

Chapter 9.04

PUBLIC DRINKING, DISPLAY OR EXHIBITION OF BEER AND LIQUOR

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9.04.010 Definitions. The following words and phrases used in this chapter shall be defined as follows:

(a) Liquor shall mean any alcoholic, spiritous, vinous, fermented, malt or other liquor which contains more than one percent (1%) of alcohol by weight.

(b) Beer shall mean 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 (4%) of alcohol by weight.

(c) Public Places means all portions of buildings to which the public has access in the town, all vehicles, streets, avenues and alleys in the town and does not include the premises licensed for the sale of liquor or beer at retail by the Montana Liquor Control Board.

(d) Public Display or Exhibition of Beer or Liquor shall mean and include 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 or liquor, even though empty, to, in, on, or within any vehicles or upon the public places within the town, but does not include carrying or transporting such beer or liquor from retail liquor or beer establishments in sacks, cases, boxes, cartons, or other similar containers with unbroken seals or when no display or exhibition is made.

(e) Public Drinking includes the drinking or consuming of beer or liquor in, on, within, or upon any vehicle or any public place in the town.

(f) Vehicle means every device in, upon, or in which any person or property is or may be transported or drawn upon a public highway.

9.04.020 Public Drinking, Display and Exhibition Prohibited. It shall be unlawful for any person to engage in public drinking, public display or exhibition of beer or liquor within the town limits. The Town Council by motion may designate an area as a special event exception at which time and place this section will not apply.

9.04.030 Violations: Penalty. Any person violating any of the provisions of this ordinance shall upon conviction thereof be fined as follows: 1st offense 50.00, 2nd offense 100.00, 3rd and subsequent offenses 500.00 or by imprisonment not to exceed six (6) months, or by both fine and imprisonment for each such offense. The fines collected from this section are hereby earmarked for the purpose of funding the swimming pool.

(Ords 71, 196)