

**ORDINANCE NO. 13-12**

**AN ORDINANCE CREATING SECTION 41.02(4) PUBLIC INTOXICATION PROHIBITED AND AMENDING SECTION 1.10(d) SCHEDULE OF CASH DEPOSITS**

The Common Council of the City of Platteville, Wisconsin do ordain as follows:

Section 1. Section 41.02(4) Public Intoxication Prohibited is hereby created as follows:

(4) Public Intoxication Prohibited. (a) Statement of Purpose. In compliance with Wisconsin Statutes, Chapter 51, and as allowed under 62.11(5), this ordinance is intended to provide for the safety, welfare and health of the public. Public intoxication makes a person vulnerable to injury, robbery, assault, and a number of other issues. This ordinance is intended to address the behavior of the individual, rather than his or her blood alcohol content level, thus encouraging responsible behavior while consuming alcohol, providing benefit to both the individual and the public.

(b) Definitions:

- (1) INCAPACITATED PERSON. A person that, as the result of the use of alcohol, drugs, or another controlled substance, is unconscious or whose judgment is so impaired that he or she is incapable of making rational decisions, as evidenced objectively by indicators including, but not limited to, extreme physical debilitation, incoherence or physical harm or threats of harm to himself or herself or to any other person or to property.
- (2) INTOXICATED PERSON. A person whose mental or physical functioning is substantially impaired as a result of the use of alcohol, drugs or another controlled substance.
- (3) PUBLIC NUISANCE. Conduct by an individual that is a disturbance of the peace, including, but not limited to, endangering himself or herself or other persons or property, acting in an unruly or combative manner, creating loud noises to the disturbance of other persons, refusing to follow the instructions of a police officer, refusing to follow the instructions to leave a place of business by the owner, employee or other person in charge thereof, or otherwise disturbing the peace in any public place.
- (4) PUBLIC PLACE. A place to which the public has access, and includes, but is not limited to, places owned or controlled by the city, county or state, any public street, highway, sidewalk, parking lot, alley, parks, schools, places of worship and places of business. Places of business include premises open to the public where alcohol is consumed, including a licensed alcohol establishment.

- (c) Intoxication in Public Places Prohibited. No person in a public place shall conduct him or herself in such a manner as to become an intoxicated or incapacitated person and to create a public nuisance.

Section 2. Section 1.10(d) Schedule of Cash Deposits is hereby amended to add:

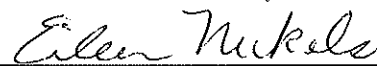
	Offenses Within One Year		
	1st	2nd	3rd
41.02(4) Public Intoxication Prohibited	\$100	\$300	\$500

Section 3. All other provisions of Chapter 41 and Chapter 1 shall remain in full force and effect unless specifically modified herein.

Section 4. This ordinance shall be in full force and effect from and after its passage and publication as required by law.

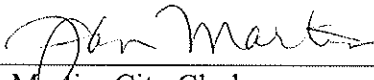
Approved and adopted by the Common Council of the City of Platteville on a vote of 6 to 0 this 9<sup>th</sup> day of July, 2013.

CITY OF PLATTEVILLE



By: Eileen Nickels, Council President

Attest:



Jan Martin, City Clerk

Published: July 17, 2013