

ORDINANCE NO. \_\_\_\_\_

1 AN ORDINANCE amending Chapter 5.04 of the Lincoln Municipal Code  
2 relating to Alcoholic Liquor by adding a new section numbered 5.04.165 to prohibit open  
3 alcoholic containers in vehicles.

4 BE IT ORDAINED by the City Council of the City of Lincoln, Nebraska:

5 Section 1. That Chapter 5.04 of the Lincoln Municipal Code be amended by  
6 adding a new section numbered 5.04.165 to read as follows:

7 **5.04.165 Open Alcoholic Beverage Container in Motor Vehicle Prohibited.**

8 (a) It shall be unlawful for any person in the passenger area of a motor vehicle to  
9 possess an open alcoholic beverage container while the motor vehicle is located in or on the  
10 public streets, alleys, parking areas, roads, or highways within the City, or upon property  
11 within the City owned by the state or any political subdivision thereof.

12 (b) For purposes of this section

13 (1) Alcoholic beverage shall mean:

14 (i) Beer, ale, porter, stout, and other similar fermented beverages,  
15 including sake or similar products, of any name or description containing one-half of one  
16 percent or more of alcohol by volume, brewed or produced from malt, wholly or in part, or  
17 from any substitute therefor,

18 (ii) Wine of not less than one-half of one percent of alcohol by volume,  
19 or

20 (iii) Distilled spirits which is that substance known as ethyl alcohol,  
21 ethanol, or spirits of wine in any form, including all dilutions and mixtures thereof from

1 whatever source or by whatever process produced. Alcoholic beverage does not include  
2 trace amounts not readily consumable as a beverage;

3 (2) Open alcoholic beverage container shall mean any bottle, can, or other  
4 receptacle that contains any amount of alcoholic beverage and (i) is open or has a broken seal  
5 or (ii) the contents of which are partially removed.

6 (3) Passenger area shall mean the area designed to seat the driver and  
7 passengers while the motor vehicle is in operation and any area that is readily accessible to  
8 the driver or a passenger while in their seating positions, including any compartments in such  
9 area. Passenger area does not include the area behind the last upright seat of such motor  
10 vehicle if the area is not normally occupied by the driver or a passenger and the motor vehicle  
11 is not equipped with a trunk.

12 Section 2. That this ordinance shall take effect and be in force from and after  
13 its passage and publication according to law.

Introduced by:

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Approved as to Form & Legality:

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City Attorney

Staff Review Completed:

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Administrative Assistant