

ORDINANCE 93-19-CM

AN ORDINANCE TO PROHIBIT OPEN CONTAINERS
OF ALCOHOLIC BEVERAGES IN MOTOR VEHICLES
IN THE UNINCORPORATED AREAS OF TIPPECANOE COUNTY, INDIANA

WHEREAS, the Board of Commissioners of the County of Tippecanoe, Indiana, acknowledge the safety hazards associated with the consumption of alcohol while operating a motor vehicle; and

WHEREAS, in an effort to help protect the citizens of Tippecanoe County from those hazards associated with alcohol consumption and operation of a motor vehicle, the Board of Commissioners of the County of Tippecanoe believes that an Ordinance prohibiting open containers of alcoholic beverages in motor vehicles within the limits of the unincorporated areas of Tippecanoe County is necessary.

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the County of Tippecanoe, State of Indiana:

Section 1. Definitions.

For the purposes of this Ordinance, the following definitions shall apply:

(a) Alcoholic Beverage shall have the meaning set forth in Ind. Code 7.1-1-3-5.

(b) Container shall have the meaning set forth in Ind. Code 7.1-1-3-13.

(c) Immediate Area shall mean the entire passenger compartment of a motor vehicle, with the exception that:

(i) for station wagons, vehicles with a rear hatch opening and vans, it is the entire passenger compartment except the area behind the area farthest to the back of the vehicle where a seat can be affixed, regardless if such seat is, in fact, affixed;

(ii) for Recreational Vehicles, it is only the area between the vehicle, side adjacent to the driver and front passenger seats, the glove compartment, dashboard, interior windshield area and any cavities in the driver and front passenger seating area.

(d) Motor Vehicle shall have the meaning set forth in Ind. Code 9-13-2-105.

(e) Recreational Vehicle shall the meaning set forth in Ind. Code 9-13-2-150, but shall include only motor vehicles.

Section 2. Exemptions.

The following individuals shall be exempt from this Ordinance:

(a) A passenger of a chartered vehicle (including buses, taxicabs, limousines, etc.) in which the driver is operating the vehicle pursuant to a contract to provide transportation for passengers and such driver holds a valid chauffeur's license pursuant to Ind. Code 9-24-1-2 and 9-24-1-3.

(b) A passenger in a recreational vehicle, except a passenger located in the immediate area.

(c) Licensed caterers transporting open containers of alcoholic beverages so long as no human consumption occurs during transporting to and from the destination.

Section 3. Certain Consumption Prohibited.

Any person commits a violation of this Ordinance who knowingly consumes an alcoholic beverage or possesses a container that has been opened, that has a broken seal or from which some of the contents have been removed, while in a motor vehicle that is being operated on a road or right-of-way within the unincorporated area of Tippecanoe County, Indiana, with the exception that a person may possess a container that has been opened, that has a broken seal or from which some of the contents have been removed, if such container is possessed solely for the purpose of transporting the same or storage, contents are not consumed in the motor vehicle, it is not present in the immediate area, and is otherwise allowed to be possessed under Indiana State law.

Section 4. Certain Operation Prohibited.

The operator or owner of a motor vehicle commits a violation of this Ordinance who, while the motor vehicle is in operation, knowingly keeps or allows to be kept in the immediate area of the motor vehicle a container that has been opened; that has a broken seal, or from which some of the contents have been removed.

Section 5. Signs To Be Posted.

Signs giving notice of this prohibition of open alcoholic beverage containers shall be posted giving notice of such regulation at all such locations deemed appropriate by the Tippecanoe County Highway Engineer.

Section 6. Citations.

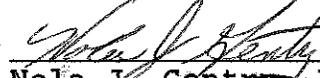
An individual who is issued his/her first citation for violation of this Ordinance shall be fined Fifty (\$50.00) Dollars. The fine for each subsequent offense shall not be less than One Hundred (\$100.00) Dollars and not more than Two Thousand Five Hundred (\$2,500.00) Dollars. An officer of the Tippecanoe County Sheriff's Department shall issue a citation to an individual who violates this Ordinance. Violators may be prosecuted through the Tippecanoe County court or any other Court with jurisdiction over traffic infractions.

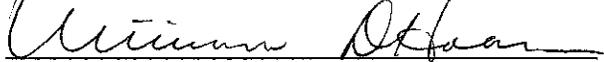
Section 7. Effective Date.

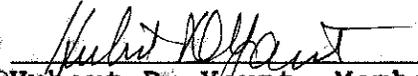
This Ordinance shall be in full force and effect September 1, 1993 from and after its passage, approval and publication according to law.

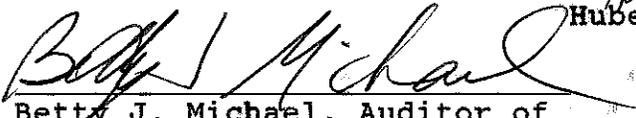
PASSED AND ADOPTED by the Board of Commissioners of the County of Tippecanoe, Indiana, upon first reading on the 7th day of June, 1993.

BOARD OF COMMISSIONERS OF THE COUNTY OF TIPPECANOE, INDIANA


Nola J. Gentry, President


William D. Haan, Vice President

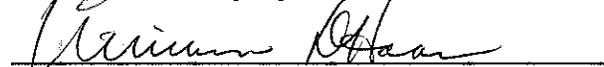

Hubert D. Yount, Member

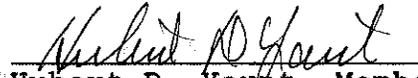

Betty J. Michael, Auditor of Tippecanoe County, Indiana

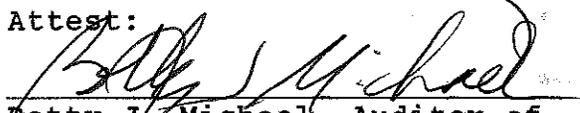
PASSED AND ADOPTED by the Board of Commissioners of the County of Tippecanoe, Indiana, upon second reading on the 21st day of June, 1993.

BOARD OF COMMISSIONERS OF THE COUNTY OF TIPPECANOE, INDIANA


Nola J. Gentry, President


William D. Haan, Vice President


Hubert D. Yount, Member

Attest:

Betty J. Michael, Auditor of Tippecanoe County, Indiana