

CITY OF SOUTH MILWAUKEE

24-1

24.01

CHAPTER 24  
PUBLIC POLICY, WELFARE AND MORALS

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24.01 STATE OFFENSES ADOPTED. Renamed 04/21/98, 1705

- (A) DEFINITIONS. For the purpose of this section, the definitions of words and phrases contained in Chapter 961 and in Chapter 939 to 947 and Section 990.01 of the Wisconsin Statutes are hereby adopted and by reference made a part hereof with the same force and effect as if fully set forth herein. Renamed 04/21/98, 1705, Amended 9/6/11, 2027
- (B) INTERPRETATION. In the following enumerated sections and subsections of the Wisconsin Statutes:
  - (1) Whenever the word "crime" is used, it shall be taken to mean "offense."
  - (2) Whenever the phrase "criminal intent" is used, it shall be taken to mean "intent."

- (C) STATE LAWS ADOPTED. The following state statutes which follow the prefix 24 defining offenses against the peace and good order of the state are adopted by reference and incorporated herein to define terms and offenses against the peace and good order of the City of South Milwaukee.

All definitions in Chapter 939 and within the chapters where the below offenses are listed which may be applicable:

24.12.03	Election Day Campaigning Restricted
24.167.10	Fireworks Regulated
24.167.25	Refrigerators and Iceboxes
24.940.19(1)	Battery
24.941.01	Negligent Operation of Vehicle
24.941.10	Negligent Handling of Burning Material
24.941.12(2)(3)	Interfering with Firefighting
24.941.13	False Alarms
24.941.23	Carrying Concealed Weapon (Excluding Firearms)
24.941.24	Possession of a Switchblade Knife
24.943.01(1)	Criminal Damage to Property
24.943.017(1)	Graffiti
24.943.13(b)	Criminal Trespass to Land
24.943.14	Criminal Trespass to Dwellings
24.943.20	Theft (Under \$500.00)
24.943.21	Fraud on Hotel or Restaurant Keeper
24.943.24	Issue of Worthless Check (Under \$500.00)
24.943.34	Receiving Stolen Property (Under \$500.00)
24.943.50	Retail Theft (Under \$500.00)
24.943.55	Removal of Shopping Cart
24.943.61	Theft of Library Material (Under \$500.00)
24.944.20	Lewd & Lascivious Behavior
24.944.36	Solicitation of Drinks Prohibited
24.945.02	Gambling
24.946.40	Refusing to Aid Officer
24.946.41	Resisting or Obstructing Officer
24.946.415	Failure to comply with officer's attempt to take a person into custody
24.947.01	Disorderly Conduct
24.947.012	Unlawful Use of Telephone
24.947.0125	Unlawful use of computerized communication systems.
24.947.047	Metal or Glass Debris in or on the Shore of Any Body of Water
24.947.06	Unlawful Assemblies and Their Suppression
24.948.40	Contributing to the Delinquency of Children
948.45	Contributing to truancy
24.951.02	Mistreating Animals
24.961.573	Possession of Drug Paraphernalia - Am. 04/21/98, 1705

- (D) (1) It shall be unlawful for any person to possess marijuana except as permitted under Wis. Stats. § 961.41 (3g).
- (2) No citation shall be issued alleging a violation of (1) hereof if a criminal complaint is issued regarding the same allegation of possession which is the subject of the complaint or where the subject has a prior conviction in Wisconsin for possession of marijuana unless the criminal charge is dismissed or the district attorney has declined to prosecute.
- (3) It shall be unlawful for any person to possess a controlled substance specified in Wis. Stats. § 961.14 (4) (tb) to (ty).
- (4) No citation shall be issued alleging a violation of (3) hereof if a criminal complaint issued regarding the same allegation of possession which is the subject of the complaint or where the subject has a prior conviction in Wisconsin for possession of a controlled substance unless the criminal charge is dismissed or the district attorney has declined to prosecute.
- (5) Penalty. Any person violating this ordinance shall be subject to a forfeiture of not less than \$100.00 nor more than \$500.00, exclusive of costs.

**24.02 COUNTY OF MILWAUKEE GENERAL ORDINANCES, CHAPTER 47, RULES AND REGULATIONS GOVERNING PARKS AND PARKWAYS ADOPTED.**

- (A) The provisions of the County Ordinances describing and defining rules and regulations with respect to County parks and parkways in the following enumerated sections of Chapter 47, General Ordinances, exclusive of any provisions therein relating to the penalties to be imposed or the punishment for violations of said General Ordinances, are hereby adopted and by reference made a part of this ordinance. Any act required to be performed or prohibited by any General Ordinance incorporated herein by reference is required or prohibited by this ordinance.
- (1) Definitions
  - (2) Permits required for public meetings, etc.
  - (3) Games and amusements prohibited except in designated areas; permits for exclusive use
  - (4) Sales and solicitation for sale prohibited without permit; distribution of hand bills, advertisement; regulations of
  - (5) Use of firearms, fireworks; hunting with bow and arrow and trapping; throwing of missiles; making of fires; deposit of breakage of tin cans, bottles and glassware; prohibitions
  - (6) Animals in park
  - (7) Fish, waterfowl; game birds
  - (8) Injury to, destruction or removal of public property
  - (9) Use of parks for aircraft or parachute prohibited except with permit
  - (10) Use of motor vehicles in parks
  - (11) Regulation of bicycle riders
  - (12) Horseback riding regulations
  - (13) Boating regulations
  - (14) Bathing and swimming regulations
  - (15) Fortune telling; gambling; prohibited
  - (16) Disorderly conduct; smoking; prohibited
  - (17) Use of liquor in parks
  - (18) Care of waste

- (19) Closing of park or parkway facilities to the public
- (20) Improper use of park furniture
- (21) Sleeping, camping or lodging in parks forbidden
- (22) Interference with park employees unlawful
- (23) Hours when parks are open
- (24) Permits; obligations of permittees

24.03 TOBACCO PRODUCT SALES. The provisions of Section 134.66(1) through (3) and (4) (a) 1. & 2. of the Wisconsin State Statutes are hereby adopted by reference as though fully set forth herein. The penalties therein provided shall be the penalties imposed for violations of this section. Rep & Recr. 5/15/01, 1797.

24.04 TATTOO AND BODY PIERCING ESTABLISHMENTS. Repealed & Recreated 5/20/08, 1971

(1) STATE REGULATIONS.

(a) Adopted. The provision of §§ 252.23 to 252.25, 948.70 Wis. Stats., and § HFS 173, Wis. Adm. Code, as they may be from time-to-time amended are adopted by reference and incorporated into this section as if fully set forth herein:

(b) Interpretation. If the provisions of the regulations set forth in sub. (a) conflict with the regulations set forth below, the provisions of this section shall govern.

