

ORDINANCE NO. 1253

AN ORDINANCE TO AMEND TITLE 8: VEHICLES AND TRAFFIC - OF THE EUREKA SPRINGS MUNICIPAL CODE BY ADDING CHAPTER 8.14 - OPEN CONTAINER LAW: TO PROHIBIT THE POSSESSION AND STORAGE OF ALCOHOLIC BEVERAGES IN MOTOR VEHICLES: DECLARING AN EMERGENCY: AND FOR OTHER PURPOSES.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EUREKA SPRINGS, ARKANSAS

Section 1: That Title 8 - Vehicles and Traffic - of the Eureka Springs Municipal Code is hereby amended to add Chapter 8.14 - Open Container Law, which shall read as follows:

Section 8.14.1 Definitions

(a) Alcoholic Beverage: As used in this ordinance, the term "Alcoholic Beverage" shall have the usual and customary meaning given to that term under the laws of the State of Arkansas.

(b) Opened Container: As used in this ordinance, the term "Opened Container" shall mean any bottle, can or other receptacle, containing any alcoholic beverage which has been opened, or a seal broken, or the contents of which have been partially removed.

Section 8.14.2 Elements of Offense

(a) Any person who shall have in his possession on his person, while in a motor vehicle upon a street or highway, an opened container containing any alcoholic beverage, shall be guilty of a violation.

(b) It is unlawful for the registered owner of any motor vehicle or the driver of the motor vehicle, if the registered owner is not then present in the vehicle, to keep in a motor vehicle, when such vehicle is upon any street or highway, an opened container containing any alcoholic beverage; and he shall be guilty of a violation of this section unless such container is kept in the trunk of the vehicle, or kept in some area of the vehicle not normally occupied by the driver or passenger, if the vehicle is not equipped with a trunk. A utility or glove compartment shall be deemed to be within the area occupied by the driver and passengers.

Section 8.14.3 Punishment

Any person violating any of the provisions of this Chapter shall be fined not less than fifty dollars (\$50.00) nor more than five hundred (\$500.00) or shall be sentenced to a term in the County Jail not to exceed ninety (90) days or both such fine and imprisonment.

Section 2: All ordinances and parts of ordinances in conflict herewith are hereby repealed.

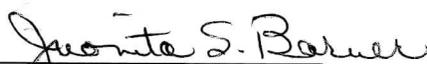
Section 3: Whereas, it is essential to the maintenance of the public peace, health and safety that motor vehicles be operated on the streets in a safe manner, an Emergency is hereby declared to exist and this ordinance being necessary for the preservation of the public peace, health and safety shall be in full force and effect from and after its passage.

PASSED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF EUREKA SPRINGS, ARKANSAS ON THIS 22nd DAY OF APRIL, 1986.

APPROVED:

  
DONALD L. THURMAN, Mayor

ATTEST:

  
Dep. City Clerk