

ORDINANCE NO. 6646

AN ORDINANCE TO AMEND TITLE 9 "TRAFFIC" OF THE 2020 MUNICIPAL CODE OF COUNCIL BLUFFS, IOWA, BY AMENDING CHAPTER 9.72.357 "OPEN CONTAINERS IN MOTOR VEHICLES" TO DIFFERENTIATE BETWEEN THE DRIVER AND A PASSENGER.

**BE IT ORDAINED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA**

SECTION 1. That Title 9 "Traffic" of the 2020 Municipal Code of Council Bluffs, Iowa, is hereby amended "Chapter 9.72.357 Open Containers in Motor Vehicles" to read as follows:

9.72.357 Open Containers In Motor Vehicles

- A. A driver of a motor vehicle upon a public street or highway shall not possess in the passenger area of the motor vehicle an open or unsealed bottle, can, jar, or other receptacle containing an alcoholic beverage. "Passenger area" means the area designed to seat the driver and passengers while the motor vehicle is in operation and any area that is readily accessible to the driver or a passenger while in their seating positions, including the glove compartment. An open or unsealed receptacle containing an alcoholic beverage may be transported in the trunk of the motor vehicle. An unsealed receptacle containing an alcoholic beverage may be transported behind the last upright seat of the motor vehicle if the motor vehicle does not have a trunk. A person convicted of a violation of this Section is guilty of a simple misdemeanor punishable as a scheduled violation under Iowa Code Section 805.8A.
- B. A passenger of a motor vehicle upon a public street or highway shall not possess in the passenger area of the motor vehicle an open or unsealed bottle, can, jar, or other receptacle containing an alcoholic beverage. "Passenger area" means the area designed to seat the driver and passengers while the motor vehicle is in operation and any area that is readily accessible to the driver or a passenger while in their seating positions, including the glove compartment. An open or unsealed receptacle containing an alcoholic beverage may be transported in the trunk of the motor vehicle. An unsealed receptacle containing an alcoholic beverage may be transported behind the last upright seat of the motor vehicle if the motor vehicle does not have a trunk. A person convicted of a violation of this Section is guilty of a simple misdemeanor punishable as a scheduled violation under Iowa Code Section 805.8A.

(Ord. 5379 § 1, 1998)

HISTORY

Amended by Ord. 6559 on 5/8/2023

SECTION 2. REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 3. SEVERABILITY CLAUSE. If any of the provisions of this ordinance are for any reason declared illegal or void, then the lawful provisions of this ordinance which are severable from said unlawful provisions shall be and remain in full force and effect, the same as if the ordinance contained no illegal or void provisions.

SECTION 4. EFFECTIVE DATE. This ordinance shall be in full force and effect from and after its final passage and publication, as by law provided.

PASSED
AND
APPROVED

May 5, 2025.



MATTHEW J. WALSH Mayor

Attest:



AMANDA KOPERA Deputy City Clerk

First Consideration: 4-21-25
Second Consideration: 5-5-25
Public Hearing: n/a
Third Consideration: waived

AFFIDAVIT OF PUBLICATION

The Daily Nonpareil

State of Florida, County of Broward, ss:

Rachel Cozart, being first duly sworn, deposes and says: That (s)he is a duly authorized signatory of Column Software, PBC, duly authorized agent of The Daily Nonpareil, a newspaper printed and published three (3) days a week at Council Bluffs, in said County and State, and that the notice herto attached was published in said newspaper once each day for the period on the dates below listed.

PUBLICATION DATES:

Jun. 12, 2025

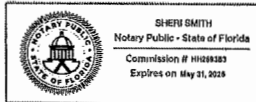
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PUBLISHER ID: COL-9102151

NOTICE NAME: Ordinance 6646

Rachel Cozart

(Signed) _____



VERIFICATION

State of Florida
County of Broward

Subscribed in my presence and sworn to before me on this: 06/16/2025

S. Smith

Notary Public

PUBLICATION FEE: \$57.29

Notarized remotely online using communication technology via Proof.

