

**AMENDED ORDINANCE FOR THE POSSESSION OF OPEN CONTAINER
OF ALCOHOLIC BEVERAGES IN MOTOR VEHICLE WITHIN THE
CITY LIMITS OF THE CITY OF SALTILLO, MISSISSIPPI**

WHEREAS, the City of Saltillo is authorized to adopt additional laws pursuant to ordinance that are not inconsistent with the general laws of the State of Mississippi; and

WHEREAS, the City of Saltillo finds that specified conduct and acts should be prohibited as follows:

**BE IT ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN
OF THE CITY OF SALTILLO, MISSISSIPPI, AS FOLLOWS:**

Section I. Definitions.

As used in this Ordinance, the following terms are defined:

(A) **Open Container:** A container which is other than in the manufacturer's sealed condition.

(B) **Public Street, Highway, or Right-of-Way of a Public Highway:** The entire width between and immediately adjacent to the boundary lines of any public road, street, highway, interstate, or other publicly maintained way when any part is open to the use of the public for purposes of motor vehicle travel.

Section II. Applicability

(A) It is unlawful for a person to have in his or her possession alcoholic beverages in an open container in the passenger area of a motor vehicle of any kind on a public street, highway, or right-of-way of a public highway in the city limits of Saltillo, Mississippi.

(B) This section shall not apply to:

(1) A passenger of a bus for which the driver holds a valid commercial drivers' license.

(2) A passenger of a motorized or non-motorized self-contained camper, motor home, house coach, or house trailer.

(3) A motor vehicle trunk, storage, or luggage compartment or a truck bed, storage, or cargo compartment.

(4) A locked case placed in an area that is not readily accessible behind the front seat of a pickup truck which has no trunk or separate enclosed area other than the cab of the truck.

(5) A driver who does not have knowledge of and cannot access alcoholic beverages in an open container in the passenger area of the vehicle.

(6) A motor vehicle which is parked or idle and does not have the engine running. This does not apply to the right-of-way of a public highway.

(C) This section shall not be construed to prohibit the transportation of alcoholic beverages in closed containers.

Section III. Violations

(A) A person who violates this provision of this ordinance is guilty of a misdemeanor and, upon conviction, shall be fined not more than \$500.00.

(B) The penalties provided for violation of this ordinance shall not constitute a moving violation.

Section IV. Severability, Conflict, Effective Date, and Publication & Recording.

(A) Severability. Should any section, clause, paragraph, provision, or part of this ordinance for any reason be held invalid or unconstitutional by any court of competent jurisdiction, this act shall not affect the validity of any other section, clause, paragraph, provision, or part of this ordinance. All provisions of this ordinance shall be considered separate provisions, and completely severable from all other portions.

(B) Conflict. In any case where a provision of this ordinance is found to be in conflict with a provision of any other ordinance or code of the City of Saltillo, Mississippi, existing on the effective date of the ordinance, the provisions of this ordinance shall take precedence.

(C) Effective Date. This Ordinance shall become effective upon publication and after one (1) month from the date of passage.

(D) Publication & Recording. The City Clerk is instructed to publish this ordinance one time in the Northeast Mississippi Daily Journal and to obtain proof of publication thereof and record this ordinance in the ordinance book.

Section V. Adoption and Certification.

UPON MOTION of Alderman Brad Woodcock, duly seconded by Alderman Mitch Brazeal, the aforesaid ordinance was put to a vote with Aldermen voting as follows:

ALDERMEN VOTING "YEA":

Mitch Brazeal
Scott Knight
Terry Glidewell
Jewell Webb
Brad Woodcock

ALDERMEN VOTING "NAY":

ALDERMEN ABSENT OR NOT VOTING:

ORDAINED AND ADOPTED this the 19th day of June, 2012,
at the Regular Meeting of the Mayor and Board of Aldermen of the City of
Saltillo, Mississippi.



BILL WILLIAMS, Mayor
City of Saltillo, Mississippi



MARY PARKER, City Clerk
City of Saltillo, Mississippi

(SEAL)

NOTE: This ordinance was approved and adopted by the Mayor and Board of Alderman at their Regular Meeting on June 19, 2012 and appears in Minute Book 4 at pages 177.

Draft 2/27/03

ORDINANCE 03-002

ORDINANCE FOR THE POSSESSION OF OPEN CONTAINER OF ALCOHOLIC BEVERAGES IN MOTOR VEHICLE WITHIN THE CITY LIMITS OF THE TOWN OF SALTILLO, MISSISSIPPI

NOW THEREFORE, BE IT ORDAINED by the Mayor and Board of Aldermen of the Town of Saltillo, Mississippi that the following is the "open container law" applicable to the municipality of Saltillo, Mississippi.

SECTION 1. DEFINITIONS

As used in this Ordinance the following terms are defined:

- (a) OPEN CONTAINER. A container which is other than in the manufacturer's sealed condition.
- (b) PUBLIC STREET, HIGHWAY or RIGHT-OF-WAY OF A PUBLIC HIGHWAY. The entire width between and immediately adjacent to the boundary lines of any public road, street, highway, interstate, or other publicly maintained way when any part is open to the use of the public for purposes of motor vehicle travel.

SECTION 2. APPLICABILITY

- (a) It is unlawful for a person to have in his or her possession alcoholic beverages in an open container in the passenger area of a motor vehicle of any kind on a public streets, highway or right-of-way of a public highway is the city limits of Saltillo, Mississippi.
- (b) This section shall not apply to :
 - (1) A passenger of a bus for which the driver holds a valid commercial drivers' license.
 - (2) A passenger of a motorized or non-motorized self-contained camper, motor home, house coach, or house trailer.
 - (3) A motor vehicle trunk, storage, or luggage compartment or a truck bed, storage, or cargo compartment.
 - (4) A locked case placed in an area that is not readily accessible behind the front seat of a pickup truck which has no trunk or separate enclosed area other than the cab of the truck.
 - (5) A driver who does not have knowledge of and cannot access alcoholic beverages in an open container in the passenger area of the vehicle.
 - (6) A motor vehicle which is parked or idle and does not have the engine running. This does not apply to the right-of-way of a public highway.
- (c) This section shall not be construed to prohibit the transportation of alcoholic

beverages in closed containers.

SECTION 3. Violations

(a) A person who violates this provisions of this ordinance is guilty of a misdemeanor and, upon conviction, shall be fined not more than \$ 125.00 and court costs shall not be assessed.

(b) The penalties provided for violation of this ordinance shall not constitute a moving violation.

WHEREUPON, said Ordinance was put to a vote upon its final passage as a whole and the same was passed as read, with the following vote, to-wit:

- ALDERMEN VOTING "YEA": Clyde Neaves
- Beverly Bedford
- Paul Turner
- Terry Glidewell
- Bill Cherry

ALDERMEN VOTING "NAY": None

ALDERMEN ABSENT OR NOT VOTING: None

THEREUPON, the Mayor declared said Ordinance approved, passed and adopted.

This the 4th day of ^{March} ~~February~~, 2003.

W.K. Weir
MAYOR

Attest:
Quella Bentley
TOWN CLERK