(2) AGENT FOR THE STATE. Pursuant to § 252.245, Wis. Stats., the South Milwaukee Health Department is authorized to enter into a written agreement with the Department of Health and Family Services to be the Department's agent for the licensing, investigating, and inspecting of tattooists and tattoo establishments and body piercers and body piercing establishments.

(3) LICENSE.

(a) No tattoo establishment or body piercing establishment shall be operated or maintained in the City of South Milwaukee without first obtaining a license.

(b) A license may be issued for only one tattoo establishment or body piercing establishment at a fixed and certain place. Any operator desiring to operate more than one tattoo or body piercing establishment must have a license for each, except that a combination tattoo/body piercing establishment license may be issued for one location.

(c) No license or interest in a license may be transferred to any person, partnership, or corporation, except as set forth in sub. (10).

(d) It shall be unlawful for any tattooist, body piercer or operator to knowingly perform any service directly related to the operation of a tattoo or body license pursuant to this section.

(4) APPLICATION FOR LICENSE.

(a) Any person, partnership, or corporation desiring to secure a tattoo establishment, body piercing establishment, or combination tattoo/body piercing establishment license shall make application to the Health Department.

(b) The application shall be on a form provided by the Health Department and shall provide the following information:

1. The name(s) (including aliases), addresses and dates of birth of the applicant, any partner or limited partner in a partnership application, any shareholder holding more than 10% of the stock of a corporate applicant, and each corporate officer and director.
  2. Written proof that each person required to be identified in sub. (4)(b)1. is at least 18 years of age.
  3. The address of the establishment to be licensed.
  4. Whether the applicant or any person required to be identified in sub. (4)(b)1. is currently operating or has previously operated, in this or any other municipality or state, under a tattoo or body piercing establishment license, whether the applicant or person required to be named in sub. (4)(b) 1. has ever had such a license or permit suspended or revoked, the reason therefore, and the business entity or trade name under which the applicant operated that was subject to the suspension or revocation.
  5. If the applicant is a corporation, the name of the corporation, the date and state of incorporation, and the name and address of the registered agent.
  6. Proof of ownership, lease, or other legally enforceable right to possess, use, and control any premises where the licensed establishment is to be located.
- (c) Failure or refusal of the applicant to completely and truthfully provide responses to the application questions, to give any information relevant to the investigation of the application, or refusal to appear at any reasonable time and place for examination regarding said application shall constitute an admission by the applicant that the applicant is ineligible for such license and shall be grounds for denial thereof.

(5) INVESTIGATION. Upon receipt of an application and fee, the Health Department shall refer the application to the Police Department, Fire Department and Building Inspection Department. The Health Department and each other department, except the Police Department, shall make an investigation of the premises to ensure that it complies with applicable State and local laws. The Police Department shall make an investigation of the statements made in the application. Each department shall notify the Health Department as to the results of its investigation.

(6) STANDARDS FOR GRANTING A LICENSE. The Health Department may grant a license if it is found:

- (a) That the business operation as proposed by the applicant will comply with the provisions of this section and all other applicable rules, regulations, ordinances and state law.
- (b) That subject to §§ 111.321, 111.322 and 111.335, Wis. Stats., the applicant, or any of the officers, directors, or persons holding more than 10% of the corporate stock or any of the partners have not, within the 5 years immediately preceding the date of the application, been convicted of violating this section, or of any other offense substantially related to tattooing or body piercing.
- (c) That the applicant, if an individual, partners, or the officers, directors, or persons holding more than 10% of the corporate stock if the applicant is a corporation, are at least 18 years of age on the date of application.
- (d) That the applicant has not knowingly made any false, misleading or fraudulent statement of fact in the license application or other information required in conjunction therewith.

(e) That the applicant, if a corporation, is licensed to do business and is in good standing in the State of Wisconsin.

(f) That the applicant has complied with all building, zoning, plumbing, electrical, fire, and health codes.

(7) FEE.

(a) A nonrefundable license fee in an amount established by resolution of the Common Council, plus the State of Wisconsin administrative fee shall be submitted with the application for a tattoo establishment license.

(b) A nonrefundable license fee in an amount established by resolution of the Common Council, plus the State of Wisconsin administrative fee shall be submitted with the application for a body piercing establishment license.

(c) A nonrefundable license fee in an amount established by resolution of the Common Council, plus the State of Wisconsin administrative fee shall be submitted with the application for a combination tattoo/body piercing establishment license.

(d) A one-time pre-inspection fee in an amount established by resolution of the Common Council for each original tattoo or body piercing establishment license.

(8) APPROVAL OF STERILIZATION PROCEDURES.

(a) Prior to issuance of a tattoo or body piercing establishment license, each operator shall submit written procedures to the Health Department setting forth each step to be taken by a tattooist, body piercer, or other employee in sterilizing equipment that is not single use.

(b) Prior to issuance of a tattoo or body piercing establishment license, each operator shall submit written procedures to the Health Department setting forth each step to be taken by a tattooist or body piercer in cleaning, preparing, and applying antiseptic to the skin of the patron.

(c) No tattoo or body piercing establishment may operate until the procedures required in subs. (a) and (b) have been approved by the Health Department.

(d) Prior to issuance of a tattoo or body piercing establishment license, the operator shall demonstrate the sterilization of equipment following the approved sterilization procedure set forth in sub. (a). A spore test shall be conducted at the applicant's expense and by approved laboratory. The license shall only be issued upon a negative spore result.

(9) CARE INSTRUCTIONS. The written care instructions required to be provided to each patron after completion of the tattoo or body piercing procedure shall be submitted to the Health Department for approval prior to issuance of the tattoo or body piercing establishment license.

(10) INSURANCE.

(a) Prior to issuance and renewal of a tattoo or body piercing establishment license, the license holder shall submit to the Health Department proof of comprehensive general liability insurance in a minimum amount of \$500,000 per occurrence/\$1,000,000 aggregate covering all personal injury to patrons and all operations and procedures conducted on the licensed premises including but not limited to the tattooing and piercing of a person's skin and complications there from.

(b) Such insurance shall contain a provision from the insurance company to the City pledging to notify the City within 10 days of any change or cancellation of the policy.

(c) Such insurance shall be maintained at all times the tattoo or body piercing establishment is open for business. Failure to maintain such insurance shall constitute grounds for immediate suspension at the order of the Health Officer or his designee.

(11) **DISPLAY OF LICENSE.** The tattoo, body piercing, or combination license shall be posted in a conspicuous place in the establishment, so that it may be read by the patrons thereof.

