

## ORDINANCE NO. 349

AN ORDINANCE PROHIBITING THE REMOVAL OF OPEN CONTAINERS FROM PREMISES WHERE RETAIL LIQUOR AND BEER ARE SOLD AND DECLARING IT TO BE AN OFFENSE FOR A RETAIL LIQUOR AND BEER VENDOR TO WILLFULLY PERMIT THE REMOVAL OF AN OPEN CONTAINER FROM THE LICENSED PREMISES.

WHEREAS, the City of Polson has duly enacted Chapter 10 of Title 6 of the City Code of Polson, 1965, which prohibits public display or exhibition of beer or liquor, and

WHEREAS, responsible retail liquor and beer vendors licensed to do business within the City of Polson, Montana, have policed their own establishments and prohibited the removal from their premises of open containers of beer and liquor, and

Whereas, not all licensed vendors of beer and liquor have adhered to the high standard of responsibility to the public and whereas the removal of open containers of beer and liquor from certain licensed establishments within the City of Polson has created a health and safety hazard of a magnitude sufficient to cause the City Council of the City of Polson, Montana, to enact emergency legislation concerning this subject;

NOW, THEREFORE, BE IT ORDANED BY THE CITY COUNCIL OF THE CITY OF POLSON, MONTANA:

Chapter 6 of Title 5 of the City Code of Polson, 1965, shall be amended by the addition of sections 10(A) and (B) which shall read as follows:

5-6-10(A): It shall be unlawful from and after the date of passage of this Ordinance for any person, firm or corporation licensed under this Chapter to sell beer at retail within the City limits of the City of Polson, Montana, to willfully permit any person from removing from the licensed premises any open container of beer. The acts of the agents and employees of the licensee are hereby specifically deemed to be the acts of the licensee and such licensee shall be guilty of any offenses committed by his or their agents' and employees' acts and omissions.

5-6-10(B): Conviction for the offense described in paragraph 5-6-10(A) shall be punished, for a first offense, by a fine of not less than One Hundred Dollars (\$100.00) and by a fine of not less than One Hundred Fifty Dollars (\$150.00) or more than Three Hundred Dollars (\$300.00) for each subsequent conviction.

Chapter 7 of Title 5 of the City Code of Polson, 1965, shall be amended by the addition of sections 5-7-21(A) and 5-7-21(B):

5-7-21(A): It shall be unlawful from and after the date of passage of this Ordinance for any person, firm or corporation licensed under this Chapter to sell liquor at retail within the City limits of the City of Polson, Montana, to willfully permit any person from removing from the licensed premises any open container of liquor. The acts of the agents and employees of the licensee are hereby specifically deemed to be the acts of the licensee and such licensee shall be guilty of any offenses committed by his or their agents' and employees' acts and omissions.

5-7-21(B): Conviction for the offense described in paragraph 5-7-21(A) shall be punished, for a first offense, by a fine of not less than One Hundred Dollars (\$100.00) and by a fine of not less than One Hundred Fifty Dollars (\$150.00) or more than Three Hundred Dollars (\$300.00) for each subsequent conviction.

REPEALING CLAUSE: All ordinance or parts of ordinances in conflict herewith are hereby repealed.

EMERGENCY: A public emergency is hereby declared to exist and this Ordinance is hereby declared to be necessary for the immediate preservation of public peace, health and safety, and therefore this Ordinance shall be in full force and effect from and after its passage and approval.

PASSED AND APPROVED this 4th day of August, 1974.

ATTEST:

/s/ Norene Mosley  
MAYOR

/s/ ARBATH E. Morton  
CITY CLERK