

CHAPTER 50.
Open Alcoholic Beverage Containers.

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Sec. 50.01. Definitions

For the purposes of this chapter, 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:

(1) 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;

(2) 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. (Ord. No. 36-92, § 1.)

Sec. 50.02. Exemptions.

The following individuals shall be exempt from this article:

(a) A passenger of a chartered vehicle in which the driver is operating the vehicles 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. (Ord. No. 14-11, Appendix A, item 16.)

(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 while transporting to and from the destination. (Ord. No. 36-92, § 2.)

Sec. 50.03. Certain consumption prohibited.

Any person commits a violation of this chapter 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 public street within the city, 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 there is otherwise allowed to be possessed under Indiana state law. (Ord. No. 36-92, § 3.)

Sec. 50.04. Certain operation prohibited.

The operator or owner of a motor vehicle commits a violation of this chapter 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 contents have been removed. (Ord. No. 36-92, § 4.)

Sec. 50.05. Signs to be posted.

Signs giving notice of this prohibition of open alcoholic beverage containers shall be posted at all locations deemed appropriate by the city traffic engineer giving notice of such regulation. (Ord. No. 36-92, § 5.)

Sec. 50.06. Citations.

An officer of the West Lafayette Police Department may issue a city ordinance violation citation to a person who violates this chapter. The fine for the first offense shall be fifty dollars. The fine for each subsequent offense shall be not less than one hundred dollars and not more than two thousand five hundred dollars. (Ord. no. 36-92, § 6.)