lawful means provided by Montana Rules of Civil Procedure.

B. FINES AND PENALTIES: Fines upon conviction of violating any part, requirement or section of this Ordinance: First Conviction \$100; Second Conviction \$300; Third Conviction \$500. Upon a First conviction the business and / or person may be suspended from doing business for a period of 30-days. For purposes of penalties and mandatory suspension or relation of other crimes the look back period is lifelong.

C. MANDATORY SUSPENSION: Second conviction the business and / or person shall be suspended from doing business no less than 30-days and no more than 180-days. Third conviction all business license privileges or ability to work in the Town of Ennis in the marijuana business shall be permanently suspended. Purposely or knowingly operating or working in a marijuana business in the Town of Ennis during a

period of suspension shall be punishable as provided under 3-6-7(B) – (C) with each day punishable as a separate violation

D. **RELATION TO OTHER CRIMES:** No person convicted of possession of dangerous drugs or distribution of dangerous drugs shall be licensed, permitted or allowed to operate, manage, own any interest, work on serve as any employee in any marijuana business in the Town of Ennis.

E. **JURISDICTION AND FORFEITURE:** Violations of this Ordinance shall be prosecuted in the Ennis City Court subject to all local court rules and procedures. The Court shall have the authority in any enforcement proceeding to Order forfeiture of any goods, supplies, profits, funds, marijuana or THC product that the Court may deem just and proper under the circumstances.

3-6-9: CONFLICTS AND INTERPRETATION: Wherever any provision of this Ordinance may conflict with other provisions of the Town Code or Zoning Code, the provisions of this Ordinance shall control and the Town Code or Zoning Code shall be deemed amended accordingly. The Town Zoning Administrator shall have the power and authority to issue administrative determinations regarding any part or parts of this Ordinance subject to appeal to the Zoning Board of Adjustment.

3-6-10. SEVERABILITY: If any provision of this Ordinance is held to be invalid, such invalidity shall not affect any other provisions or applications of this Ordinance which can be given effect without the invalid provision.

**CHAPTER 7
FEE SCHEDULE**

3-7-1: BUSINESS LICENSE FEE SCHEDULE:

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

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