

ORDINANCE # 898

AN ORDINANCE TO CLARIFY AND REVISE THE RED LODGE OPEN CONTAINER ORDINANCE.

WHEREAS: The City Council of the City of Red Lodge, Montana has determined the need to clarify the limitations on open containers of alcohol within the City Limits; and

WHEREAS: The City Council has determined that there appears to be a major loophole in the current ordinance as it is codified in the Municipal Code; and

WHEREAS: The City Council has determined that it is in the best interest of the City, its residents and our visitors to have reasonable limitations on open containers of alcohol within the City Limits; and

Now therefore:

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF RED LODGE, MONTANA:

Section 5-4-7. Shall be amended to read as follows:

5-4-7: Open Containers of Alcohol.

- A. Definitions: As used in this section, the following words and terms shall have the meanings ascribed to them in this subsection:
 - 1. Alcoholic Beverage: A compound produced for human consumption as a drink that contains more than 0.5% of alcohol by volume.
 - 2. Open Alcoholic Beverage Container: A bottle, can, jar or other receptacle that contains any amount of alcoholic beverage that is open or has a broken seal or the contents of which are partially removed.
- B. Prohibited: It shall be unlawful for any person to possess an open alcoholic beverage container on public streets, highways, alleys or sidewalks in the city.

Exemption: Upon application to the city council and approval of the city council, certain groups or individuals may be given an exemption from subsection B above for a specific date, time and location in order that they may hold events during which persons may possess an open alcoholic beverage container on the public streets, highways, alleys or sidewalks in the city. These applications will be considered by the city council on a case by case basis. The city council will have absolute discretion whether to grant or deny such an application, and such application shall only be granted upon a showing by the applicant of good cause and a showing by the applicant that granting such application would be in the best interest of the city and would not be detrimental to the health, safety, morals and general welfare of the community. The city council may place such conditions upon the approval of an application as it may deem appropriate and in the public interest.

2/20/13

Effective Date.

This ordinance shall be effective 30-days after approval of second reading by the Red Lodge City Council.

Be It Ordained By The Council Members of the City of Red Lodge.

First Reading by the Council on the ___ day of _____ 2013.

Second Reading by the Council on the _____ day of _____ 2013

PASSED and APPROVED by a majority of the elected members of the Red Lodge City Council this _____ day of _____ 2013.

The City of Red Lodge

By:

Brian C. Roat, Mayor

Attest:

Debbie Tomicich, City Clerk