

**ORDINANCE 3173**

**AN ORDINANCE AMENDING TITLE 9, CHAPTER 4, SECTION 010, OF THE OFFICIAL CODE OF THE CITY OF GREAT FALLS (OCCGF), PERTAINING TO ALCOHOLIC BEVERAGE DEFINITIONS.**

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**WHEREAS**, the City Commission established Title 9, Chapter 4 of the OCCGF outlining provisions pertaining to Offenses Against Public Peace; and

**WHEREAS**, the City Commission established definitions pertaining to alcoholic beverages in OCCGF Section 9.4.010; and

**WHEREAS**, the definition of “Wine” is inconsistent with Mont. Code Ann. Section 16-1-106 and other provisions of the OCCGF; and

**WHEREAS**, the City Commission wishes to amend said definition to be consistent with state law and other provisions of the OCCGF.

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

Section 1. OCCGF Title 9, Chapter 4, Section 010 shall be amended as depicted in Exhibit “A” attached hereto, with deleted language identified by ~~strikeout~~ and inserted language **bolded**; and

Section 2. This Ordinance will become effective thirty (30) days after adoption by the City Commission.

ACCEPTED by the City Commission of the City of Great Falls, Montana on first reading October 17, 2017.

ADOPTED by the City Commission of the City of Great Falls, Montana on second reading November 7, 2017.

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Bob Kelly, Mayor

ATTEST:

(CITY SEAL)

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Darcy Dea, Deputy City Clerk

APPROVED FOR LEGAL CONTENT:

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Sara R. Sexe, City Attorney

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

I, Darcy Dea, Deputy City Clerk of the City of Great Falls, Montana, do certify that I did post as required by law and as prescribed and directed by the Commission, Ordinance 3173 on the Great Falls Civic Center posting board and the Great Falls City website.

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Darcy Dea, Deputy City Clerk

(CITY SEAL)

Title 9 - PUBLIC PEACE, MORALS AND WELFARE

Chapter 4 OFFENSES AGAINST PUBLIC PEACE

**9.4.010 Definitions.**

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

- A. "Alcohol" means ethyl alcohol, also called ethanol, or the hydrated oxide of ethyl.
- B. "Alcoholic Beverage" means a compound produced and sold for human consumption as a drink that contains more than one-half of one (0.5) percent of alcohol by volume;
- C. "Malt Beverage" means an alcoholic beverage made by the fermentation of an infusion or decoction, or a combination of both, in potable brewing water, of malted barley with or without hops or their parts or their products and with or without other malted cereals and with or without the addition of unmalted or prepared cereals, other carbohydrates, or products prepared from carbohydrates and with or without other wholesome products suitable for human food consumption.
- D. "Beer" means:
  - 1. An alcoholic malt beverage containing not more than 8.75% of alcohol by volume; or
  - 2. An alcoholic beverage containing not more than 14% alcohol by volume:
    - i. that is made by the alcoholic fermentation of an infusion or decoction, or a combination of both, in potable brewing water, of malted cereal grain; and
    - ii. in which the sugars used for fermentation of the alcoholic beverage are at least seventy-five (75) percent derived from malted cereal grain measured as a percentage of the total dry weight of the fermentable ingredients.
- E. "Hard cider" means an alcoholic beverage that is made from the alcoholic fermentation of the juices of apples or pears and that contains not less than 0.5 percent of alcohol by volume and not more than 6.9 percent of alcohol by volume, including but not limited to flavored, sparkling, or carbonated cider.
- F. "Liquor" means an alcoholic beverage except beer and wine. The term includes a caffeinated or stimulant-enhanced malt beverage.
- G. "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.
- H. "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.
- I. "Public places" means all streets, sidewalks, avenues, alleys, publicly owned parking lots and privately owned parking lots open to the public for parking in the City, City-owned facilities, including but not limited to, the following City parks: Odd fellows, Sight and Sound, Elks-Riverside, West Bank, Margaret, Whittier, Gibson, Lions, West Kiwanis, and Park Island. This definition does not include the premises licensed for the retail sale of liquor or beer by the Liquor Division of the Montana

Title 9 - PUBLIC PEACE, MORALS AND WELFARE

Chapter 4 OFFENSES AGAINST PUBLIC PEACE

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. (Ord. 3158, 2017; Ord. 2949, 2006; Ord. 2854, 2003)

- J. "Vehicle" means every device in, upon or by which any person or property is or may be transported or drawn upon a public highway.
- K. ~~"Wine" means wine that contains not more than 16% of alcohol by volume~~ **"Wine" means any alcoholic beverage made from or containing 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 more than one-half of one (0.5) percent but not more than twenty-four (24) percent of alcohol by volume. Wine may be ameliorated to correct natural deficiencies, sweetened, and fortified in accordance with applicable federal regulations and the customs and practices of the industry. Other alcoholic beverages not defined in this section but made in the manner of wine and labeled and sold as wine in accordance with federal regulations are also wine.**

(Ord. **3173, 2017**; Ord. 3158, 2017; Ord. 2342 §2(part), 1983).