

ORDINANCE 2949
Amended

**AN ORDINANCE AMENDING OCCGF TITLE 9.20 AND 12.14 PERTAINING TO
INTOXICATING BEVERAGES IN PUBLIC PLACES**

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY
OF GREAT FALLS, MONTANA:**

Section 1. That OCCGF Title 9 Chapter 20 and Title 12, Chapter 14 pertaining to intoxicating beverages in public places be amended as depicted in Exhibit A which removes any language indicated by a strike-out code and adds any language which is bolded.

**PASSED BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS,
MONTANA, this 5th day of September, 2006.**

Dona R. Stebbins, Mayor

ATTEST:

Peggy J. Bourne, City Clerk

(SEAL OF THE CITY)

APPROVED FOR LEGAL CONTENT:

David V. Gliko, City Attorney

State of Montana)
County of Cascade : ss
City of Great Falls)

I, Peggy J. Bourne, City Clerk of the City of Great Falls, Montana, do hereby certify that the foregoing Ordinance 2949 was placed on its final passage and passed by the Commission of the City of Great Falls, Montana, at a meeting thereof held on the 5th day of September, 2006, and approved by the Mayor of said City on the 5th day of September, 2006.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City this 5th day of September, 2006.

Peggy J. Bourne, City Clerk

(SEAL OF CITY)

State of Montana)
County of Cascade : ss
City of Great Falls)

Peggy J. Bourne, being first duly sworn, deposes and says: That on the 5th day of September, 2006, and prior thereto, she was the City Clerk of the City of Great Falls, Montana; that as said City Clerk she did post as required by law and as prescribed and directed by the Commission, Ordinance 2949 of the City of Great Falls, in three conspicuous places within the limits of said City to-wit:

On the Bulletin Board, first floor, Civic Center Building;
On the Bulletin Board, first floor, Cascade County Court House;
On the Bulletin Board, Great Falls Public Library

Peggy J. Bourne, City Clerk

(SEAL OF CITY)

EXHIBIT A

IV. OFFENSES AGAINST PUBLIC PEACE

Chapter 9.20

INTOXICATING BEVERAGES

Sections:

- 9.20.010 Definitions.
- 9.20.020 Unlawful within City limits.
- 9.20.030 Exceptions—~~Public facilities.~~
- 9.20.040 Requirements of **Special Event Permit for Alcohol**
- 9.20.050 ~~Criteria for Public Interest~~ **Permit Denial - Appeal**
- ~~9.20.060 — Conditions for Permit — Public Facility (except Civic Center)~~
- ~~9.20.070 — Conditions for Permit — Civic Center Use~~
- 9.20.080 Violation--Penalty.

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

A. "Beer" means any beverage obtained by alcoholic fermentation of an infusion or decoction of barley, malt, hops or any similar products, containing not more than four percent of alcohol by weight.

B. "Liquor" means any alcoholic, spirituous, vinous, fermented, malt or other liquor which contains more than one percent of alcohol by weight.

C. "Public display or exhibition of beer, wine, or liquor" means the carrying and exhibiting of open cans or bottles of beer or the carrying and exhibition of glasses or other types of containers for beer, wine, or liquor, even though empty, on or within any public place as defined herein or on or within any vehicle that is upon a public place as defined herein. This definition does not include carrying or transporting beer, wine, or liquor from retail or wholesale liquor or beer establishments in sacks, cases, boxes, cartons, or other similar containers if the seal for the alcoholic beverage container is unbroken; nor does this definition include those situations wherein the alcoholic beverage container is being transported or carried to a recycling center or garbage disposal site; nor does this definition include transportation of alcoholic containers in a compartment of the vehicle that is outside the passenger area of the vehicle and which area is not accessible to the driver and passenger of the vehicle from the passenger area while the vehicle is in operation.

D. "Public drinking" means the drinking or consuming of beer, wine or liquor within or upon any vehicle that is upon a public place as defined herein or upon any public place in the City.

E. "**Public places**" means **all streets, avenues, alleys, eligible publicly owned parking lots and privately owned parking lots open to the public for parking in the City, approved City-owned facilities, and the following City parks: Odd Fellows, Sight and Sound, Elks-Riverside, West Bank, Margaret, Whittier, Gibson, Lions and West Kiwanis. This definition does not include the premises licensed for the sale of liquor or beer at retail by the Liquor Division of the Montana Department of Revenue. For purposes of this definition the term "premises" shall have the same meaning attributed to that term by the Department of**

