

ORDINANCE NO. 1881 OF THE CITY OF LIBBY, MONTANA

AN ORDINANCE AMENDING TITLE 9, CHAPTER 56 OF THE LIBBY MUNICIPAL CODE TO CONTROL THE PUBLIC CONSUMPTION OF ALCOHOL WITHIN THE CITY LIMITS

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LIBBY, MONTANA:

SECTION 1

Section 9.56.020 of the Libby Municipal Code is hereby amended as follows:

9.56.020 - Unlawful within city limits.

Public drinking and public display and exhibition of alcoholic beverages as defined in this chapter are prohibited, and it is unlawful for any person to engage in public drinking, public display or exhibition of alcoholic beverages within the city limits. A violation of any provision of this chapter is a municipal infraction punishable as set forth in Section 1.28.010.

Section 9.56.030 of the Libby Municipal Code is hereby amended as follows:

9.56.030 - Exception.

Any organization desiring to serve beer, wine or liquor upon a public place as defined in this chapter as part of a promotion celebration or other organized activity may obtain a permit from the city administrator to use the public place for one or more days. The organization 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. Unless the requirement is waived by a resolution of the city council, the organization must provide proof of liability insurance coverage, including liquor liability, naming the City of Libby as an additional insured in the minimum amounts of \$750,000 per claimant and \$1,500,000 per occurrence. In addition, the organization must agree to hold harmless, indemnify, and defended the City of Libby and its officers, agents, and employees from any and all claims, lawsuits, or liability, including attorneys' fees, arising out of or related to the event. The Police Department may revoke the permit should those in attendance become unruly, property is damaged, or other reasons that adversely affect the public health, safety, or welfare of those attending the event or the citizens of Libby. Issuance of this permit shall occur only after the use of the public place has been approved by the fire chief and police chief. The organization must take all necessary precautions to keep minors from obtaining alcohol including, but not limited to, temporary fencing and identification checks. Any applicant for a

permit shall post a damage and litter deposit ~~or bond pursuant to resolution of the city council~~ in an amount to be determined by the city administrator, which ~~will~~ shall be refundable ~~refunded within thirty days after the event if after the use has occurred~~ all litter associated with the permitted use has been picked up and there has been no damage to the public place as a result of the permitted use.

SECTION 2

This ordinance is effective thirty days after final passage.

FIRST PASSED BY THE COUNCIL OF THE CITY OF LIBBY, MONTANA THIS _____ DAY OF _____, 2015.

ATTEST:

Audray McCollum, City Clerk

FINALLY PASSED AND ADOPTED PASSED BY THE COUNCIL OF THE CITY OF LIBBY, MONTANA THIS _____ DAY OF _____, 2015.

ATTEST:

Audray McCollum, City Clerk

APPROVED BY THE MAYOR OF THE CITY OF LIBBY, MONTANA THIS _____ DAY OF _____, 2015

Doug Roll, Mayor