

ORDINANCE NO. 00-5125Amended by
04-5294

AN ORDINANCE OF THE CITY OF BILLINGS PROVIDING THAT THE BILLINGS, MONTANA, CITY CODE BE AMENDED BY REVISING SECTIONS 3-203, 3-204, 19-202 AND 19-208 OF SAID CODE; PROHIBITING THE PUBLIC DRINKING AND/OR DISPLAY OF ALCOHOLIC BEVERAGES IN ALL CITY PARKS AND PUBLIC PLACES EXCEPT FOR SHELTER RESERVATION PERMITS, PARK USE PERMITS OR ANNUAL USE AGREEMENTS; AND, PROHIBITING THE USE OR POSSESSION OF GLASS CONTAINERS IN ALL CITY PARKS.

WHEREAS, the City Council of the City of Billings desires to prohibit the display and/or drinking of alcoholic beverages in all public places and city parks except if a shelter reservation permit, park use permit or annual use agreement has been granted by the Department of Parks, Recreation and Public Lands; and

WHEREAS, the City Council further desires to prohibit the use of glass containers in all city parks to further protect and preserve the aesthetic qualities of city parks and to insure a safe and enjoyable experience for all who utilize such.

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

Section 1. That Section 3-203 of the Billings, Montana City Code be amended so that such section shall read as follows:

Sec. 3-203. Exceptions; special permit required.

A special permit for the purpose of permitting public drinking and public display as exhibitionism in a specific location shall be allowed in the circumstances set out in Section ~~19-202 when it is determined by the issuing officer that the general public welfare or special circumstances warrant such exception.~~ A fee for such permit shall be charged. The amount of such fee shall be sufficient to cover the administrative costs of issuance and shall be established by the city administrator.

Section 2. That Section 3-204 of the Billings, Montana, City Code be amended so that such section shall read as follows:

Sec. 3-204. Permit denial – Review.

If an ~~person applicant~~ is ~~shall~~ be denied a special permit under section 3-203, that ~~person applicant~~ shall be advised of the denial and of the rights of appeal to the city council. Such denial can be reviewed by the city council by appearing on the agenda of a regularly scheduled council meeting. The council shall have the authority to direct the city administrator to issue such special permit if a majority of the council members vote in favor of the issuance of such permit.

Section 3. That Section 19-202 of the Billings, Montana City Code, currently reserved, be amended and such section shall read as follows:

Sec. 19-202. Reserved. Public drinking and display of alcoholic beverages prohibited; Exceptions.

(1) The public drinking or display of alcoholic beverages is prohibited in all city parks except as set out in subsection (2).

(2) Groups or organizations who obtain a city park shelter reservation permit, park use permit or annual use agreement from the City Department of Parks, Recreation and Public Lands shall be exempt from this prohibition on the conditions that such group or organization complies with all laws and all requirements and terms of the shelter reservation, permit or agreement.

Section 4. That Section 19-208 of the Billings, Montana City Code be amended to read as follows:

Sec. 19-208. Projectiles unlawful and glass containers prohibited.

(1). No person shall hit golf balls, engage in archery, throw metal spears, or otherwise cause the flight of dangerous projectiles in a public park, except in areas specifically designated for that use, such as an archery range, golf course or horseshoe area.

(2) No person shall possess or use any glass container for any purpose within any public park.

Section 3. EFFECTIVE DATE. This ordinance shall be effective thirty (30) days after second reading and final adoption as provided by law.

Section 4. REPEALER. All resolutions, ordinances, and sections of the City Code inconsistent herewith are hereby repealed.

Section 5. 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 provisions or application, and, to this end, the provisions of this ordinance are declared to be severable.

PASSED by the City Council on first reading this 12th day of June, 2000.

PASSED, ADOPTED and APPROVED on second reading this 26th day of June, 2000.



CITY OF BILLINGS

By Charles F. Tooley
Mayor

ATTEST:

By Marita Nerud
City Clerk