Revenue pursuant to its administrative regulations, which term is defined as follows: the building or any specific portion of any building in which the liquor and/or beer business is conducted and those areas in which the licensee operates a sidewalk cafe, open-air restaurant or tavern outside and adjacent to the license building and to which patrons are permitted free access from said building. "Public places" means all streets, avenues, alleys, city parks publicly owned parking lots, and privately owned parking lots open to the public for parking in the City. This definition does not include the premises licensed for the sale of liquor or beer at retail by the Liquor Division of the Montana Department of Revenue. For purposes of this definition the term "premises" shall have the same meaning attributed to that term by the Department of Revenue pursuant to its administrative regulations, which term is defined as follows: the building or any specific portion of any building in which the liquor and/or beer business is conducted and those areas in which the licensee operates a sidewalk cafe, open air restaurant or tavern outside and adjacent to the license building and to which patrons are permitted free access from said building. (Ord. 2854, 2003)

F. "Vehicle" means every device in, upon or by which any person or property is or may be transported or drawn upon a public highway.

G. "Wine" means an alcoholic beverage made from the normal alcoholic fermentation of the juice of sound, ripe fruit or other agricultural products without addition or abstraction, except as may occur in the usual cellar treatment of clarifying and aging, and that contains not less than seven percent or more than twenty-four percent of alcohol by volume. Other alcoholic beverages made in the manner of wine and labeled and sold as wine in accordance with federal regulations are also wine. (Ord. 2342 §2(part), 1983).

9.20.020 Unlawful within City limits. A. Except as provided in ~~subsections A, B, C and D of Section 9.20.030~~, public drinking and public display and exhibition of beer, wine or liquor as defined in this chapter are prohibited. Except as provided for herein, it is unlawful for any person to engage in public drinking, public display or exhibition of beer or liquor within the City limits. (Ord. 2525 §1, 1988: Ord. 2453 §1(part), 1987: Ord. 2342 §2(part), 1983).

9.20.030 Exceptions—Public facilities. A. Individuals, members of groups or organizations who wish to consume, sell or give away alcoholic beverages in public places as defined in 9.20.010 may do so provided they obtain a special event permit as specified in 9.20.040 or are otherwise excluded from that requirement.

B. A fee to cover administrative costs for such permit shall be charged and set by Commission resolution.

~~A. A long term lease with any individual, association, organization or corporation for use of public facilities who desires to serve beer, wine or liquor in a public facility may do so by including the necessary language within the lease document. The long term lease must specifically mention alcohol consumption; provide proof of general liability insurance in the minimum amount of one million dollars coverage per occurrence; and the individual, association, organization or corporation must indemnify and hold the City harmless for any and all liability arising out of the leased use of such facility. The lease must contain the following information: proof of compliance with state and local alcohol licensing if alcohol is to be served, certification that alcohol will be provided only to persons of legal age and that the City will be held harmless for any liability. (Ord. 2647 (part), 1994).~~

~~_____ B. Where any of the Civic Center facilities are reserved for a special event by any person or organization, and that person or organization desires to serve beer, wine or liquor, an application for a permit to serve such alcoholic beverage must accompany the application for the reservation of such facilities. Requirements for this permit are set out in section 9.20.050 of this chapter. (Ord. 2647 (part), 1994).~~

~~C. Any individual, association, organization or corporation desiring to serve beer, wine or liquor upon a public place as defined in this chapter may obtain a permit for each use from the City Manager for one day in accordance with the requirements herein. Further limitations for the use of parks include:~~

~~1. Any alcohol possession allowed in any city park pursuant to this chapter shall be permitted only during the hours designated in the permit. Applicant must make known upon application what the intended hours of the event will be.~~

~~2. No glass alcohol beverage containers shall be allowed in the city parks.~~

~~C. Organizers for special events held in city parks users must clean up the park to a state at least as clean as when they arrived and permit holder shall be solely responsible for the immediate and timely picking up and removal or proper disposal of garbage at the location where the permit is issued within the park. (Ord. 2647 (part), 1994).~~

D. A special event may require closure of a public parking lot or temporary closure of a street. For such an event a sign designating the street closure and removal of vehicles will be prominently posted no less than 4 hours in advance of the event. Parking in an area that has been designated and blocked off for a special event is a misdemeanor and such vehicle may be impounded and towed. The owner will be responsible for all towing and impounding fees.

E. The Civic Center and designated areas of the "State Fair" grounds shall be exempt from the prohibition of Section 9.20.020. (Ord. 2854, 2003; Ord. 2525 §2, 1988; Ord. 2453 §1(part), 1987; Ord. 2399 §1, 1985; Ord. 2342 §2(part), 1983).

9.20.040 Requirements for a Special Event Permit for Alcohol. A. The application for a **special event** permit ~~under this chapter~~ shall be obtained from the City Manager's office and shall contain the name and contact information of the person or entity requesting the permit, the location of the proposed event, the permission of the city department head responsible for the public land involved to utilize the land for the requested function, **the anticipated number attending the event**, and the day(s), times(s) and duration of the event. Applications must be turned in for review a minimum of fourteen (14) days prior to the event ~~to allow for adequate review time.~~ (Ord. 2854, 2003)

B. The applicant must demonstrate that all state and local liquor control regulations pertaining to the sale and consumption of alcohol have been complied with and provide copies of all applicable state and local liquor permits.

