

Sponsor: Wooleyhand _____
First Reading: 10/2/2023 _____
Second Reading: 11/6/2023 _____

ORDINANCE #71-23

AN ORDINANCE PROHIBITING PUBLIC CONSUMPTION OF INTOXICATING BEVERAGES AND PUBLIC DRUNKENNESS IN THE TOWN OF WYOMING

WHEREAS, Section 27 of the Charter of the Town of Wyoming authorizes the Town Council to “enact ordinances . . . relating to the government of the town, its peace and order, its sanitation, beauty, the health, safety, convenience and comfort of its population, and the protections and preservation of property, and to fix, impose and enforce the payment of fines and penalties for the violation of such ordinances”

WHEREAS, public consumption of alcohol and public drunkenness is a problem in the Town of Wyoming and it is necessary to prohibit these actions within the Town; and

WHEREAS, in the opinion of the Town Council, it is in the best interest of the public health, safety, and welfare to prohibit public consumption of alcohol and public drunkenness in the Town of Wyoming and to establish penalties for violations thereof.

NOW THEREFORE, BE IT HEREBY ENACTED by the Town Council of the Town of Wyoming, a majority thereof concurring in council duly met, that An Ordinance Prohibiting Public Consumption of Intoxicating Beverages and Public Drunkenness in the Town of Wyoming be and hereby is adopted, as follows, to wit:

Section 1. Definitions. For purposes of this ordinance, the terms indicated herein shall have the following definitions:

Alcoholic beverage shall mean any beverage in liquid form which contains not less than one-half of one percent of alcohol by volume, including, but not limited to, spirits, wine, beer, or malts.

Drunk or Under the Influence of Alcoholic Beverages shall each mean consuming alcoholic beverages in such a quantity as to cause an adverse effect on a person’s actions, reactions, conduct, movement, or mental process.

Public place shall mean a place to which the public has access, including but not limited to any highway, street, road, sidewalk, parking area, shopping area, place of amusement, park, or playground located within the Town.

Section 2. Prohibition on Public Consumption of Alcoholic Beverages. No person shall drink or consume an alcoholic beverage, or possess, with intent to drink or consume, an open container containing an alcoholic beverage, in any public place in the Town.

Section 3. Disorderly Conduct. No person shall be drunk or under the influence of alcoholic beverages and acting in a disorderly manner in any public place in the Town of Wyoming.

Section 4. Violations and penalties.

- (1) This ordinance shall be enforced by the Wyoming Police Department.

- (2) Anyone violating one or more of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be subject to a fine for the first offense of \$75.00. For each subsequent offense within a 12-month period, such person shall be subject to a fine of \$150.00.

Section 5. General provisions.

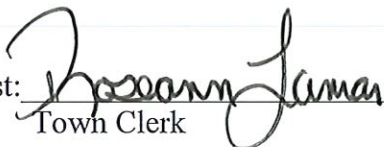
(1) *Severability.* If any of the sections, paragraphs, sentences, clauses, and/or phrases of this ordinance shall be declared unconstitutional or invalid by the valid judgement or decree of any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining sections, paragraphs, sentences, clauses and phrases of the ordinance.

(2) *Effective date.* This ordinance shall take effect after the second reading and approval by the town council.

SYNOPSIS

This ordinance prohibits consuming alcoholic beverages in public and public drunkenness and establishes penalties for violations of this ordinance.

This shall certify that this is a true and correct copy of the ordinance duly adopted by the Town Council of the Town of Wyoming at a duly-noticed and convened meeting at which a quorum was present on November 6, 2023.

Attest: 
Town Clerk

So Certifies: 
Mayor

This shall certify that a copy of this Ordinance was posted at the Town Hall on November 7, 2023.

11/7/2023
Date

So Certifies: 