(12) **LICENSE YEAR.** The license year shall begin on July 1 in each year, and terminate on June 30 in the next year. There shall be no proration of license fees.

(13) **HOURS OF OPERATION.** No tattoo or body piercing establishment shall be open between the hours of 1:00 a.m. and 8:00 a.m., Monday through Saturday or between the hours of 1:00 a.m. and 12:00 noon on Sunday. No tattooing or body piercing procedures shall be conducted by anyone anywhere within a licensed establishment or on any premises accessible to a licensee or an employee thereof in the City of South Milwaukee, whether or not for compensation, outside of the hours for operation set out herein or outside the premises licensed herein.

(14) **TEMPORARY ESTABLISHMENTS.** No temporary establishments may be operated in the City of South Milwaukee. A temporary establishment means a single building, structure, area or location where a tattooist or body piercer performs tattooing or body piercing in conjunction with an event or celebration such as a fair, carnival, circus, public exhibition, anniversary sale or occasional sales promotion.

(15) **SHARPS AND INFECTIOUS WASTE DISPOSAL.** Prior to issuance of a license to a tattoo or body piercing establishment, the license applicant shall submit written proof of the establishment's ability to properly dispose of sharps and infectious waste as provided in § NR 526. Wis. Adm. Code.

(16) **SINGLE USE NEEDLES FOR TATTOOING.** Tattoo needles shall be disposable, sterile, and for single patron use only.

(17) **PIERCING GUN USE.** No body piercer may use a piercing gun or similar device for body piercing a patron unless such piercing gun is disposable, sterile, and for single patron use only or is sterilized between each use as set forth in § HFS 173.03(20), Wis. Adm. Code.

(18) **TATTOOIST AND BODY PIERCER LICENSES TO BE POSTED OR KEPT ON PERSON.** No tattooist or body piercer may perform tattooing or body piercing procedures unless the current and valid license issued by the Department of Health and Family Services is posted in the establishment in a public and conspicuous place or is in their possession. Such license shall be displayed to any member of the South Milwaukee Health Department, South Milwaukee Police Department, or Department of Health and Family Services employee upon request.

(19) **LEAD IN SOLDER PROHIBITED.** No tattooist shall use and no tattoo establishment shall suffer or permit the use of solder which contains lead to be used to fasten needles.

(20) **APRONS.** All tattooist and body piercers shall wear single use aprons which shall be disposed of after completing the procedure on a patron.

(21) **LOITERING PROHIBITED.** No operator or employee of a tattoo or body piercing establishment shall allow, suffer, or permit loitering on the business premises. For purposes of this section, "business premises" shall include the licensed premises, property owned or leased by the tattoo or body piercing establishment, and parking lots, alleys, and sidewalks contiguous with the licensed premises.

(22) IMPLANTING, BRANDING, AND SCARIFICATION PROHIBITED.

(a) Definitions. As used in this section:

1. *Branding* means the burning of skin with a hot tool, cauterizing laser, or dry ice so that a mark is imbedded in the deep tissue.
2. *Implantation* means the insertion of an object under the skin, so that it remains under the skin, in whole or in part, after the procedure. This definition shall not apply to the post used in body piercing to keep the perforation from closing.
3. *Scarification* means the cutting of the skin so that when it heals, scar tissue remains.

(b) Prohibition. No person shall intentionally engage in the practice of implanting, branding, or scarification in the City of South Milwaukee, except as set forth herein.

(c) Exceptions. The prohibition set forth in sub. (b) shall not apply to licensed physicians, or procedures or others delegated by a licensed physician.

(23) RESPONSIBILITY OF THE OPERATOR.

(a) Every act or omission by an employee constituting a violation of the provisions of this section shall be deemed the act or omission of the operator if such act or omission occurs either with the authorization, knowledge or approval of the operator, or as a result of the operator's negligent failure to supervise the employee's conduct, and the operator shall be liable for such act or omission in the same manner as if the operator committed the act or caused the omission.

(b) Any act or omission of any employee constituting a violation of the provisions of this section shall be deemed an act or omission of the operator for purposes of determining whether the license shall be suspended, revoked, or not renewed.

(24) ENFORCEMENT AND INSPECTION. The South Milwaukee Police Department and South Milwaukee Health Department shall have the authority to enter any tattoo or body piercing establishment at all reasonable times to inspect the premises and enforce this section. The Health Department shall inspect each tattoo and body piercing establishment at least twice per year to ensure compliance with the provisions of this section.

(25) SUSPENSION, REVOCATION AND NONRENEWAL.

(a) A license issued pursuant to the provisions of this section is subject to suspension, revocation or nonrenewal by the Common Council. Unless the public health and safety required an immediate suspension, no license shall be suspended, revoked, or non-renewed without first providing the operator with due notice and hearing before the Legislation & Permits Committee of the South Milwaukee Common Council for the purpose of determining whether grounds for such suspension, revocation or nonrenewal exist. The Legislation and Permits Committee shall make findings and recommendations to the South Milwaukee Common Council, and a copy shall be mailed to the operator. The operator shall have 10 days from the date of the findings and recommendations were mailed to make written objections to the findings and recommendations of the Legislation and Permits Committee. The Common Council shall then determine whether sufficient grounds exist and whether the license should be suspended, revoked or non-renewed. The City Clerk shall notify the operator in writing of the decision of the Common Council. Notice shall be served by first class mail.

- (b) The Common Council may suspend, revoke, or refuse to renew a tattoo or body piercing license for the following reasons:
1. Violation of this section or any other ordinance, administrative rule, or statute related to the practice of tattooing or body piercing.
  2. Knowingly misrepresenting, misstating or failing to disclose information requested on the application form(s) or requested by the Legislation and Permits Committee.
  3. Using, causing, or promoting the use of false, misleading, or deceptive advertising, promotional literature, warranty, label, or insignia.
  4. Knowingly deceiving a patron or the public by acting in a manner as to mislead the patron or the public as to the person's professional or license status.
  5. Knowingly employing, directly or indirectly, a suspended, revoked, or unlicensed person to perform tattooing or body piercing.
  6. Knowingly permitting another person to use the license issued under this section.
  7. Practicing tattooing or body piercing under a false, misleading, or deceptive name.
  8. "Sexual harassment" as that term is defined in § 111.32(13), Wis. Stats., of a patron.
  9. The operation of the tattoo or body piercing establishment constitutes a nuisance. As used herein "nuisance" means any unreasonable activity or use of the licensed premises that interferes substantially with the comfortable enjoyment of life, health, or safety of another or others.
- (d) An operator whose license has been revoked or not renewed shall not be eligible for licensure under this section for a period of one year from the date the revocation or nonrenewal takes effect.
- (e) Except for emergency suspensions for the public health and safety, a suspension shall be for not less than 10 days nor more than 90 days.
- (f) Any aggrieved person may appeal the decision of the Common Council to the Circuit Court of Milwaukee County within 30 days from the date of service of the decision upon the operator.

