

ORDINANCE SECTION 506
AN ORDINANCE DEALING WITH DISRUPTIVE INTOXICATION

Findings.

1. There have been incidents regarding residents becoming intoxicated and disrupting the peace within the City of Wheaton in a nearby community.
2. While there have not been similar incidents in the City of Wheaton, there is a possibility that they could also occur within the City of Wheaton
3. Based upon this, the Wheaton City Council believes it is in the best interests of the residents of the City of Wheaton to modify its Ordinance to enact a provision prohibiting people from engaging in disruptive behavior while intoxicated.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF WHEATON ORDAINS AS FOLLOWS:

1. That Wheaton City Ordinance Section 506 is hereby enacted to read as follows:

“506 DISRUPTIVE INTOXICATION

506.01 Declaration of Policy.

It is the policy of the City of Wheaton to provide for the safety, health and welfare of the public while prohibiting certain harmful conduct of intoxicated persons.

506.02 Definitions.

Section 1. Public. A building or place controlled by the City, a school, a place of worship, any public street, including public sidewalk, alley, walk or other publicly owned lands. Public place excludes the premises of a licensed alcohol establishment.

Section 2. Intoxicated Person. A person who is presently impaired, mentally or emotionally, as a result of the presence of alcohol, drugs, or a controlled substance in the person’s body. Evidence of an intoxicated person may include, but is not limited to, any combination of the following indicators:

- (1) odor of intoxicants on the breath,
- (2) bloodshot, watery eyes,
- (3) dilated pupils,
- (4) stumbling or staggering,
- (5) slurred speech,
- (6) failure of Standardized Field Sobriety Test,
- (7) failure of Drug Recognition Protocol, or
- (8) alcohol concentration of .08 or more.

Section 3. Public Disruption. Conduct by an individual to include loud, boisterous yelling, urinating in public, lewd or combative conduct, or disobeying a police officer’s lawful command.

506.03 Disruptive Intoxication.

No person, while intoxicated, in a public place shall conduct him or herself so as to be a danger

to themselves or others and/or engage in a public disruption.

506.04 Sobriety Testing.

No person shall be cited under this section without first having been offered and failed the Standardized Field Sobriety Test or a Portable Breath Test (PBT); however, a person incapable and/or having refused Field Sobriety Testing or a PBT may still be cited under the criteria set forth in Section (B) under the definition of an Intoxicated Person.

506.05 Misdemeanor.

A violation of this Section is designated a misdemeanor.

PASSED AND ADOPTED this ____ day of _____, 2013.

WHEATON CITY COUNCIL

Leonard Zimmel, Mayor

ATTEST:

Kris Krenz, City Administrator

Motion:

Seconded:

Published:

Passed: