

ORDINANCE NO. **04-5296**

AN ORDINANCE OF THE CITY OF BILLINGS, PROVIDING THAT THE BILLINGS, MONTANA CITY CODE BE AMENDED BY REVISING SECTION 19-202, PROHIBITING POSSESSION OF ALCOHOLIC BEVERAGES IN CITY PARKS EXCEPT BY PERMIT.

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

Section 1. That section 19-202 of the Billings Montana Municipal Code be amended so that such section shall read as follows:

**Sec. 19-202 Public drinking and display of alcoholic beverages prohibited** **Alcoholic beverages in park prohibited; exceptions.**

(a) The public drinking or display possession of alcoholic beverages is prohibited in all city parks except as set out in subsection (b) of this section. Alcoholic beverages discovered in violation of this section shall be considered contraband, and are subject to confiscation and/or destruction or disposal by the Billings Police Department.

(b) Members of groups or organizations who obtain an Alcoholic Beverage permit issued by the City of Billings 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 issued permit. shelter reservation, permit or agreement.

Section 2. **EFFECTIVE DATE.** This ordinance shall be effective thirty (30) days after second reading and final adoption as provided by law.

Section 3. **REPEALER.** All resolutions, ordinances, and sections of the City Code inconsistent herewith are hereby repealed.

Section 4. **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 28th day of June, 2004.

PASSED, ADOPTED and APPROVED on second reading this 23rd day of August, 2004.

CITY OF BILLINGS

By \_\_\_\_\_  
Charles F. Tooley, Mayor

ATTEST:

By \_\_\_\_\_  
Marita Herold, CMC/AAE City Clerk