(26) SUMMARY SUSPENSION.

- (a) The provisions of §8.09 notwithstanding whenever the Health Officer or his designee has reasonable cause to believe that the sanitary condition, operation, method of operation of the premises, or equipment used on the premises creates an immediate danger to health or safety or whenever the Health Officer or his designee has reasonable cause to believe that the insurance required in sub. (10) has been changed or cancelled so as not to provide the required insurance, the Health Officer or his designee may issue a temporary order suspending the operation of a tattoo or body piercing establishment.
- (b) The order may be made orally but must be followed within 24 hours by a written order personally delivered to the licensed establishment.
- (c) The order may require cessation of all operations authorized by the license or prohibit a particular operation or condition which creates the immediate danger.

(d) The order shall be effective for up to 14 days unless sooner rescinded, but may be extended for one additional 14-day period if the condition still exists or to complete analysis of samples or specimens.

(e) No person may operate a tattoo or body piercing establishment or operate as a tattooist or body piercer at an establishment that has been suspended pursuant to this subsection.

(27) PENALTIES AND PROSECUTION.

(a) Any person, partnership, or corporation who is found to have violated any provision of this section shall forfeit the sum of not less than \$50.00, nor more than \$500.00, together with the costs of prosecution, and in default of payment of such forfeiture and costs, by imprisonment in the Milwaukee County House of Correction until the forfeiture and costs are paid, but not in excess of the number of days set forth in § 800.095(4), Wis. Stats. In addition to the monetary penalty imposed, violation of this section may further result in the suspension, revocation, or nonrenewal of any license issued under this section and legal action for injunction or other relief.

(b) Each violation of this section shall be considered a separate offense, and each and every day an offense continues shall be considered a separate offense.

24.05 SHOOTING OR DISCHARGING BOWS AND CROSS BOWS AND OTHER PROJECTILE THROWING. (Repealed and Recreated 4/8/14, 2082

A. Definitions:

(1) For purposes of this Section, a building is defined as a permanent structure used for human occupancy and includes a manufactured home, as defined in Sec. 101.91(2) Wis. Stats.

B. Shooting or Discharging a Bow and Arrow or Crossbow.

(1) Except as provided in sub. (5), it shall be unlawful for a person to hunt with a bow and arrow or crossbow within a distance of one hundred (100) yards from a building located on another person's land. This restriction shall not apply if the person who owns the land on which the building is located allows the hunter to hunt with a bow and arrow or crossbow within the specified distance of the building.

(2) A person who hunts with a bow and arrow or crossbow shall discharge the arrow or bolt from the weapon toward the ground.

(3) No person shall discharge an arrow with any bow or similar device where the arrow may endanger the life, limb or property of another or will traverse any part of any street, alley, public grounds or parks.

(4) The South Milwaukee School District may conduct supervised archery activities in areas under their jurisdiction.

(5) It shall be unlawful for a person to hunt or trap on any portion of land owned or leased by the City of South Milwaukee.

C. It shall be unlawful for any person to throw, shoot or propel any object, arrow, paintball, stone, or other projectile by hand or other means, at any person or at or into any building, street, sidewalk, alley, highway, park or playground in circumstances where it is reasonably probable that the object so thrown, shot or propelled may cause injury to any person or damage to any property.

## 24.06 CONSUMPTION OR POSSESSION OF INTOXICANTS ON STREETS.

- (A) No person shall consume any intoxicating liquor or fermented malt beverage while in or upon any public street, alley, sidewalk or other public way unless specifically granted a permit by the Common Council.
- (B) All purchases of alcoholic or fermented malt beverages by the glass or in open containers shall be consumed on the licensed premises where served and shall not be removed to thoroughfares, streets or sidewalks in the City unless specifically permitted by the Common Council.
- (C) No persons shall be in possession of any glass or open container containing intoxicating liquor or fermented malt beverages on any thoroughfare, street, sidewalk or other public way, except when specifically granted a permit by the Common Council pursuant to (D) of this ordinance. Repealed & recreated, 7/13/10, 2007.
- (D) Any person wishing to 1) possess a glass or open container containing intoxicating liquor or fermented malt beverages, or 2) consume intoxicating liquor or fermented malt beverages, while in or upon any public street, alley, sidewalk or other public way shall first apply to the Common Council for a permit authorizing said consumption, and said application shall state the applicant's name, age, address, and the time place and purpose or purposes for which said permit is desired. If, upon due investigation, the Common Council determines that it is in the best interest of the community to issue a permit authorizing possession and consumption of intoxicating liquor or fermented malt beverages in or upon any public street, alley, sidewalk or other public way, the Common Council shall have authority to issue said permit. Repealed & recreated, 7/13/10, 2007.

## 24.07 LITTERING. Rep. &amp; Recr. 05/16/00, 1770

- (A) No person shall throw or deposit any waste material or debris on or along any highway or other public way or on any private property without the owner's consent.
- (B) No person shall distribute any shopper, pamphlet or other commercial publication on any private property where the owner or occupant of the private property has posted a sign indicating that the shopper, pamphlet or other type of solicitation is unwanted. To be effective under this ordinance, the sign must be readable from the public right of way and located at or near the lot line, on the property's mail box post or near the front sidewalk at the lot line. Any shopper, pamphlet or other commercial publication deposited or left on private property where the owner or occupant of the property has indicated by a sign located as required under this ordinance that such material is unwanted shall be subject to a forfeiture of not more than \$50.00. Each commercial publication left or deposited in violation of this ordinance constitutes a separate offense. A commercial publication is one which in whole or part advertises a product or thing for sale.

