

# ORDINANCE 93-312

## AN ORDINANCE TO PROHIBIT OPEN CONTAINERS OF ALCOHOLIC BEVERAGES IN MOTOR VEHICLES IN THE INCORPORATED TOWN OF BATTLE GROUND, INDIANA

WHEREAS, the Board of Trustees of the Town of Battle Ground, 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 Battle Ground from those hazards associated with alcohol consumption and operation of a motor vehicle, the Board of Trustees of the Town of Battle Ground believes that an Ordinance prohibiting open containers of alcoholic beverages in motor vehicles within the limits of the incorporated Town of Battle Ground is necessary.

NOW, THEREFORE BE IT ORDAINED by the Board of Trustees of the Town of Battle Ground, State of Indiana:

### Section 1. Definitions.

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

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

(b) Container shall have the meaning set forth in Indiana 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 sides 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 Indiana Code 9-13-2-105.

(e) Recreational Vehicle shall have the meaning set forth in Indiana 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 Indiana Code 9-24-1-2 and Indiana Code 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 incorporated area of Battle Ground, 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 Battle Ground Police Department.

### 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 be not less than One Hundred (\$100.00) Dollars and not more than Two Thousand Five Hundred (\$2,500.00) Dollars. An officer of the Battle Ground Police 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 January 4, 1994 from and after its passage, approval and publication according to law.

PASSED AND ADOPTED by the Board of Trustees of the Town of Battle Ground, Indiana, upon first reading on this 6th day of December 1993.

BOARD OF TRUSTEES OF THE  
TOWN OF BATTLE GROUND, INDIANA

David L. Ferringer  
President, David Ferringer

Steven C. Egly

Stanley Cunningham  
Stanley Cunningham

Donald D. McKee  
Donald D. McKee

Marie McCoy  
Marie McCoy

ATTEST:

Geraldine Berghoff  
Clerk-Treasurer Geraldine Berghoff

PASSED AND ADOPTED by the Board of Trustees of the Town of Battle Ground, Indiana, upon second reading this 4th day of January 1994.

BOARD OF TRUSTEES OF THE  
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