C. If the event involves more than 75 people, the person or organization must provide liability insurance, including liquor liability if applicable, providing coverage for their organization and naming the City as an additional insured. To the extent reasonably possible, liability insurance coverage shall be in the minimum amounts of \$750,000 per claimant and \$1,500,000 per occurrence. The City Manager, or designee, has the authority to waive this requirement or due to the type of event, require insurance for events with fewer than 75 people should he determine it necessary due to the type of event.

D. Applicants for a special event permit shall agree in writing to defend, hold the City and its employees harmless and indemnify the City for any and all claims, lawsuits or liability including attorneys' fees and costs allegedly arising out of loss, damage or injury to person or person's property occurring during the course of or pertaining to the special event caused by the conduct of employees or agents of applicants.

E. The Police Department may revoke the special event permit should those in attendance become unruly, property is damaged or for other reasons that adversely affect the public health, safety and welfare of those attending the event and the citizens of Great Falls.

9.20.050 Permit Denial – Review. If an applicant is denied a special event permit under 9.20.040, the applicant may appeal the decision to the City Commission who shall review the application in a public meeting and may direct the City Manager’s office to issue said permit based upon their review.

9.20.050 Criteria for Public Interest. In reviewing the application for a permit to serve alcoholic beverages in public facilities, the City Manager shall consider the following factors:

~~——— A. Whether the proposed activity contributes to the cultural, recreational or entertainment opportunities available to the community;~~

~~——— B. The appropriateness (inclusive of zoning restrictions) of the public land or facility for the proposed use.~~

~~——— C. Any negative impact on adjacent property the proposed use might have;~~

~~——— D. What security, crowd control and litter control measures the applicant will be utilizing for the event or activity;~~

~~——— E. What the hours of the proposed use are and whether there are any residences nearby that could be disturbed by late night conduct, noise and activity;~~

~~——— F. Whether the proposed activity is sponsored in whole or in part by a public agent or entity; and,~~

~~——— G. The City Manager is further authorized some discretion and flexibility for determining the amount of the damage deposit or bond in Section 9.020.060 of this code. Criteria for setting the amount of the deposit shall be anticipated number of people attending the event; estimated amount of alcohol likely to be available for consumption; applicant’s demonstration of crowd control and a litter plan; and numbers of past events on public property where there were no damage or litter issues after the completion of the event. The manager’s determination may be appealed to the City Commission. (Ord. 2854, 2003)~~

9.20.060 Conditions for Permit for Alcohol – Public Facilities (Except the Civic Center).

~~In no event shall a permit to serve alcohol on/at a public facility be issued unless the following conditions are met:~~

~~——— A. The event for which the permit is authorized is open to, or may be attended by members of the general public.~~

~~——— B. A refundable damage deposit in a range between five hundred and one thousand five hundred dollars shall be charged to cover against damage, destruction, vandalism, and litter at or adjacent to the location of the event or activity. The amount shall be determined pursuant to Section 9.20.050(G) of this chapter. The bond may not be returned until at least ten calendar days after the conclusion of the event and the City Manager may deduct from any damage deposit or make claim~~

against any bond for any reasonable city expense for cleaning up litter and/or repairing or replacing damaged or destroyed public property or public land.

~~_____ C. Issuance of this permit shall be made by the City Manager only after such use of the public place has been approved by the Police Chief, Fire Chief and Department Head responsible for the public facility, and the owner or lessee of any parking lot or space open to the public.~~

~~_____ D. Permit holder is required to fence or otherwise contain the area in which the alcohol is consumed, and provide measures for ensuring that alcohol will not be available for purchase or consumption by persons under the age of twenty one. For purposes of this section, a roped area is not considered an adequate barrier.~~

~~_____ E. The individual or group in whose name the permit is issued shall be responsible for having the permit present at the site as well as any applicable state permits, informing and supervising others with respect to the compliance with city ordinances and state law, the safety, sobriety, conduct and behavior of each member of the group.~~

~~_____ F. All state and local liquor control regulations have been complied with by the applicant and proof of all applicable state and local liquor permits must be provided.~~

~~_____ G. The person or organization must provide proof of general liability insurance and liquor liability insurance in the minimum amount of one million dollars coverage per occurrence, and must indemnify and hold the City harmless for any and all liability arising out of the reserve use of such facility. (Ord. 2854, 2003)~~

9.20.070 Conditions for Permit for Alcohol—Civic Center use. A. An applicant wishing to use the Civic Center facilities for an event which involves the consumption, ~~sale~~ or possession of but not the sale of, alcohol shall provide with their application for reservation notification of the intent to have alcohol at their event ~~a copy of the Special Event Permit as provided for in 9.20.040~~ as well as pay a damage deposit in the amount specified in the rental contract. The deposit may not be returned until at least ten days after the conclusion of the event and the City Manager or his designee may deduct for any reasonable city expenses for cleaning up litter and/or repairing or replacing damaged or destroyed property within the Civic Center or immediate area.

