

ORDINANCE NO. 87-17

AN ORDINANCE TO BE ENTITLED THE HERNANDO COUNTY OPEN CONTAINER ORDINANCE; PROVIDING FOR SHORT TITLE; PROVIDING FOR DEFINITIONS; PROVIDING FOR THE PROHIBITION OF CERTAIN ACTS; PROVIDING FOR EXCEPTIONS; PROVIDING FOR ENFORCEMENT OF THIS ORDINANCE; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL; AND PROVIDING FOR AN EFFECTIVE DATE.

SECRETARY OF STATE

JUN 1 4 53 1987

BE IT ENACTED BY THE BOARD OF COUNTY COMMISSIONERS OF HERNANDO COUNTY, FLORIDA:

SECTION I SHORT TITLE. This Ordinance shall be known as and may be cited as the Hernando County Open Container Ordinance.

SECTION II DEFINITIONS. As used in this section:

(a) "Alcoholic Beverage" means any beverage containing more than one percent (1%) alcohol by weight as defined in Section 561.01(4), Florida Statutes (1985), as may subsequently be amended.

(b) "Container" means any can, bottle, carton, or other vessel which has the ability to hold liquid.

(c) "Motor Vehicle" means any motor vehicle as defined in Section 316.003(21), Florida Statutes (1985), as may be subsequently amended.

(d) "Person" means any natural person, corporation, partnership, association or other such entity.

(e) "Street" means any public traffic carrying way as defined in Appendix A, Article I, §3, (68), Hernando County Code, as may be subsequently amended, and also including roads which are privately maintained.

SECTION III ACTS PROHIBITED. It is unlawful for any person to possess any container of alcoholic beverage, except an

original container with the seal unbroken, in or on a motor vehicle while such motor vehicle is being operated on any highway in the unincorporated areas of Hernando County. For purposes of this section, an open container shall not be considered to be in the possession of any person if such container is located in a locked compartment, contained in a trunk or other nonpassenger area of a motor vehicle.

SECTION IV EXCEPTIONS. This Ordinance shall not apply to:

(a) Any person engaged in collecting and transporting empty containers for the purpose of collecting the deposit or value of the container itself.

(b) Any person taking part in a litter control campaign or collecting litter.

(c) The transportation of any open container of alcoholic beverage in or on any motor vehicle provided that such container is in a compartment of the vehicle not readily accessible to the driver or passengers including but not limited to a locked glove compartment, a trunk, or other nonpassenger area of the motor vehicle.

(d) The transportation of any open container or consumption of alcoholic beverage in or on any motor vehicle duly licensed and operated for hire to transport passengers, such as charter buses, regularly scheduled buses, taxicabs, and the separate passenger compartments of limousines; provided the operator thereof is not in immediate possession of, or engaged in the consumption of, any alcoholic beverage or open container of alcoholic beverage.

(e) The operation, for a consideration, of any motor vehicle by an individual duly licensed and supplied by a chauffeur service, limousine service, taxicab company, or bus company; provided the operator thereof is not in immediate possession of, or engaged in the consumption of, any alcoholic beverage or open container of alcoholic beverage, and is

operating the vehicle while under, and in the scope of, the employment of a chauffeur service, limousine service, taxicab company, or bus company. The operator must have in his possession evidence of employment by a bonafide chauffeur service, limousine service, taxicab company or bus company.

SECTION V ENFORCEMENT. It shall be the duty of all law enforcement officers within Hernando County, to enforce the provisions of this section.

SECTION VI INCLUSION IN THE CODE. It is the intention of the Board of County Commissioners of Hernando County, Florida, and it is hereby provided, that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of Hernando County, Florida. To this end, the sections of this Ordinance may be renumbered or relettered to accomplish such intention, and that the word "ordinance" may be changed to "section", "article", or other appropriate designation.

SECTION VII SEVERABILITY. It is declared to be the intent of the Board of County Commissioners that if any section, subsection, clause, sentence, phrase or provision of this Ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect the validity of the remaining portions of this Ordinance.

SECTION VIII REPEAL. All ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

SECTION IX EFFECTIVE DATE. This Ordinance shall take effect immediately upon receipt of official acknowledgment from the office of the Secretary of State of Florida that this Ordinance has been filed with said office.

ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS in Regular
Session this 26th day of May, 1987.

BOARD OF COUNTY COMMISSIONERS
HERNANDO COUNTY, FLORIDA.

(SEAL)

Attest: Harold William Brown
Harold William Brown
Clerk

By: Leonard E. Tria Jr.
Leonard E. Tria Jr.
Chairman