## 24.08 OBSTRUCTION OF AISLES AND EXITS. No person shall obstruct the aisle, entrances or exits of public assemblage.

## 24.09 UNNECESSARY NOISE.

- (A) No person shall make or cause to be made any loud and unnecessary sounds or noises in such places, circumstances or at such times as would lead a person of ordinary intelligence to conclude that the sounds or noises would be disturbing to others in the neighborhood. Rep. & Recr. 11/07/89, 1444

- (B) No person shall operate a motor vehicle in such a manner that causes squealing of tires or loud and unnecessary racing of the engine. Rep. & Recr. 11/07/89, 1444

24.10 LOITERING ON CITY PROPERTY. Rep. & Recr. 04/05/95, 1608

- (1) To loiter means to remain idle, stand around, sit or lie, in essentially one location or move about slowly.
- (2) No person shall loiter on City grounds, including buildings, entrances and exits thereto, structures, walkways, right-of-ways and roadways, in a manner which:
  - (A) Creates alarm or fear in members of the public, city employees and city officers for their safety or the safety of public or private property.
  - (B) Molests, harasses, or intimidates any persons on City property.
  - (C) Obstructs offices, lobbies, corridors, stairways, doorways, walkways, roadways and parking lots as to prevent and interfere with access or free passage by members of the public, city officers and employees.
  - (D) Interferes with the transaction of business or the performance of duties by city employees and officers, or with courtroom proceedings, meetings of the Common Council, its committees, boards and commissions, sub-committees and public hearings. Rep. & Recr. 04/05/95, 1609

24.11 FAIR HOUSING.

(1) Intent. It is the intent of this section to render unlawful discrimination in housing. It is the declared policy of this City that all persons shall have an equal opportunity for housing regardless of sex, race, color, sexual orientation, disability, religion, national origin, marital status, family status, lawful source of income, age or ancestry. The Common Council hereby extends this ordinance governing equal housing opportunities to cover single-family residences, which are owner-occupied. The Common Council finds that the sale and rental of single-family residences constitute a significant portion of the housing business in this City and should be regulated. This section shall be deemed an exercise of the police powers of the City for the protection of the welfare, health, peace, dignity and human rights of the people of this City.

(2) Definitions. In this section:

- (a) "Advertise" means to publish, circulate, issue or display, or cause to be published, circulated, issued or displayed, any communication, notice, advertisement or sign in connection with the sale, financing or rental of housing.
- (b) "Age", in reference to a member of a protected class, means at least 18 years of age.
- (c) "Aggrieved person" means a person who claims to have been injured by discrimination in housing or believes that he or she will be injured by discrimination in housing that is about to occur.
- (d) "Complainant" means a person who files a complaint alleging discrimination in housing.

(e) “Conciliation” means the attempted resolution of issues raised by a complaint or by the investigation of the complaint, through informal negotiations involving the aggrieved person, the complainant, the respondent and the City department in charge of handling Fair Housing Complaints.

(f) “Condominium” has the meaning given in Wisconsin Statute sec. 703.02 (4).

(g) “Condominium Association” means an association, as defined in Wisconsin Statute sec. 703.02 (1m).

(h) “Disability” means a physical or mental impairment that substantially limits one or more major life activities, a record of having such an impairment or being regarded as having such an impairment. “Disability” does not include the current illegal use of a controlled substance, as defined in Wisconsin Statute sec. 961.01(4), or a controlled substance analog, as defined in Wisconsin Statute sec. 961.01(4m), unless the individual is participating in a supervised drug rehabilitation program.

(i) “Discriminate” means to segregate, separate, exclude or treat a person or class of persons unequally in a manner described in subsections (3), (4) or (5) because of sex, race, color, sexual orientation, disability, religion, national origin, marital status, family status, lawful source of income, age or ancestry.

(j) “Dwelling unit” means a structure or that part of a structure that is used or intended to be used as a home, residence or sleeping place by one person or by two or more persons who are maintaining a common household, to the exclusion of all others.

(k) “Family” includes one natural person.

(l) “Family status” means any of the following conditions that apply to a person seeking to rent or purchase housing or to a member or prospective member of the person’s household regardless of the person’s marital status:

1. A person is pregnant.
2. A person is in the process of securing a sole or joint legal custody, periods of physical placement or visitation rights of a minor child.
3. A person’s household includes one or more minor or adult relatives.
4. A person’s household includes one or more adults or minor children in his or her legal custody or physical placement or with whom he or she has visitation rights.
5. A person’s household includes one or more adults or minor children placed in his or her care under a court order, under a guardianship or with the written permission of a parent or other person having legal custody of the adult or minor child.

(m) “Hardship condition” means a situation under which a tenant in housing for older persons has legal custody or physical placement of a minor child or a minor child is placed in the tenant’s care under a court order, under a guardianship or with the written permission of a parent or other person having legal custody of the minor child.

(n) “Housing” means any improved property, or any portion thereof, including a mobile home as defined in Wisconsin Statute sec. 66.0435(1)(d) or condominium, that is used or occupied, or is intended, arranged or designed to be used or occupied, as a home or residence. “Housing” includes any vacant land that is offered for sale or rent for the construction or location thereon of any building, structure or portion thereof that is used or occupied, or is intended, arranged or designed to be used or occupied, as a borne or residence.

(o) “Housing for older persons” means any of the following:

1. Housing provided under any state or federal program that the secretary determines is specifically designed and operated to assist elderly persons, as defined in the state or federal program.

2. Housing solely intended for, and solely occupied by, persons 62 years of age or older.

3. Housing primarily intended and primarily operated for occupancy by at least one person 55 years of age or older per dwelling unit.

(p) “Interested person” means an adult relative or friend of a member of a protected class, or an official or representative of a private agency, corporation or association concerned with the welfare of a member of a protected class.

(q) “Member of a protected class” means a group of natural persons, or a natural person, who may be categorized based on one or more of the following characteristics: sex, race, color, disability, sexual orientation as defined in Wisconsin Statute sec. 111.32(13m), religion, national origin, marital status, family status, lawful source of income, age or ancestry.

(r) “Relative” means a parent, grandparent, great-grandparent, stepparent, step grandparent, brother, sister, child, stepchild, grandchild, step grandchild, great-grandchild, first cousin, second cousin, nephew, niece, uncle, aunt, stepbrother, stepsister, half brother or half sister or any other person related by blood, marriage or adoption.

(s) “Rent” means to lease, to sublease, to let or to otherwise grant for a consideration the right of a tenant to occupy housing not owned by the tenant.

(t) “Respondent” means the person, including natural and otherwise, accused in a complaint or amended complaint of discrimination in housing and any other person identified in the course of an investigation as allegedly having discriminated in housing.

(u) “Sexual orientation” has the meaning given in Wisconsin Statute sec. 111.32(13m).

(3) Discrimination Prohibited. It is unlawful for any person to discriminate:

(a) By refusing to sell, rent, finance or contract to construct housing or by refusing to negotiate or discuss the terms thereof.

(b) By refusing to permit inspection or exacting different or more stringent price, terms or conditions for the sale, lease, financing or rental of housing.

(c) By refusing to finance or sell an unimproved residential lot or to construct a home or residence upon such a lot.

