

ORDINANCES OF THE CITY OF HELENA, MONTANA

ORDINANCE NO. 3251

AN ORDINANCE RECODIFYING REASONABLE DISTANCE SMOKING REGULATIONS FROM TITLE 4 BUSINESS REGULATIONS INTO TITLE 5 POLICE REGULATIONS OF THE HELENA CITY CODE

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

That Title 5 Police Regulations, of the Helena City Code, is hereby amended by amending Section 5-1-1 to remove reference to Section 4-2-11 and by recodifying Section 4-13-5, Reasonable Distance, as Section 5-1-4(B), Smoking Prohibited in Certain Places, as follows:

CHAPTER 1

GENERAL OFFENSES

5-1-1: Possession of Intoxicating Beverages:

It shall be unlawful for any person to have in his possession on the streets, alleys, parks or on any other public premises in this City any beer, wine, liquor, or other intoxicating beverage in any container on which the cap, top, seal, cork, or other closing device has been removed or opened or in any other container from which such a beverage can be drunk directly. Provided, however, that this section shall not apply to any individual who possesses alcohol or intoxicating beverages pursuant to a permit issued by the City in accordance with provision of this Code. (Ord. 3238, 1-8-2018; amd. Ord. 3251, 5-20-2019).

5-1-4: Smoking Prohibited in Certain Places:

A. It shall be unlawful to perform the following acts: permitting a spark or sparks from a lighted cigar, cigarette or pipe to fall upon or into anything inflammable; placing any

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lighted smoking material on or about or in close proximity to any flammable article or articles; falling asleep with lighted smoking material of any kind at hand; throwing lighted smoking material out of a window or into an elevator pit or elsewhere other than in a proper receptacle therefor; dropping a lighted cigarette or cigar or part thereof into a mail chute in any building; failing to extinguish the fire of a match or any kind of lighter device after use of the same; failure to destroy the lighted part of a cigar or cigarette when disposing of it; failure to destroy the burning smidgen or smidgens of tobacco from a pipe when cleaning or unloading a pipe. (Ord. 3238, 1-8-2018; amd. Ord. 3251, 5-20-2019).

B. Smoking may not occur within a reasonable distance of an indoor public place such that tobacco smoke may enter through its entrances, windows, ventilation systems or other accesses and circulate to nonsmoking areas. (Ord. 2911, 6-18-2001; amd. Ord. 3251, 5-20-2019).

**FIRST PASSED BY THE COMMISSION OF THE CITY OF HELENA,
MONTANA, THIS 22ND DAY OF APRIL 2019.**

/S/ WILMOT COLLINS
MAYOR

ATTEST:

/S/ DEBBIE HAVENS
CITY CLERK

**FINALLY PASSED BY THE COMMISSION OF THE CITY OF HELENA,
MONTANA, THIS 20TH DAY OF MAY 2019.**

/S/ WILMOT COLLINS
MAYOR

ATTEST:

/S/ DEBBIE HAVENS
CITY CLERK