

*Nedra P. Taylor* CLERK AND RECORDER BY: *Marilyn Stoney* FEE: \$0.00

**Ravalli County Ordinance No. 15  
Open Container Ordinance**

Whereas, it is the policy of Ravalli County to protect and promote the public health, safety, and general welfare of persons in the unincorporated areas of Ravalli County; and

Whereas, the public health, safety, and general welfare will be promoted through the adoption of an ordinance prohibiting drinking any alcoholic beverage or possessing any open container of an alcoholic beverage within the passenger compartment of any vehicle being operated upon ways open to the public within this county; and

Whereas, the County has the authority to enact such an ordinance pursuant to Montana Constitution Art. XI Sec. 4(1)(b) and §§61-8-103 and 61-12-101(14), MCA;

The Ravalli County Commissioners do hereby adopt the following Open Container Ordinance as a law of the County of Ravalli, Montana, to be effective 30 days after the second reading and approval hereof.

**Open Container Ordinance**

A. The following acts are unlawful:

1. It is unlawful for any person to consume any alcoholic beverage while within the passenger compartment of a motor vehicle that is being operated upon ways open to the public within this county.
2. It is unlawful for any person to possess an open container of any alcoholic beverage within the passenger compartment of a motor vehicle that is being operated upon ways open to the public within this county.
3. It is unlawful for any person to operate a motor vehicle upon ways open to the public within this county in which any person possesses an open container of any alcoholic beverage within the passenger compartment.

B. A violation of any provision of subsection A of this ordinance is a misdemeanor and is punishable by a fine of up to \$500.00 or up to 6 months imprisonment, or both.

C. Exceptions:

1. This ordinance does not apply to a passenger in any commercially licensed bus, limousine or taxi.
2. The provisions of subsection A.3. do not apply to a properly licensed operator of a commercially licensed bus, limousine or taxi.
3. In motor vehicles not equipped with a trunk, the provisions of subsections A.2 and A.3 do not apply for open containers which are themselves kept within a closed container, such as a closed cooler or luggage, and located in an area

*Return: Commissioners*

outside of the immediate reach of the driver and any passengers which is behind the last upright seat of the motor vehicle.

D. Definitions. For the purposes of this section, the following terms are defined as set forth herein:

1. "Motor vehicle" means any vehicle that is driven or drawn by mechanical power. Motor vehicle does not include a vehicle operated exclusively on rails.

2. "Open container" means any bottle, can, jar or other receptacle that contains any alcoholic beverage and that has been opened, has had its seal broken, or the contents of which have been partially removed.

3. "Passenger compartment" means the area of a motor vehicle designed for the seating of the driver and other passengers of the vehicle. "Passenger compartment" includes an unlocked glove compartment and any unlocked portable devices within the immediate reach of the driver or any passengers. "Passenger compartment" does not include an inaccessible trunk or a locked glove compartment. "Passenger compartment" does not include an area outside of the immediate reach of the driver within the living quarters of a motor home or camper.

4. "Possession" is the knowing control of anything for a sufficient time to be able to terminate control.

APPROVED AND INITIALLY ADOPTED AT FIRST READING THIS 15th DAY OF OCTOBER, 2002.

Alan Thompson Commissioner      John M. Anderson Jr. Commissioner      Betty T. Lund Commissioner

Deana P. Taylor  
Attested, Ravalli County Clerk & Recorder



APPROVED AND FINALLY ADOPTED AT SECOND READING THIS 30 DAY OF October, 2002.

Alan Thompson Commissioner      John M. Anderson Jr. Commissioner      Betty T. Lund Commissioner

Deana P. Taylor  
Attested, Ravalli County Clerk & Recorder

