

ORDINANCE –F-0988

**AN ORDINANCE AMENDING CHAPTER 42-29 “PUBLIC INTOXICATION”
OF THE WHEATON CITY CODE**

WHEREAS, 20ILCS301/55-15 prohibits any municipality from adopting or enforcing ordinances which include being intoxicated as the sole basis of the offense;

WHEREAS, Section 42-29 of the Code of Ordinances of the City of Wheaton prohibits public intoxication and may be inconsistent with 20ILCS301/55-15;

WHEREAS, law enforcement officials of the City of Wheaton have informed the City Council that intoxicated persons in public places are frequently engaged in conduct beyond the mere condition of intoxication which results in disturbances of the public peace and adoption of an ordinance regulating such behaviors is in the best interest of the public welfare and safety;

Now Therefore Be It Ordained by the Mayor and City Council of the City of Wheaton, DuPage County, Illinois that SECTION 42-29 entitled “Public Intoxication” of Chapter 42 of the Wheaton City Code is hereby repealed and rescinded in its entirety and replaced with a new SECTION 42-29 to be entitled “Public Intoxication/Disturbing The Peace” which shall read as follows:

SECTION 1: SECTION 42-29 PUBLIC INTOXICATION/DISTURBANCE OF PEACE

- (a) It shall be unlawful for any person in an intoxicated condition to engage in any behavior which causes a disturbance of the peace including but not limited to making or creating loud noises so as to cause a disturbance of the peace, acting in an unruly or generally threatening manner in the presence of any person including a police officer, refusing to follow the instructions of a police officer or otherwise disturbs the peace in any public place, highway or alley.
- (b) The violation of any provision of this section shall upon conviction be punished as provided in Section 1-8 of this Code.

SECTION 2: That all ordinances and parts of ordinances in conflict with or inconsistent with the provisions of this ordinance are hereby repealed to the extent of any such conflict or inconsistency.

SECTION 3: That if any part of part or portion of this ordinance shall be declared invalid by a court of competent jurisdiction, such partial invalidity shall not affect the remainder of this ordinance.

SECTION 4: That this ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form as is hereby authorized and directed to be done by the Mayor and City Council.

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ATTEST:

Emily M. Conzelmann
City Clerk

Mayor Carr
Mayor

Ayes:

Roll Call Vote:

Councilman Mouhelis
Councilman Bolds
Councilwoman Corry
Councilman Johnson
Mayor Carr
Councilwoman Johnson
Councilman Mork

Nays:

None

Absent:

None

Motion Carried Unanimously

Passed: January 3, 2005

Published: January 4, 2005