

# ORDINANCES OF THE CITY OF HELENA, MONTANA

## ORDINANCE NO. 3236

### AN ORDINANCE AMENDING SECTION 4-2-11 OF THE HELENA CITY CODE TO INCREASE LIABILITY INSURANCE REQUIREMENTS FOR ISSUANCE OF ALCOHOL PERMITS TO CONSUME ALCOHOL IN PUBLIC PLACES

NOW, THEREFORE, BE IT ORDAINED BY THE COMMISSION OF THE CITY OF HELENA, MONTANA:

That Section 4-2-11 of the Helena City Code is hereby amended as follows:

#### 4-2-11: UNLAWFUL TO CONSUME LIQUOR ALCOHOL IN PUBLIC PLACES:

- A. Except in the case of ~~liquor or beer~~ alcohol purchased and consumed in accordance with a license or a special license for a purpose permitting its consumption in a public place, no person shall consume ~~liquor or beer~~ alcohol in a public place in the city.
- B. In order to obtain a permit to consume alcoholic beverages upon the public ways, streets, alleys, parks and other places owned by the city, within the limits of the city, an individual or corporation must apply for and obtain a permit issued by the Helena city manager or ~~his~~ designee.
- C. Any such permit shall require that the area in which said alcoholic beverages are to be served and consumed shall be within a roped, fenced, or otherwise contained area.
- D. Prior to the issuance of any such permit by the city manager or ~~his~~ designee, the applicant must provide proof that said applicant has obtained all necessary licenses required by the state, the county of Lewis and Clark, or the city. Further, the applicant must ~~show that he will~~ agree to comply with all of the rules and regulations pertaining to the consumption of alcoholic beverages as promulgated by the state, county of Lewis and Clark, or the city.

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- E. Upon submitting ~~his~~ an application to the city manager, the applicant ~~shall~~ must submit a ~~fifty dollar (\$50.00)~~ damage deposit, as set by the city commission, to the city manager or ~~his~~ designee to ensure that the area in which the alcoholic beverages are to be served or consumed is left in a clean and undamaged condition after its use. Upon termination of the use, if the area is clean and no damage has ~~been~~ incurred, the deposit will be returned to the applicant.
- F. ~~The applicant, upon presenting his application to the city manager or his designee, must also present a valid public liability and property damage insurance policy from a responsible licensed insurance company, naming the city, its agents, officers and employees as coinsureds. Said policy shall have limits of not less than five hundred thousand dollars (\$500,000.00) for injury to one person, one million dollars (\$1,000,000.00) for injury to two (2) or more persons in one occurrence, and five hundred thousand dollars (\$500,000.00) for damage to property. Said insurance shall cover all risks arising directly or indirectly out of the user's performance pursuant to the permit issued by the city and shall protect the city, its agents, officers and employees against any such claims of any kind or nature. The city shall be provided with a certificate of coverage showing that the above requirements have been met. The applicant for an alcohol permit shall indemnify, defend, and hold the city and its employees and agents harmless against all claims, liability, loss, damage, or expense incurred by the city due to any injury to or death of any person or any damage to property caused by or resulting from the activities for which the permit is granted. As evidence of the applicant's ability to perform the conditions of the permit, applicant will provide proof of applicant's liability insurance issued by a reliable company or companies for personal injury and property damage, and which includes alcohol liability coverage, in an amount not less than \$1.0 million per occurrence and \$2.0 million aggregate per year for bodily injury, personal~~

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injury, and property damage, with the city named as an additional insured.

G. Application must be made at least 30 days prior to the day of the event. (Ord. 2432, 4-27-1987; amend Ord. \_\_\_\_\_, \_\_-\_\_-2018)

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FIRST PASSED BY THE COMMISSION OF THE CITY OF HELENA, MONTANA, THIS 18<sup>TH</sup> DAY OF DECEMBER, 2017.

/S/ JAMES E. SMITH  
MAYOR

ATTEST:

/S/ DEBBIE HAVENS  
CLERK OF THE COMMISSION

FINALLY PASSED BY THE COMMISSION OF THE CITY OF HELENA, MONTANA, THIS 8<sup>TH</sup> DAY OF JANUARY, 2018.

/S/ WILMOT COLLINS  
MAYOR

ATTEST:

/S/ DEBBIE HAVENS  
CLERK OF THE COMMISSION