

# Waiver to Open Container Ordinance\*

For an event with Less than 75 People  
*\*Requires a 2-week minimum for processing*

Date of Event: \_\_\_\_\_ Hours Reserved: \_\_\_\_\_

Estimated Number Attending: \_\_\_\_\_

Type of Activity Planned: \_\_\_\_\_

**Area Reserved:**

City Park Pavilion or Park Open Space reserved: \_\_\_\_\_

Facility reserved: \_\_\_\_\_

**Person Designated as Responsible Party and Contact Person For the Event:**  
(This person must be at least 21 years of age)

Name: \_\_\_\_\_

Address with Zip Code: \_\_\_\_\_

Phone: \_\_\_\_\_

**Per '9.70.040.B.5, Bozeman Municipal Code:**

The undersigned understands and agrees that: Any police officer shall have full authority to void this permit should the activity hereby approved become disruptive or abusive so as to disrupt the peace of any adjacent area or persons, or for violation of park and facility rules, regulations, and/or any ordinance, committed by any member of the group; and that no alcoholic beverages can or will be sold and no admission fee can or will be charged.

I accept all risk and liability for and on behalf of myself and those attending this event, and agree to hold the City of Bozeman harmless from any and all claims, suits, or actions arising out of any damages sustained as a result of the permitted event and furthermore agree to take full responsibility for the conduct of the function, including, but not limited to, seeing that all laws, ordinances, and regulations are obeyed by those in attendance, preventing consumption of alcoholic beverages by those persons under 21 years of age, prohibiting the service of alcoholic beverages to those who appear to be impaired or under the influence of alcohol, prohibiting those who appear to be impaired or under the influence of alcohol from operating a motor vehicle by providing a safe transportation plan for those in attendance by using designated drivers, the "Home Free" program or some similar plan, leaving the park or facility in a safe, sanitary and clean condition and following all park and facility rules (see back page). **PLEASE NOTE THAT ALL PARK AND FACILITY RESERVATION AND ALCOHOL WAIVER FEES ARE NON-REFUNDABLE.**

Signature of Responsible Party \_\_\_\_\_ Date \_\_\_\_\_

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**FOR CITY USE ONLY**

Group Size \_\_\_\_\_ Resident \_\_\_\_\_ / Non-Resident \_\_\_\_\_

Cash \_\_\_\_\_ or Check# \_\_\_\_\_ or CC \_\_\_\_\_ Amount Collected \$ \_\_\_\_\_

ID Confirmed: \_\_\_\_\_ D.O.B. \_\_\_\_\_

Approved by the Director, Parks and Recreation \_\_\_\_\_ Date \_\_\_\_\_

**Alcohol consumption on public property is by permit. In order to avoid the loss of this privilege please keep the following information in mind:**

1. The Parks and Recreation Department Director may grant a waiver to the provisions of the City's Open Container Ordinance for the purpose of holding picnics, parties, reunions, barbecues or other public assemblies in public parks, provided the number of adults does not exceed seventy-five.
2. Any police officer shall have full authority to void a waiver for violation of park or other rules and regulations, any term or condition of the waiver as issued, or any ordinances or state law, committed by any member of the group.
3. All public park and facility reservations are separate from the waiver process and a reservation for a park area or facility does not guarantee the issuance of a waiver under this section.
4. An application shall designate either the applicant, or one or more members of the group submitting the application, as the contact person for the event. The contact person shall be present at all times during the event, or shall arrange for an alternate contact person.
5. The contact person, also known as "safety supervisor," shall be in charge of the event and be responsible for those attending the event, and shall be in charge of and responsible for all beverage servers and patrons.
6. The granting of a waiver in no way abrogates the responsibility and liability of the applicants, which includes but is not limited to cleaning up the area and having a responsible contact person. This contact person should not consume alcoholic beverages before, during or after the event while on public park land or facilities.
7. No person shall possess an open alcoholic beverage (open container) in the passenger area of or on any motor vehicle on a street or an area used principally for public parking, except when such bottle or receptacle is kept in the trunk, or some other area of the vehicle not normally occupied by the driver or passengers.
8. Anyone found guilty of the offense of having an open container shall be fined an amount not less than \$100 and not to exceed \$500 or be imprisoned in the county jail for a term not to exceed 6 months, or both. The first \$100 of a fine under this section may not be suspended.
9. All rules and regulations regarding the legal drinking age for persons consuming alcohol must be respected; there must be no alcohol consumption by minors.