

Opinion No. 128.**Liquor License—Montana Liquor Control Board—Unincorporated Cities and Towns.**

HELD: Under Section 4 of Chapter 84, Laws, 1937, the license to be charged for sale of liquor in unincorporated cities, towns or villages, regardless of distance from incorporated cities or towns, is the sum of \$200.00 per annum.

July 30, 1937.

Montana Liquor Control Board
Helena, Montana

Attention of Mr. J. J. Brett.

Gentlemen:

You have requested our opinion in reference to the license fee your board may charge in unincorporated towns and villages, such as are situated in localities like Black Eagle, Montana.

Section 4 of Chapter 84 of the 1937 Session Laws provides:

“For each license in cities with a population of ten thousand (10,000) or more and within a distance of five (5) miles thereof, outside of an incorporated city or town, six hundred dollars (\$600.00) per annum. For each license in cities with a population of more than five thousand (5,000) and less than ten thousand (10,000) and within a distance of five (5) miles thereof, outside of an incorporated city or town, four hundred fifty dollars (\$450.00) per annum. For each license in cities with a population of more than two thousand (2,000) and less than five thousand (5,000), three hundred dollars (\$300.00) per annum. For each license in cities, towns and unincorporated villages and towns, with a population of less than two thousand (2,000), two hundred dollars (\$200.00) per annum.

Fraternal organizations one hundred dollars (\$100.00) per annum.”

The statute specifically provides that in all towns and unincorporated villages and towns with a population of less than two thousand (2,000), your board may charge a license fee of two hundred dollars (\$200.00) per annum. We believe that the language of the statute which provides the two hundred dollar (\$200.00) license fee is plain and unequivocal and no ambiguity is involved, therefore the statute lends its own interpretation. While a village may be within four (4) miles of a city, such as Black Eagle is in relation to the City of Great Falls, or in other words, the village is within a distance of five (5) miles, nevertheless, inasmuch as the statute establishes a two hundred (\$200.00) fee, that fee shall be the fee you are entitled to charge.

Therefore, it is our opinion that you shall charge for licenses in unincorporated villages and towns with a population of less than two thousand (2000), two hundred dollars (\$200.00) per annum, regardless of the distance they may be situated from the incorporated limits of any city or town.