B. An applicant wishing to use the Civic Center facilities for a function which involves the sale of alcohol as part of their event must first apply for a permit under the same conditions as those uses authorized under Section 9.20.060.

9.20.080 Violation--Penalty. Any person violating any of the provisions of this chapter is guilty of a misdemeanor and upon conviction thereof shall be **as specified in 1.40.070.** ~~fined a sum not exceeding five hundred dollars, or by imprisonment for a term not exceeding six months, or by both such fine and imprisonment. (Ord. 2854, 2003; Ord. 2342 §2(part), 1983).~~

Chapter 12.14

PARADES, PROCESSIONS, FUN RUNS AND OTHER STREET CLOSURES

Sections:

- 12.14.010 Definitions
- 12.14.020 Established and Designated Parade Routes
- 12.14.030 Public Conduct during Parades, Processions and Fun Runs
- 12.14.040 Participants' Conduct during Parades, Processions and Fun Runs
- 12.14.050 Application-Contents
- 12.14.060 Street Closure Permits for Public Events and Block Parties**

12.14.010 Definitions. The following words and phrases, when used in this chapter, shall have the meanings respectively ascribed to them.

A. "Parade" means any march or procession consisting of people, animals or vehicles, or combination thereof, except funeral processions, upon any public street, sidewalk or alley, which does not comply with normal and usual traffic regulations and controls and is expressly designed for the enjoyment of the public as well as the participants.

B. "Motorcade" means an organized procession containing twenty-five (25) or more vehicles, except funeral processions, upon any public street, sidewalk or alley.

C. "Parade Route" means the route of travel of any parade, motorcade or fun run to include the assembly, staging and disbanding areas.

D. "Street" includes all streets, highways, avenues, lanes, alleys, courts, places, squares, curbs, or other public ways in this City which have been or may hereafter be dedicated and open to public use, or such other public property so designated in any law of the State. (Ord. 2734, 1998).

12.14.060 Street Closure Permits for Public Events and Block Parties. A. Events encouraging community and neighborhood involvement are encouraged and may require the temporary closure of city streets. **Parades and/or processions are excluded from the requirements set forth in 12.14.060.**

B. Organizers of an event that require the temporary closure of a public street must obtain a street closure permit. The application for the permit shall contain the name and contact information of the person or entity requesting the permit, the location of the proposed event, the day(s), times(s) and duration of the event. Applications must be turned in for review a minimum of fourteen (14) days prior to the event.

C. During the review, city staff will develop a street closure plan the applicant must follow. Staff will also make available the necessary street closure equipment and charge a fee set by Commission resolution.

D. If the event involves the sale, possession and/or consumption of alcohol, the event organizer must also obtain a special event permit as stipulated in 9.20.040.

E. The Police Chief, and other appropriate staff, shall review, approve or deny the permit application and has the authority to require additional information from the applicant.

F. For events held within the boundaries of the Downtown Central Business District, the event organizer must demonstrate that 75 percent of adjacent property owners and/or commercial tenants support the temporary street closure request and that they have been

notified of the maximum amount of time the street will be closed including set-up time. As used herein “adjacent property” shall mean those owners along the same street or avenue as the temporary street closure request.

G. For events held in residential areas, the event organizer must demonstrate that the adjacent residents have been notified.

H. A fee for the street closure permit shall be set by Commission resolution to cover administrative time and any additional costs incurred by the City to ensure the event is safe and the area returned back into the same condition it was prior to the event.

I. If the event involves more than 75 people, the person or organization must provide liability insurance, including liquor liability if applicable, providing coverage for their organization and naming the City as an additional insured. To the extent reasonably possible, liability insurance coverage shall be in the minimum amounts of \$750,000 per claimant and \$1,500,000 per occurrence. The City Manager has the authority to waive this requirement or due to the type of event, require insurance for events with fewer than 75 people should he determine it necessary due to the type of event.

J. Applicants for a special event permit shall agree in writing to defend, hold the City and its employees harmless and indemnify the City for any and all claims, lawsuits or liability including attorneys' fees and costs allegedly arising out of loss, damage or injury to person or person's property occurring during the course of or pertaining to the special event caused by the conduct of employees or agents of applicants.

K. Permit Denial – Appeal. If an applicant is denied a temporary street closure permit, the applicant may appeal by to City Manager.