- (d) By advertising in a manner that indicates discrimination by a preference or limitation.
  - (e) For a person in the business of insuring against hazards, by refusing to enter into, or by exacting different terms, conditions or privileges with respect to, a contract of insurance against hazards to a dwelling.
  - (f) By refusing to renew a lease, causing the eviction of a tenant from rental housing or engaging in the harassment of a tenant.
  - (g) In providing the privileges, services or facilities that are available in connection with housing.
  - (h) By falsely representing that housing is unavailable for inspection, rental or sale.
  - (i) By denying access to, or membership or participation in, a multiple listing service or other real estate service.
  - (j) By coercing, intimidating, threatening or interfering with a person in the exercise or enjoyment of, or on account of his or her having exercised or enjoyed, a right granted or protected under this section, or with a person who has aided or encouraged another person in the exercise or enjoyment of a right granted or protected under this section.
  - (k) In making available any of the following transactions or in the terms or conditions of such transactions for a person whose business includes engaging in residential real estate-related transactions:
    1. The making or purchasing of loans or the provision of other financial assistance for purchasing, constructing, improving, repairing or maintaining housing or the making or purchasing of loans or the provision of other financial assistance secured by residential real estate.
    2. Selling, brokering or appraising residential real property. By otherwise making unavailable or denying housing.
- (4) **Representations Designed to Induce Panic Sales.** No person may induce or attempt to induce a person to sell or rent housing by representations regarding the present or prospective entry into the neighborhood of a person of a particular economic status or a member of a protected class, or by representations to the effect that such present or prospective entry will or may result in any of the following:
- (a) The lowering of real estate values in the area concerned.
  - (b) A deterioration in the character of the area concerned.
  - (c) An increase in criminal or antisocial behavior in the area concerned.
  - (d) A decline in the quality of the schools or other public facilities serving the area.
- (5) **Discrimination Against Persons with Disabilities Prohibited.**
- (a) **Types of discrimination prohibited.** In addition to discrimination prohibited under subsections (3) and (4), no person may do any of the following:

1. Segregate, separate, exclude or treat unequally in the sale or rental of, or otherwise make unavailable or deny, housing to a buyer or renter because of a disability of that buyer or renter, a disability of a person residing in or intending to reside in that housing after it is sold, rented or made available or a disability of a person associated with that buyer or renter.

2. Segregate, separate, exclude or treat unequally a person in the terms, conditions or privileges of sale or rental of housing, or in the provision of services or facilities in connection with such housing, because of a disability of that person, a disability of a person residing in or intending to reside in that housing after it is sold, rented or made available or a disability of a person associated with that person.

3. Refuse to permit, at the expense of a person with a disability, reasonable modifications of existing housing that is occupied, or is to be occupied, by such a person if the modifications may be necessary to afford the person full enjoyment of the housing, except that in the case of rental housing the landlord may, where it is reasonable to do so, condition permission for a modification on the tenant's agreement to restore the interior of the housing to the condition that existed before the modification, other than reasonable wear and tear. The landlord may not increase any customarily required security deposit. Where it is necessary to ensure that funds will be available to pay for the restorations at the end of the tenancy, the landlord may negotiate as part of a restoration agreement a requirement that the tenant pay into an interest-bearing escrow account, over a reasonable period, a reasonable amount of money not to exceed the cost of the restorations. The interest in any such account shall accrue to the benefit of the tenant. If escrowed funds are not used by the landlord for restorations, they shall be returned to the tenant.

4. Refuse to make reasonable accommodations in rules, policies, practices or services that are associated with the housing, when such accommodations may be necessary to afford the person equal opportunity to use and enjoy housing, unless the accommodation would impose an undue hardship on the owner of the housing.

(b) Animals assisting persons with disabilities.

1. If an individual's vision, hearing or mobility is impaired, it is discrimination for a person to refuse to rent or sell housing to the individual, cause the eviction of the individual from housing, require extra compensation from an individual as a condition of continued residence in housing or engage in the harassment of the individual because he or she keeps an animal that is specially trained to lead or assist the individual with impaired vision, hearing or mobility if all of the following apply:

a. Upon request, the individual shows to the lessor, seller or representative of the condominium association credentials issued by a school recognized by the department as accredited to train animals for individuals with impaired vision, hearing or mobility.

b. The individual accepts liability for sanitation with respect to, and damage to the premises caused by, the animal.

2. This subsection (Animals assisting persons with disabilities) does not apply in the case of the rental of owner-occupied housing if the owner or a member of his or her immediate family occupying the housing possess and, upon request, presents to the individual a certificate signed by a physician which states that the owner or family member is allergic to the type of animal the individual possesses.

(6) Exemptions and Exclusions.

(a) Nothing in this section prohibits discrimination based on age or family status with respect to housing for older persons.

(b) Nothing in this section shall prohibit a person from exacting different or more stringent terms or conditions for financing housing based on the age of the individual applicant for financing if the terms or conditions are reasonably related to the individual applicant.

(c) Nothing in this section shall prohibit the development of housing designed specifically for persons with disabilities and preference in favor of persons with disabilities in relation to such housing.

(d) Nothing in this section requires that housing be made available to an individual whose tenancy would constitute a direct threat to the safety of other tenants or persons employed on the property or whose tenancy would result in substantial physical damage to the property of others, if the risk of direct threat or damage cannot be eliminated or sufficiently reduced through reasonable accommodations. A claim that an individual's tenancy poses a direct threat or a substantial risk of harm or damage must be evidenced by behavior by the individual that caused harm or damage, that directly threatened harm or damage, or that caused a reasonable fear of harm or damage to other tenants, persons employed on the property, or the property. No claim that an individual's tenancy would constitute a direct threat to the safety of other persons or would result in substantial damage to property may be based on the fact that a tenant has been or may be the victim of domestic abuse, as defined in Wisconsin Statute sec. 813.12(1)(am).

(e) It is not discrimination based on family status to comply with any reasonable federal, state or local government restrictions relating to the maximum number of occupants permitted to occupy a dwelling unit.

(7) Board Created; Membership Terms; Qualifications. There is hereby created a Fair Housing Board. The Fair Housing Board shall consist of the members of the Community Development Authority.

(8) Authority of Board to Adopt Regulations. The Fair Housing Board shall adopt such rules and regulations as may be desirable to carry out the purposes and provisions of this section.

(9) Annual Reports of the Board. The Fair Housing Board shall submit an annual report to the Mayor and Common Council concerning the enforcement of this section, including its recommendations relating thereto.

(10) Administration.

(a) Authority and responsibility. The authority and responsibility for administering this section shall be in the Fair Housing Board of the City.

(b) Cooperation of Board and executive departments and agencies in administration of housing and urban development programs and activities to further fair housing purposes. All executive departments and agencies shall administer their programs and activities relating to housing and urban development in a manner affirmatively to further the purposes of this section and shall cooperate with the Board to further such purposes.

