

9.44

ORDINANCE NO.2-2010.

**ORDINANCE BY THE CITY COUNCIL OF THE CITY OF HARLOWTON,
AMENDING CHAPTER 9.44 OF THE CITY OF HARLOWTON MUNICIPAL
CODES CONCERNING THE PUBLIC CONSUMMPTION OF BEER, WINE ,
LIQUOR OR ALCOHOLIC BEVERAGE.**

RECITALS

WHEREAS, The City Council has found that the existing Municipal Codes concerning public consumption of alcohol and open containers must be revised in order to meet current issues facing the city, and ,

WHEREAS, the City Council finds that the following revisions will address these issues;

NOW, THEREFORE, BE IT ORDAINED, by the City Council, City of Harlowton, Mt, as follows:

Sec. 1

The City Council proposes that Chapter 9.44 be amended to read as follows:

Chapter 9.44. Public Consumption of Beer, Wine, Liquor, and Alcoholic Beverage.

Sections:

9.44.010 Definitions. (Amended, Ordinance NO. 2-2010, _____, 2010)

9.44.020. Drinking upon streets, sidewalks or alleys.(Amended, Ordinance No.2-2010, _____,2010

9.44.030. Carrying open containers in public. (Amended, Ordinance No.2-2010, _____,2010)

9.44.040.Penalty. (Amended, Ordinance No. 2-2010, _____,2010)

9.44.050-9.44.100.Reserved

9.44.010. Definitions.

- A. "Alcoholic Beverage" shall be defined as set forth in Section 16-1-106, MCA.
- B. "Beer" Shall be defined as set forth in Section 16-1-106, MCA

C. "Liquor" shall be defined as set forth in Section 16-1-106, MCA.

D. "Wine" Shall be defined as set forth in Section 16-1-106, MCA.
(Amended, Ordinance No. 2-2010, _____,2010)

9.44.020. Drinking upon streets, alleys and sidewalks.

A. It is unlawful for any person to drink beer, wine, liquor or any other alcoholic beverage upon any street, alleyway or sidewalk in the City.

B. The City by motion may designate an area not greater than two (2) blocks in length and for no longer than a three days (3) period as a special event at which time and place this Code Section will not apply. Written application for the special event must be made at the City Hall at least three weeks before the event is to be held so that the City Clerk and City Council can meet and review the application. Failure to submit the application by that time period may result in an immediate denial of the application.
(Amended, Ordinance No.2-2010, _____,2010)

9.44.030 . Carrying open containers in public.

A. It is unlawful for any person to carry an open container or glass container containing beer, wine, liquor or any other alcoholic beverage upon any street, alleyway or sidewalk in the City.

B. The City by motion may designate an area not greater than two(2) blocks in length and for no longer than a two days (2) period as a special event at which time and place this Code Section will not apply. Written application for the special event must be made at the City Hall at least three weeks before the event is to be held so that the City Clerk and City Council can meet and review the application. Failure to submit the application by that time period may result in an immediate denial of the application.
(Amended, Ordinance No. 2-2010, _____,2010)

9.44.040. Violation; penalty.

A Violation of this chapter is a civil offense and punishable by a civil penalty as set forth in Section2040.040, City of Harlowton Municipal Codes, or a misdemeanor offense, punishable by a fine not more than \$500.00, or not more than six months in jail, or both.(Amended, Ordinance No. 2-2010, _____,2010)

9.44.050-9.100. Reserved

Sec.2 Repealer

All resolutions, ordinances and sections of the City of Harlowton Municipal Code and parts thereof in conflict herewith are hereby repealed.

Sec. 3 Severability

If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect the other provisions of this ordinance which may be given effect without the invalid provision or application and , to this end, the provision of this ordinance are declared to be severable.

Sec. 4 Effective Date

This ordinance shall be in full force and effect 30 days after passage of the Second Reading.

PASSED AND ADOPTED ON THIS FIRST READING, by the City Council of the City of Harlowton This _____ day of _____, 2010

_____ Council person	_____ Yes	_____ No	_____ Absent
_____ Council person	_____ Yes	_____ No	_____ Absent
_____ Council person	_____ Yes	_____ No	_____ Absent
_____ Council person	_____ Yes	_____ No	_____ Absent
_____ Council person	_____ Yes	_____ No	_____ Absent

Approved:

Jeff Sell, Mayor

Approved as to form and Content:

Jon M. Hesse, City Attorney

ATTEST;

Geraldine Hensel, City Clerk

Jh.5.Harlowton.7.10.Ordinance.1-2010 . First Reading