

OPTION 1-CITYWIDE

ORDINANCES OF THE CITY OF HELENA, MONTANA

ORDINANCE NO. _____

AN ORDINANCE REPEALING CHAPTER 14, CONSUMPTION OF ALCOHOLIC BEVERAGES ON CITY PROPERTY OF TITLE 7, PUBLIC WAYS AND PROPERTY, AND CHAPTER 1, PART 1, POSSESSION OF INTOXICATING BEVERAGES OF TITLE 5, POLICE REGULATIONS, OF THE HELENA CITY CODE

NOW, THEREFORE, BE IT ORDAINED BY THE COMMISSION OF THE CITY OF HELENA, MONTANA:

Chapter 14, Consumption of Alcoholic Beverages on City Property, Title 7, Public Ways and Property, and Chapter 1, Part 1, Possession of Intoxicating Beverages, Title 5, Police Regulations, of the Helena City Code are hereby repealed.

TITLE: 7: PUBLIC WAYS AND PROPERTY

~~CHAPTER 14~~

~~CONSUMPTION OF ALCOHOLIC BEVERAGES ON CITY PROPERTY~~

~~7-14-1: PERMIT REQUIRED: Consumption of alcoholic beverages upon the City's right-of-way, including public ways, streets, alleys, parks and other places owned by the City, is prohibited, except by a permit issued by the Helena City Manager or designee. Application for such permit must be made at least thirty (30) days prior to the day of the event for which the permit is required. (Ord. 3252, 5-20-2019)~~

~~7-14-2: PERMIT CONDITIONS:: Issuance of permit pursuant to this chapter is conditioned on the following:~~

- ~~— A. — Alcoholic beverages must be served and consumed within a roped, fenced, or otherwise contained and clearly designated area.~~
- ~~— B. — The applicant must provide proof that said applicant has obtained all necessary licenses required by the State, the County of Lewis and Clark, or the City prior to a permit being issued.~~

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~~C. The applicant must comply with all of the rules and regulations pertaining to the consumption of alcoholic beverages as promulgated by the State, County of Lewis and Clark, or the City.~~

~~**7-14-3: INSURANCE AND INDEMNIFICATION REQUIREMENTS:** The permit holder must indemnify, defend, and hold the City and its employees and agents harmless against all claims, liability, loss, damage, or expense incurred by the City due to any injury to or death of any person or any damage to property caused by or resulting from the activities for which the permit is granted. As evidence of the applicant's ability to perform the conditions of the permit, prior to the permit being issued, applicant must provide proof of applicant's liability insurance issued by a reliable company or companies for personal injury and property damage, and which includes alcohol liability coverage, in an amount not less than one million dollars (\$1,000,000.00) per occurrence and two million dollars (\$2,000,000.00) aggregate per year for bodily injury, personal injury, and property damage, with the City named as an additional insured. (Ord. 3252, 5-20-2019)~~

TITLE 5: POLICE REGULATIONS CHAPTER 1 GENERAL OFFENSES

Section:

- 5-1-1: ~~Possession of Intoxicating Beverages~~ RESERVED
- 5-1-2: Parachute Jumping and the Landing of Aircraft within the City
- 5-1-3: Possession of Firearms Prohibited; Exceptions
- 5-1-4: Smoking Prohibited in Certain Places
- 5-1-5: Fireworks Prohibited
- 5-1-6: Penalty

5-1-1: ~~**POSSESSION OF INTOXICATING BEVERAGES:** It shall be unlawful for any person to have in his possession on the streets, alleys, parks or on any other public premises in this City any beer, wine, liquor, or other intoxicating beverage in any container on which the cap, top, seal, cork, or other closing device has been removed or opened or in any other container from which such~~

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~~a beverage can be drunk directly. Provided, however, that this section shall not apply to any individual who possesses alcohol or intoxicating beverages pursuant to a permit issued by the City in accordance with provisions of this Code. (Ord. 3251, 5-20-2019).~~

FIRST PASSED BY THE COMMISSION OF THE CITY OF HELENA, MONTANA,
THIS 7th DAY OF JUNE 2021.

MAYOR

ATTEST:

CITY CLERK

FINALLY PASSED BY THE COMMISSION OF THE CITY OF HELENA,
MONTANA, THIS 21ST DAY OF JUNE 2021.

MAYOR

ATTEST:

CITY CLERK