

# CITY OF MONTPELIER, STATE OF IDAHO

## ORDINANCE No. 625

**AN ORDINANCE PROHIBITING PUBLIC INTOXICATION, PROHIBITING THE CARRYING OF ANY OPEN CONTAINER OF ALCOHOL IN PUBLIC, AND PROHIBITING ANY BUSINESS FROM ALLOWING AN INDIVIDUAL TO LEAVE THE PREMISES WITH AN OPEN CONTAINER OF ALCOHOL, MAKING SAID VIOLATION A MISDEMEANOR.**

*Whereas*, the City of Montpelier has a vested interest in maintaining the peace, quiet, and dignity of the streets and public areas of the City of Montpelier; and

*Whereas*, the City of Montpelier has an interest in preventing disorderly and disruptive conduct in public and on the streets and in public areas of the City of Montpelier; and

*Whereas*, public intoxication and consumption of alcohol in public areas can be detrimental to the public health and well being of society, as well as create a risk to the citizens of the City of Montpelier; and

*Whereas*, public intoxication and consumption of alcohol in public forums leads to and contributes to disorderly conduct such as fighting, disturbing the peace, battery, and other criminal conduct; and

*Whereas*, allowing individuals to leave the private premises with open containers of alcohol contributes to this problem;

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF MONTPELIER, STATE OF IDAHO AS FOLLOWS:

**Section 1: Definitions:** For purposes of this ordinance the following definitions shall apply:

a. Open container: is the original receptacle of the alcoholic beverage, whose seal has been broken or cap removed, or any other container into which the alcoholic beverage has been placed which does not have affixed thereon a permanent airtight seal or cap.

b. Intoxication: A person is intoxicated for purposes of this ordinance, who due to the consumption of an alcoholic beverage is otherwise impaired and/or contributing to or creating a disturbance of the peace, or who has a BAC level of .08 or more.

c. Premises: Premises for purposes of this Ordinance shall be the interior of any business establishment licensed for the sale and consumption of alcoholic beverages thereon.

**Section 2: Public Intoxication Prohibited:** It shall be unlawful for any person or persons to be, at any time on any street, lane, alley, park or other public place within the incorporated city limits of the City of Montpelier in an intoxicated condition.

**Section 3: Removal From Business Premises Unlawful:** It shall be unlawful for any person to remove from a business premises, licensed for the sale and consumption of alcoholic beverages thereon, located within incorporated city limits of the City of Montpelier, any open container of an alcoholic beverage.

**Section 4: Permitting Removal From Premises Unlawful - Exceptions:** It shall be unlawful for any person, or business licensed by the city of Montpelier for the sale and consumption of alcoholic beverages thereon, or for any establishment whereon the consumption of alcoholic beverages may take place, or any employee or agent of the licensee, to knowingly permit any person to remove from the licensed premises an open container of an alcoholic beverage.

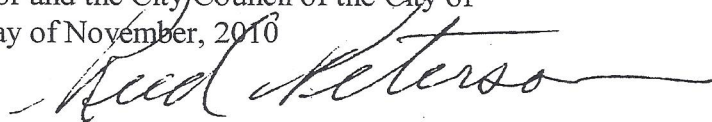
- a. Any business licensed for the sale and consumption of an alcoholic beverage thereon, located within incorporated city limits of the City of Montpelier, may apply for a permit from the City Clerk to allow for the sale and consumption of alcohol outside of the immediate premises whereon the regular sale and consumption of alcohol occurs.
- b. Said Application shall be on a form approved by the Council and shall specify the location and area where the alcohol shall be consumed; the application shall be granted upon a showing of good cause, and upon a showing that the proposed activity shall not be detrimental to the public's health and safety.

**Section 5: Violation:** Any person found violating any provision of this Ordinance shall be guilty of a misdemeanor, punishable by a period of incarceration in the county jail up to six months and/or punishable by a \$1,000.00 fine.

**Section 6: Severability:** If any provision of this Ordinance is determined by a court of competent jurisdiction to be otherwise void or unenforceable, all remaining sections shall be considered enforceable.

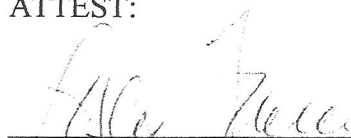
**Section 7:** This Ordinance shall be in full force and effect from and after its passage and approval, and publications provided by law.

PASSED AND APPROVED by the Mayor and the City Council of the City of  
Montpelier, Bear Lake County, Idaho, this 2<sup>nd</sup> day of November, 2010



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Reed Peterson, Mayor

ATTEST:



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Leslie Tueller, City Clerk