

APPLICATION FOR OPEN CONTAINER WAIVER PERMIT

**For events occurring in public parks that involve more than 75 participants
or on other public land (including streets) that involve more than 50 participants**

Together with any supplementary information as may be required by the City of Bozeman, this form must be filed with the office of the Bozeman City Manager not more than one hundred eighty (360) days nor less than fourteen (14) days prior to the event to ensure proper processing.

Name, address and telephone number of **applicant** _____

Name, address and telephone number of **contact person**: _____
(this person must be present at all times during the event, and shall not consume any alcoholic beverages during the event) _____

Name, address, and telephone number of **alternate contact person** _____

Name and telephone number of **insurance agent**: _____
(Attach Certificate of Liability Insurance for \$1.5 million each occurrence and \$750,000 for each claim, naming the City of Bozeman as additionally insured.)

Name, address and telephone number of **Responsible Beverage Server** (see back of permit): _____

Is this a recurring event? Yes No How often? _____
Requested date(s): _____ Day(s) of week: _____
Starting time: _____ Ending time: _____
Event location: Public Park Public Facility Name of park or facility: _____
Approximate number of people expected: _____
Type of activity planned: _____

Describe possible impact to pedestrian/vehicular traffic or impact on neighborhood: _____

Certificate of Liability Insurance attached? Yes
Safety plan attached? (See back of permit) Yes

I certify that I am an authorized representative of and have the power to execute this application on behalf of the above-named applicant. All of the above statements are true and correct to the best of my knowledge, information and belief and all questions have been answered. If any change in fact or method occurs subsequent to the date of this application, or the issuance of a permit, the undersigned agrees to notify the City Manager, in writing, within twenty-four (24) hours after such change. 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.

Signed by: _____ Date: _____

FOR CITY USE ONLY

Group Size _____ Safety Plan approved by Parks & Recreation Director: _____
ID Confirmed _____ D.O.B. _____
Cash _____ or Check# _____ Public Assembly Permit approved: _____
Amount Collected \$ _____

Approved, subject to the conditions stated:

Parks & Recreation Director Date: _____

OPEN CONTAINER RULES

'9.70.040 Exceptions to '9.70.020

- B. The City Manager may grant a waiver to the provisions of '9.70.020 BMC for activities occurring in or on a public place.
1. All applications for a waiver under this subsection shall be made in conjunction with an application for a public assembly permit in conformance with the procedures in '12.32.040 – 12.32.080, or its successor provisions, which are incorporated herein by reference, subject to any specific changes as contained in this section. The form for such application shall be provided by the City and shall be signed by the applicant.
 2. An application must be filed in a timely manner prior to the event. Timely, in this instance, is a minimum of fourteen (14) days under this subsection. The application may not be filed more than one hundred eighty (180) days before the event. The minimum period may be waived after due consideration...
 3. Applications submitted under this subsection shall have proof of insurance in an amount acceptable to the City; and which includes the City as an additional insured.
 4. For applications under this subsection, a safety plan for the event shall be submitted with the application, to be reviewed by the Director of Public Safety or a designee(s). The safety plan shall address admission of those who are under the legal age to drink, consequences when those under the legal age are caught drinking, the policy for service of those who are intoxicated or under the influence of alcohol, prohibiting those who are intoxicated or who appear to be impaired or under the influence from operating a motor vehicle by providing safe transportation alternatives, actions to be taken in the event of a disturbance or medical or other emergency, and other measures designed to maintain a safe environment for those in attendance.
 5. For applications submitted under this subsection, there shall appear in the application arrangements for providing responsible beverage service for any group of 50 or more adults. Responsible beverage service requires that all beverage servers receive specific training through a recognized program approved by the City prior to the event. A beverage server under this section does not consume any alcoholic beverage during the event.
 6. The 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(s) shall be present at all times during the event, and shall not consume any alcoholic beverages during the event, and shall be in charge of and responsible for all beverage servers and patrons.
- C. In seeking a waiver to '9.70.020, the group leader or authorized representative shall file with the Director of Public Safety, or City Manager as applicable, an application for a City alcoholic beverage waiver.
1. All applications for a waiver shall be submitted to the City Manager's office after payment of the appropriate fee to the Finance Department. This fee shall be set by resolution of the City Commission. This fee is a non-refundable fee to cover administrative costs of processing the waiver. Payment of fees does not entitle the applicant to the waiver.
 2. If the application is for the use of any City equipment, or if any City services shall be required, the applicant shall pay, prior to the issuance of a waiver, the charges for those services in accordance with a schedule of service costs approved by the City Commission by resolution.
 3. If the event is to be held on a regular basis at the same location, an application for a wavier for the calendar year, or any portion thereof may be filed at least sixty (60) days and not more than one hundred and eighty (180) days before the date and time of the first event proposed. The City Manager or Director of Public Safety, as appropriate, may waive the minimum period after due consideration...
 4. An application not acted upon within (10) calendar days of submission, or by the day of the event, shall be deemed denied.