

Chapter 3

ALCOHOLIC BEVERAGES

Articles:

- I. In General**
- II. Licensing**

Article I. In General

Sec. 3-1. Definitions.

As used in this chapter, those words or terms as defined in the State Montana Alcoholic Beverage Code as amended shall apply.

Sec. 3-2. Hours of sale.

No alcoholic beverages shall be sold, offered for sale, or given away upon any premises licensed to sell alcoholic beverages at retail on any day between the hours of 2:00 a.m. and 8:00 a.m. Alcoholic beverages may be sold for the hour between 1:00 a.m. and 2:00 a.m. on the day each year after the time changes at 2:00 a.m. to become 1:00 a.m., to go off of daylight savings time.

Sec. 3-3. State alcoholic beverage law.

Violations of the Montana Alcoholic Beverage Code that are misdemeanor violations may be fully prosecuted by the City in City Court. Peace officers shall seek to enforce all provisions of the Montana Alcoholic Beverage Code. Any violations of the Montana Alcoholic Beverage Code shall be reported by the Chief of Police to the appropriate state liquor enforcement agency.

Sec. 3-4 through 3-9. Reserved.

Article II. Licensing

Sec. 3-10. License required.

It shall be unlawful for any person, except State liquor stores, who has not been issued a license under this article, to sell or keep for sale any alcoholic beverage, or within the City or within five miles of the nearest boundary of the City limits. No person shall be issued a City license unless the State license for sale of the particular alcoholic beverage has been obtained.

Sec. 3-11. License period.

Licenses shall be issued for the calendar year beginning January 1 and licenses shall expire at twelve (12) o'clock midnight on December 31 of each year.

Sec. 3-12. Application.

Prior to the issuance of a license, the applicant shall file with City an application in writing, signed by the applicant and which application shall specify the location by street and number of the premises where the business is to be carried on under the license applied for, and a copy of the State license application in full.

The full fee for the appropriate license shall be paid upon application.

Sec. 3-13. Issuance.

Upon the filing of the application and upon ascertaining that there are no violations of State law the City shall issue and deliver to the applicant the appropriate City license. If the City Commission or City Chairman deems a license to be inappropriate for the sale of alcoholic beverages, it may register a protest to this effect with the State Liquor Department.

All licenses required under the provisions of this article shall be issued for the calendar year beginning January 1st and shall expire at twelve (12:00) midnight on December 31st of each year. (Ord. 1868, 2/2/98)

Sec. 3-14. License fees.

The annual license fees shall be as follows:

- A. For an all beverage license \$406.25
 - B. For an all beverage license for fraternal organizations 170.00
 - C. For beer retailer license (either on or off premises only lease) 195.00
 - D. For special beer license upon daily basis 60.00
- and fifteen dollars (\$15.00) per day additional for any event lasting for more than two (2) days.
- E. For beer for any unit for a nationally chartered veterans organization 85.00
 - F. For table wine for on or off premises consumption 195.00
 - G. For additional expenses for the transfer of any license 110.00
 - H. For transfer of any license 110.00

A prorated license fee shall be charged for the portion of any year for which application is made. No refund of any fees shall be given upon the discontinuance of the business for any reason or upon sale of the business.

The license fees as provided in this section are in addition to other City licensing fees and any other fees required for the sale of liquor. (Ord. 1823, 11/20/95)

Sec. 3-15. Transfer.

Transfer of any liquor license may be made upon the applicant filling out the same application as for a new license, providing evidence of State approval of the transfer, and paying of the transfer fee.

Sec. 3-16. License revocation.

Upon suspension or revocation of any State license for the sale of any alcoholic beverage,

the City license shall be automatically revoked or suspended. The City Commission may at any time recommend to the State that the license of any person be suspended or revoked, but the City Commission may not, unless the legislature specifically provides, undertake its own license suspension or revocation proceedings. The reason for the City Commission recommended action shall be set forth upon the minutes and in a letter signed by the City Chairman to the State Liquor Control Agency. (Ord. 1470, 11/17/80; Ord. 1868, 2/2/98)