

ORDINANCE NO. 2008-07

CITY OF ELM SPRINGS, ARKANSAS

**AN ORDINANCE TO PROHIBIT "OPEN CONTAINERS"
IN ANY PUBLIC PLACE, HIGHWAY OR STREET, OR IN
OR UPON ANY PASSENGER COACH OR TRAIN,
AUTOMOBILE, BUS OR OTHER PUBLIC COVEYANCE**

WHEREAS, the City Council for the City of Elm Springs, Arkansas has been advised by its public safety officials that there is an acute need to enact an ordinance which regulates alcohol consumption from open containers in order to protect the safety of the citizens of the city.

NOW, THEREFORE, BE IT ORDAINED, BY THE CITY COUNCIL OF THE CITY OF ELM SPRINGS, ARKANSAS:

Section 1. Definitions for the purposes of this ordinance:

Intoxicating liquor means vinous ardent, malt fermented liquor or distilled spirits with an alcoholic content in excess of 5% by volume.

Beer means any fermented liquor made from malt or any substitute therefore and having an alcoholic content not in excess of 5% by volume.

Wine means the fermented juice of grapes or other small fruits, including berries, and having an alcoholic content not in excess of 5% by volume.

Section 2: Open containers illegal: It shall be unlawful for any person to have in his possession or control an open beer container or containers of "intoxicating liquor," "beer" or "wine" as defined above in any public place, highway or street, or in or upon any passenger coach or train, automobile, bus or other public conveyance.

Section 3: Penalty: Any person violating the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction, shall be fined any sum not less than \$25.00 nor more than \$100.00.

PASSED AND APPROVED this 21 day of April, 2008

APPROVED:

Jane Waters
Jane Waters, Mayor

ATTEST:

Glenda Pettus
Glenda Pettus, City Clerk/Recorder