(c) Functions of the Board. The Fair Housing Board may:

1. Make studies with respect to the nature and extent of discriminatory housing practices in the City;
2. Publish and disseminate reports, recommendations, and information derived from such studies;
3. Cooperate with and render any technical assistance requested by federal, state, local and other public or private agencies, organizations, and institutions which are formulating or carrying on programs to prevent or eliminate discriminatory housing practices;
4. Cooperate with and render such technical and other assistance to the community relations service as may be appropriate to further its activities in preventing or eliminating discriminatory housing practices, and
5. Administer the programs and activities under its authority in a manner affirmatively to further the policies of this chapter.

(11) Education and Conciliation; Conferences and Consultations; Reports.

Immediately after the enactment of this section, the Fair Housing Board may commence such educational and conciliatory activities as in its judgment will further the purposes of this chapter. The Board may call conferences of persons in the housing industry and other interested parties to acquaint them with the provisions of this section and suggest means of implementing it, and may endeavor with their advice to work out programs of voluntary compliance and of enforcement. The Board may consult with federal, state and local officials and other interested parties to learn the extent, if any, to which housing discrimination exists in their locality, and whether and how enforcement programs might be utilized to combat such discrimination in connection with or in place of, the Board's enforcement of this section. The Board shall issue reports on such conferences and consultations as it deems appropriate.

(12) Fair Housing Administrative Enforcement.

(a) Person aggrieved; complaint; copy; investigation; informal proceedings; violations of secrecy; penalties. Any person who claims to have been injured by a discriminatory housing practice or who believes that he will be irrevocably injured by a discriminatory housing practice that is about to occur (hereafter "person aggrieved") may file a complaint with the City Clerk's Office. Complaints shall be in writing and shall contain such information and be in such form as outlined in this section and as required by the Board. If the claim alleges that the City is the discriminatory party, the complaint will be received, but referred to the proper state or federal agency and notice of the same will be provided to the complainant by the City in writing. The Clerk shall refer the complaint to the Fair Housing Board. Within five (5) days of receipt of the referral of such a complaint, the Community Development Authority Executive Director shall furnish a copy of the complaint to each member of the Board, as well as, the person or persons who allegedly committed or are about to commit the alleged discriminatory housing practice and inform said person or persons of his/her right to file an answer to said complaint within twenty (20) days of receipt of the same. Within ten (10) days after receiving a complaint, the Chairman of the Board shall make a determination as to whether or not to convene the Board for the purpose of discussing what action, if any, to take on the complaint. In the event the Chairman convenes the Board, said meeting shall take place no later than forty-five (45) days after the Chairman's receipt of the complaint. In the event the Board determines at a meeting to conduct a formal investigation of the complaint, it shall direct the Community Development Authority Executive Director, or

his/her designee, to investigate the complaint and report back to the Board within a specified amount of time not to exceed ninety (90) days from said directive of the Board. All other administrative departments of the City shall cooperate as needed in the investigation of the complaint. Within a reasonable time as indicated by the Board, after the completion of the investigation and report to the Board, or after a decision by the Board that no action will be taken on the complaint, the Board shall give notice in writing to the person aggrieved as to whether the Board intends to resolve the complaint. If the Board decides to resolve the complaint, it shall proceed to try to eliminate or correct the alleged discriminatory housing practice by informal methods of conference, conciliation, and persuasion. Nothing said or done in the course of such informal endeavors may be used as evidence in a subsequent proceeding under this section without the written consent of the person concerned. The Board may extend the timeframes as outlined in this subsection only at the discretion of the Board.

(b) Complain limitations; answers; amendments; verification. A complaint under Subsection (13)(a) shall be filed within one hundred eighty (180) days after the alleged discriminatory housing practice occurred. Complaints shall be in writing and shall state the facts upon which the allegations of a discriminatory housing practice are based. Complaints may be reasonably and fairly amended at any time. A respondent may file an answer to the complaint against him/her and with the leave of the board, which shall be granted whenever it would be reasonable and fair to do so, may amend his/her answer at any time. Both complaints and answers shall be sworn to before a notary public.

(c) Burden of proof. In any proceeding brought pursuant to this section, the burden of proof shall be on the complainant.

(d) Other remedies available; private civil actions. Nothing in this section shall be construed as prohibiting or in any way limiting the right of complainants to pursue in any appropriate court, any remedy or cause of action available to him/her under state or federal law.

(e) Trial of action; termination of voluntary compliance efforts. Whenever an action filed by an individual, in either federal or state court, pursuant to applicable federal or state laws shall come to trial, the Board shall immediately terminate all efforts to obtain voluntary compliance.

(13) Evidence.

(a) Investigations; access to records, documents, and other evidence; copying; searches and seizures; subpoenas; interrogatories; administration of oaths. Subject to the provisions of the Fourth Amendment to the United States Constitution relating to unreasonable searches and seizures, the Fair Housing Board, when conducting an investigation authorized by this section, shall have access at all reasonable times to premises, records, documents, individuals, and other evidence or possible sources of evidence and may examine, record, and copy such materials and take the record of the testimony or statements of such persons as are reasonably necessary for the furtherance of the investigation. The board may issue subpoenas to compel its access to or the production of such materials, or the appearance of such person, and may issue interrogatories to a respondent, to the same extent and subject to the same limitations as would apply if the subpoenas or interrogatories were issued or served in aid of a civil action in the courts of Wisconsin. The Board may administer oaths.

(b) Compensation and mileage fees of witnesses. Witnesses summoned by subpoena of the Board shall be entitled to the same witness and mileage fees as are witnesses in proceedings in the Circuit Courts in the State of Wisconsin. Fees payable to a witness summoned by a subpoena issued at the request of a respondent shall be paid by the respondent.

(c) Enforcement of a subpoena. In case of contumacy or refusal to obey a subpoena, the Board or other person at whose request it was issued may petition for its enforcement in the Circuit Court of Milwaukee County.

(d) Violations; penalties. Any person who willfully fails or neglects to attend and testify or to answer to any lawful inquiry or to produce records, documents, or other evidence, if in his power to do so, in obedience to the subpoena or lawful order of the Board, shall forfeit not more than five hundred dollars (\$500) as in the discretion of the Board. Any person who, with intent thereby to mislead the Board, shall make or cause to be made any false entry or statement of fact in any report, account, record or other document submitted to the Board pursuant to this subpoena or other order, or shall willfully neglect or fail to make or cause to be made full, true and correct entries in such reports, accounts, records, or other documents, or shall willfully mutilate, alter, or by other means falsify any documentary evidence, shall forfeit not more than five hundred dollars (\$500) as in the discretion of the Board. Each day that a violation continues after proper notice has been served shall be deemed a separate offense.