Ordinance 6646

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CITY OF COUNCIL BLUFFS, IOWA
SECTION 1. That Title 9 "Traffic" of
the 2020 Municipal Code of Council
Bluffs, Iowa, is hereby amended
"Chapter 9.72.357 Open Containers
In Motor Vehicles" to read as follows:
9.72.357 Open Containers In Motor
Vehicles

1. A driver of a motor vehicle upon
a public street or highway shall not
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of the motor vehicle an open or
unsealed bottle, can, jar, or other
receptacle containing an alcoholic
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the area designed to seat the driver
and passengers while the motor
vehicle is in operation and any
area that is readily accessible to
the driver or a passenger while in
their seating positions, including
the glove compartment. An open
or unsealed receptacle containing
an alcoholic beverage may be
transported in the trunk of the motor
vehicle. An unsealed receptacle
containing an alcoholic beverage
may be transported behind the last
upright seat of the motor vehicle
if the motor vehicle does not have
a trunk. A person convicted of a
violation of this Section is guilty of a
simple misdemeanor punishable as a
scheduled violation under Iowa Code
Section 805.8A.

2. A passenger of a motor vehicle
upon a public street or highway
shall not possess in the passenger
area of the motor vehicle an open
or unsealed bottle, can, jar, or other
receptacle containing an alcoholic
beverage. "Passenger area" means
the area designed to seat the driver
and passengers while the motor
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Section 805.8A.

Adopted and Approved May 5, 2025
For complete copy of Ordinance, see
City Clerk's Office.
Matthew J. Walsh, Mayor
Jodi Quekenbush, City Clerk
June 12, 2025 COL-9102151

Council Communication

Department: City Clerk
Case/Project No.:
Submitted by: Graham Jura on behalf of PD

Ordinance 6646
ITEM 7.A.

Council Action: 5/5/2025

Description

Ordinance to amend Title 9 "Traffic" of the 2020 Municipal Code of Council Bluffs, Iowa, by amending Chapter 9.72.357 "Open Containers in Motor Vehicles" to differentiate between the driver and a passenger.

Background/Discussion

Iowa Code designates 2 different code sections for Open Container in Motor Vehicle. Iowa Code Section 321.284 identifies the driver and Iowa Code Section 321.282A identifies the passenger, making it clear to all parties when which role was played when issuing and filing the citations. PD and Legal have reviewed the Iowa Code and our current CBMC 9.72.357 and have determined that it is best to be consistent with Iowa Code and differentiate between parties as well.

Recommendation

Approval is recommended.

ATTACHMENTS:

Description	Type	Upload Date
Ordinance-red line version	Other	4/8/2025
Ordinance 6646	Ordinance	4/16/2025

9.72.357 Open Containers In Motor Vehicles

- A. A driver ~~or passenger~~ of a motor vehicle upon a public street or highway shall not possess in the passenger area of the motor vehicle an open or unsealed bottle, can, jar, or other receptacle containing an alcoholic beverage. "Passenger area" means the area designed to seat the driver and passengers while the motor vehicle is in operation and any area that is readily accessible to the driver or a passenger while in their seating positions, including the glove compartment. An open or unsealed receptacle containing an alcoholic beverage may be transported in the trunk of the motor vehicle. An unsealed receptacle containing an alcoholic beverage may be transported behind the last upright seat of the motor vehicle if the motor vehicle does not have a trunk. A person convicted of a violation of this Section is guilty of a simple misdemeanor punishable as a scheduled violation under Iowa Code Section 805.8A.
- B. A passenger of a motor vehicle upon a public street or highway shall not possess in the passenger area of the motor vehicle an open or unsealed bottle, can, jar, or other receptacle containing an alcoholic beverage. "Passenger area" means the area designed to seat the driver and passengers while the motor vehicle is in operation and any area that is readily accessible to the driver or a passenger while in their seating positions, including the glove compartment. An open or unsealed receptacle containing an alcoholic beverage may be transported in the trunk of the motor vehicle. An unsealed receptacle containing an alcoholic beverage may be transported behind the last upright seat of the motor vehicle if the motor vehicle does not have a trunk. A person convicted of a violation of this Section is guilty of a simple misdemeanor punishable as a scheduled violation under Iowa Code Section 805.8A.

(Ord. 5379 § 1, 1998)

HISTORY

Amended by Ord. [6559](#) on 5/8/2023