ORDINANCE NO. 6646

AN ORDINANCE TO AMEND TITLE 9 "TRAFFIC" OF THE 2020 MUNICIPAL CODE OF COUNCIL BLUFFS, IOWA, BY AMENDING CHAPTER 9.72.357 "OPEN CONTAINERS IN MOTOR VEHICLES" TO DIFFERENTIATE BETWEEN THE DRIVER AND A PASSENGER.

BE IT ORDAINED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA

SECTION 1. That Title 9 "Traffic" of the 2020 Municipal Code of Council Bluffs, Iowa, is hereby amended "Chapter 9.72.357 Open Containers in Motor Vehicles" to read as follows:

9.72.357 Open Containers In Motor Vehicles

A. A driver of a motor vehicle upon a public street or highway shall not possess in the passenger area of the motor vehicle an open or unsealed bottle, can, jar, or other receptacle containing an alcoholic beverage. "Passenger area" means the area designed to seat the driver and passengers while the motor vehicle is in operation and any area that is readily accessible to the driver or a passenger while in their seating positions, including the glove compartment. An open or unsealed receptacle containing an alcoholic beverage may be transported in the trunk of the motor vehicle. An unsealed receptacle containing an alcoholic beverage may be transported behind the last upright seat of the motor vehicle if the motor vehicle does not have a trunk. A person convicted of a violation of this Section is guilty of a simple misdemeanor punishable as a scheduled violation under Iowa Code Section 805.8A.
B. A passenger of a motor vehicle upon a public street or highway shall not possess in the passenger area of the motor vehicle an open or unsealed bottle, can, jar, or other receptacle containing an alcoholic beverage. "Passenger area" means the area designed to seat the driver and passengers while the motor vehicle is in operation and any area that is readily accessible to the driver or a passenger while in their seating positions, including the glove compartment. An open or unsealed receptacle containing an alcoholic beverage may be transported in the trunk of the motor vehicle. An unsealed receptacle containing an alcoholic beverage may be transported behind the last upright seat of the motor vehicle if the motor vehicle does not have a trunk. A person convicted of a violation of this Section is guilty of a simple misdemeanor punishable as a scheduled violation under Iowa Code Section 805.8A.

(Ord. 5379 § 1, 1998)

HISTORY
Amended by Ord. 6559 on 5/8/2023

SECTION 2. REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 3. SEVERABILITY CLAUSE. If any of the provisions of this ordinance are for any reason declared illegal or void, then the lawful provisions of this ordinance which are severable from said unlawful provisions shall be and remain in full force and effect, the same as if the ordinance contained no illegal or void provisions.

SECTION 4. EFFECTIVE DATE. This ordinance shall be in full force and effect from and after its final passage and publication, as by law provided.

PASSED
AND May 5, 2025.
APPROVED

_____
MATTHEW J. WALSH Mayor

Attest: _____
JODI QUAKENBUSH City Clerk

First Consideration: 4-21-25
Second Consideration: 5-5-25
Public Hearing: n/a
Third Consideration: _____