

## AN ORDINANCE

AN ORDINANCE TO AMEND SECTION 9.56.050 ENTITLED “PUBLIC GOOD ORDER”, CHAPTER 9.79 ENTITLED “TAXICABS AND MOTOR BUSES” AND SECTION 1.24.030 ENTITLED “DEPOSIT SCHEDULE” OF THE CITY CODE OF ORDINANCES.

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

*SECTION 1. That s. 9.56.050, entitled “Public Good Order” is hereby amended to read as follows:*

**9.56.050 Public behavior.** 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. This section shall not apply to expressive conduct protected by the First Amendment of the United States Constitution or any other conduct otherwise protected by law.

B. Public good order. It is unlawful for any person or persons to:

1. stand, loiter or congregate in any street or upon any sidewalk, bridge, crossing or other public place, if not using the place or building for its intended purpose so as to obstruct the same, or to

2. hinder, prevent or annoy harass persons passing or attempting or desiring to pass therein or thereupon in or upon any street, sidewalk, bridge, crossing or other public place or into or out of any building, private or public, or nor shall any person

3. refuse to follow the instructions to leave a place of business by the owner, employee or other person in charge thereof, or;

4. speak at such a volume or make remarks, gestures, noises, signs or the like in any public place so as to unreasonably disturb, annoy harass or insult any person being upon or passing along any street, sidewalk, bridge, crossing or other public place, or along, into or out of any public carrier, provided that this section shall not apply to acts made lawful by Section 103.53 of the statutes of Wisconsin.

C. Physical neighborhood disruption. 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.

D. 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 includes 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. 9.79.020, entitled “Location and time of stops” and s. 9.79.030 entitled “Penalty” are hereby created to read as follows:***

**9.79.020 Location and time of stops.** A. A motor bus or vehicle for hire as defined in Chapter 5.54 shall not drop off 10 or more passengers along a single city block in the residentially zoned neighborhoods, between the hours of 9pm and 3am, unless an owner or occupant specifically requested or consented to a drop off of 10 or more individuals at her or his residence. This section does not restrict the picking up of passengers for safe rides home.

B. A motor bus or vehicle for hire in operation for use by the public shall not at any time allow the consumption of alcohol on the vehicle, unless transporting exclusively for charter.

C. This section shall not apply to a city transit bus.

**9.79.030 Penalty.** Violators of section 9.79.020 shall be subject to a forfeiture of not less than \$50.00 nor more than \$300.00 per day for each and every violation, together with the costs of prosecution.

***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 9.56.050, public behavior;
10. Section 9.79.020, location and time of stops.

(SEAL) \_\_\_\_\_  
Vice President/Acting President  
Andrew F. Werthmann

(SEAL) \_\_\_\_\_  
City Manager Dale Peters

(ATTESTED) \_\_\_\_\_  
City Clerk Carrie L. Riepl

First Reading February 27, 2018

Final Reading \_\_\_\_\_

Adopted \_\_\_\_\_

Published \_\_\_\_\_

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