

ORDINANCE NO. 7297

ORDINANCE CREATING SECTION 9.52.045 ENTITLED “PUBLIC EXCESSIVE INTOXICATION”, CREATING SECTION 9.36.015 ENTITLED “COMMUNITY NUISANCE”, AMENDING SECTION 1.24.030 ENTITLED “DEPOSIT SCHEDULE”, AND AMENDING SECTION 9.36.020 ENTITLED “VIOLATION—PENALTY” OF THE CITY CODE OF ORDINANCES.

THE CITY COUNCIL OF THE CITY OF EAU CLAIRE DOES ORDAIN AS FOLLOWS:

SECTION 1. That s. 9.52.045, entitled “Public Excessive Intoxication” is hereby created to read as follows:

9.52.045 Public Excessive Intoxication. A. Purpose. The City Council finds that excessive consumption of alcohol, use of illicit drugs or improper use of controlled substances commonly produces secondary effects of reduced safety, unruly conduct, inappropriate behavior, and community disruption. This section is created to limit such secondary effects by providing for the health, safety and welfare of the public and creating a safe and welcoming community.

B. Public Excessive Intoxication. It is unlawful for any person to enter into or remain upon any public place while clearly and demonstrably under the excessive influence of alcohol or having used a controlled substance, and such person is or is reasonably likely to become vulnerable to harm, has caused or is reasonably likely to cause harm to themselves or others, or is causing or is reasonably likely to cause a public disturbance.

1. Excessive influence of alcohol or use of controlled substances shall be established through observable indicators, including but not limited to vomiting, public urination, disorientation, incapability of making rational decisions, bloodshot or glassy eyes, slurred speech, an odor of intoxicants or controlled substance, stumbling or staggering, or the failure of standardized field sobriety tests.

2. Public place shall include a place to which the public has access and includes but is not limited to: streets, sidewalks, parking lots, parks and places of business. Places of business include premises open to the public where alcohol is consumed, including a licensed alcohol establishment.

3. Controlled substance shall be defined as those substances included in 340.01(50m), Wisconsin Statutes.

SECTION 2. That s. 9.36.015, entitled “Community Nuisance” is hereby created to read as follows:

9.36.015. Community Nuisance. A. Purpose. The City Council finds that excessive consumption of alcohol commonly produces a secondary effect of community nuisance. This section is created to limit and reduce this secondary effect.

B. Community nuisance. It is unlawful for any owner or occupant to:

1. cause or permit to remain upon her or his yard, front drive, porch or other area visible to the public from the right-of-way an accumulation of cans, bottles, cups or similar containers or other refuse not properly disposed of in refuse or recycling containers; or

2. cause or permit to remain for greater than 24 hours upon the exterior of her or his residence, which shall include but not be limited to front lawns, drives, fire escapes and rooftops, any interior chairs or tables, game tables, or other items not for outdoor use.

SECTION 3. *That s. 1.24.030, entitled “Deposit Schedule” and specifically paragraph B. is hereby amended to read as follows:*

1.24.030 Deposit Schedule.

B. The following violations of the code of ordinances shall be Class 2 violations and shall require a cash deposit consisting of a forfeiture of \$125.00, plus applicable costs, penalties, and assessments as prescribed by Wisconsin Statutes:

1. Any violation of s. 5.28.010, adopting Chapter 125 of the Wisconsin Statutes, except as contained in paragraphs C. and E. below;
2. Chapter 9.77, fraud on residential landlords;
3. Section 16.08.120 A., rooming house license procedures;
4. Section 8.32.120 D., prohibited dumping;
5. Sections 5.28.030 and 5.28.040, conditions on alcohol beverage violations;
6. Chapter 9.61, trespass;
7. Chapter 9.63, damage to property;
8. Chapter 9.36, public nuisance;
9. Section 9.52.045, public excessive intoxication.

SECTION 4. *That s. 9.36.020, entitled “Violation–Penalty” is hereby amended to read as follows:*

9.36.020 Violation—Penalty. Any person or corporation violating the provisions of Section 9.36.010 or Section 9.36.015 shall upon conviction be fined ~~in~~ a sum of up not less than five dollars, and not more than ~~one~~ three hundred dollars, with the costs of prosecution.

(SEAL) Council Vice President/Acting President
Andrew F. Werthmann

(SEAL) City Manager Dale Peters

(ATTESTED) City Clerk Carrie L. Riepl

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