

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;

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

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

17 Now Therefore Be It Ordained by the Mayor and City Council of the City of Wheaton, DuPage
18 County, Illinois that SECTION 42-29 entitled "Public Intoxication" of Chapter 42 of the
19 Wheaton City Code is hereby repealed and rescinded in its entirety and replaced with a new
20 SECTION 42-29 to be entitled "Public Intoxication/Disturbing The Peace" which shall read as
21 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ordinances and parts of ordinances in conflict with or inconsistent with the provisions of this ordinance are hereby repealed to the extent of any such conflict or inconsistency.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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54 ATTEST:

55 Cindy M. Consalvo
56 City Clerk


Mayor

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59 Roll Call Vote:
60 Ayes: Councilman Mouhelis
61 Councilman Bolds
62 Councilwoman Corry
63 Councilman Johnson
64 Mayor Carr
65 Councilwoman Johnson
66 Councilman Mork
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68 Nays: None
69 Absent: None

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71 Motion Carried Unanimously
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74 Passed: January 3, 2005
75 Published: January 4, 2005