

# OPTION 2-DOWNTOWN

## RESOLUTIONS OF THE CITY OF HELENA, MONTANA

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION SUSPENDING THE PROHIBITION OF CONSUMPTION OF  
ALCOHOLIC BEVERAGES AND POSSESSION OF OPEN CONTAINERS OF  
INTOXICATING BEVERAGES ON CITY PROPERTY **WITHIN THE DOWNTOWN  
URBAN RENEWAL DISTRICT****

**WHEREAS**, §7-14-1, Helena City Code, prohibits the consumption of alcoholic beverages on the City's rights-of-way, including public ways, streets, alleys, parks and other places owned by the City unless a permit has been issued by the City Manager;

**WHEREAS**, §5-1-1, Helena City Code, possession of intoxicating beverages on the streets, alleys, parks or on any other public premises is prohibited unless a permit has been granted pursuant to §7-14-1, Helena City Code; and

**WHEREAS**, the City Commission desires to suspend the prohibition in §7-14-1 and §5-1-1, Helena City Code **within the Downtown Urban Renewal District as defined by Ordinance 3242 and amended by Ordinance 3275 adopted October 29, 2018 and November 18, 2019 respectively.**

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

**Section 1.** The City Commission hereby suspends the

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prohibitions in §§7-14-1 and 5-1-1, Helena City Code within the Downtown Urban Renewal District as defined by Ordinance 3242 and amended by Ordinance 3275 adopted October 29, 2018 and November 18, 2019 respectively. Consumption of alcoholic beverages and possession of open containers of intoxicating beverages is expressly permitted on the City's rights-of-way, including public ways, streets, alleys, parks, and public premises and other places owned by the City without a permit issued by the City Manager within the Downtown Urban Renewal District as defined by Ordinance 3242 and amended by Ordinance 3275 adopted October 29, 2018 and November 18, 2019 respectively.

**Section 2.** The commercial use and other temporary uses of public right-of-way, including the sale of alcoholic beverages is still regulated by Title 7, Chapter 13, Sections 4 and 5, "Nonexclusive Right of Way Use" and Exclusive Right of way Use." Further, the provisions of Title 7, Chapter 9, "Pedestrian Mall" are not affected by this Resolution.

**Section 3.** The City Commission further instructs the City Manager to present an ordinance amending Title 7, "Public Ways and Property," Chapter 14, "Consumption of Alcoholic Beverages on City

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Property," of Helena City Code, and Title 5, "Police Regulations," Chapter 1, "General Offenses," Part 1, "Possession of Intoxicating Beverages" to permit consumption of alcoholic beverages and possession of open containers of intoxicating beverages within the Downtown Urban Renewal District as defined by Ordinance 3242 and amended by Ordinance 3275 adopted October 29, 2018 and November 18, 2019 respectively.

PASSED AND EFFECTIVE BY THE COMMISSION OF THE CITY OF HELENA, MONTANA, THIS 7<sup>th</sup> DAY OF JUNE, 2021.

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MAYOR

ATTEST:

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CLERK OF THE COMMISSION