(e) City Attorney to conduct litigation. The City Attorney shall represent the Board in all litigation that the Board participates as a party or as miens pursuant to this section.

(14) Hearing Procedures. If the Board finds probable cause to believe that any discrimination has been or is being committed in violation of this section and that such discrimination cannot be eliminated by means of conference, conciliation and/or persuasion, the Board shall issue and serve a written notice of hearing specifying the nature and acts of discrimination of the complaint and/or those found during the investigation which appear to have been committed and requiring the person named, hereinafter called the “respondent, “ to answer the complaint in a hearing before the Board. The notice shall specify a time of hearing and place of hearing, not less than ten (10) days after service of the complaint. The testimony at the hearing shall be recorded by the Board. If, after the hearing, the Board finds upon majority vote and by a fair preponderance of the evidence that the respondent has engaged in discrimination in violation of this section, the Board shall make written findings and recommend such action by the respondent as will effectuate the purpose of this section and shall serve a certified copy of its findings and recommendations on the respondent and complainant together with an order requiring the respondent to comply with the recommendations. Failure to comply with such order shall be a violation of this section and shall subject the respondent to a forfeiture, as hereafter provided. If the Board finds that the respondent has not engaged in discrimination as alleged in the complaint, it shall serve a certified copy of its findings on the complainant and the respondent, together with an order dismissing the complaint. Where the complaint is dismissed, costs in an amount not to exceed one hundred dollars (\$100), plus actual disbursements for the attendance of witnesses, may be recommended by the Board to be assessed against the City and may be paid in the discretion of the Common Council, where proper claim therefore is made by the respondent.

(15) Judicial Review. Within thirty (30) days after service upon all parties of an order or determination of the Fair Housing Board under this section, the respondent, the complainant or the aggrieved party may appeal the order or the determination to the Circuit Court of Milwaukee County by the filing of a Petition for Review. The Circuit Court shall review the order or determination of the Fair Housing Board as provided in Wisconsin Statutes secs. 227.52 through 227.58.

(16) Damages and Penalties.

(a) Any respondent who willfully violates this section, or any lawful order issued hereunder shall, for each such violation, forfeit not less than one hundred dollars (\$100) nor more than one thousand dollars (\$1,000) as in the discretion of the Board. Each day that a violation continues after proper notice has been served shall be deemed a separate offense. In addition to the monetary penalty heretofore stated, the Fair Housing Board may order relief of an injunctive or

other equitable manner. The Fair Housing Board may not order punitive damages. Any respondent adjudged to have violated this section within five (5) years after having been adjudged to have violated this section, for every violation committed within five (5) years, shall forfeit not less than one thousand dollars (\$1,000) nor more than ten thousand dollars (\$10,000) as in the discretion of the Board. Each day that a violation continues after proper notice has been served shall be deemed a separate offense.

(b) In addition to any damages ordered under Subdivision (17)(a), any respondent who is not a natural person adjudged to have willfully violated this section, or any lawful order issued hereunder shall, for each such violation, forfeit not less than one thousand dollars (\$1,000) nor more than five thousand dollars (\$5,000) as in the discretion of the Board. Each day that a violation continues after proper notice has been served shall be deemed a separate offense. Any respondent who is not a natural person adjudged to have violated this section within five (5) years after having been adjudged to have violated this section, for every violation committed within five (5) years, shall forfeit not less than five thousand dollars (\$5,000) no more than ten thousand dollars (\$10,000) as in the discretion of the Board. Each day that a violation continues after proper notice has been served shall be deemed a separate offense.

(c) In the event that any person, natural or otherwise, fails to abide by an Order of Relief or Determination issued by the Fair Housing Board, the City Attorney, on behalf of the Fair Housing Board, may petition to the Circuit Court for Milwaukee County to enforce the Order or Determination of the Fair Housing Board.

(17) Cooperation with Federal, State and Local Agencies Administering Fair Housing Laws; Utilization of Services and Personnel; Reimbursement; Written Agreements. The Board may cooperate with federal, state and local agencies charged with the administration of fair housing laws and, with the consent of such agencies, utilize the services of such agencies and their employees. In furtherance of such cooperative efforts, the Board may enter into written agreements with such state or local agencies. All agreements and terminations thereof shall be published according to law.

(18) Interference, Coercion, or Intimidation; Enforcement by Civil Action. It shall be unlawful to coerce, intimidate, threaten, or interfere with any person in the exercise or enjoyment of, or on account of his having exercised or enjoyed, or on account of his having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by Subsections (3), (4) and (5) of this section. This section may be enforced by appropriate civil action.

(19) Discrimination by Licensed or Permitted Persons. If the Board finds probable cause to believe that an act of discrimination has been or is being committed in violation of this section by a person taking an action enumerated under Subsections (3), (4) and/or (5) for which the person is licensed or permitted under City ordinances, the Fair Housing Board shall notify the licensing or permitting body of its findings and shall file a complaint with such body, together with a request that the body initiate proceedings to suspend or revoke the license or permit of such person, or take other less restrictive disciplinary action. Upon filing a complaint hereunder, the Fair Housing Board shall make available to the appropriate licensing or permitting body all pertinent documents and files in its custody and shall cooperate fully with such body in the proceedings.

(20) Separability of Provisions. If any provision of this section or the application thereof to any person or circumstances is held invalid, the remainder of the section and the application of the provisions to other persons, not similarly situated or to other circumstances, shall not be affected thereby.

24.12 COMPULSORY SCHOOL ATTENDANCE AND CONTRIBUTING TO TRUANCY. The provisions of Sec. 118.15 and 118.163, Wis. Stats., are hereby adopted by reference and the sanctions which the Municipal Court may impose including all those specified in Chapter 118. Rep. & Recr. 9/5/00, 1778

24.13 JUVENILE DISPOSITION OPTIONS. Rep.& Recr. 06/18/96, 1646

- (1) All the dispositional options except teen court available under s. 938.343 are available for the violations to which 938.343 apply.
- (2) All the dispositional options available under s. 938.343 are available to violations of the types described therein.

24.14 RESISTING POLICE OFFICER OR HINDERING POLICE. Repealed 3/16/10, 2002

24.15 FAILURE TO RETURN LIBRARY MATERIALS. Cr. 03/02/93, 1530

(1) DEFINITIONS.

(A) "Library" means the South Milwaukee Public Library.

(B) "Library Material" includes any book, plate, picture, photograph, engraving, painting, drawing, map, newspaper, magazine, pamphlet, manuscript, document, letter, public record, microfilm, sound recording, audiovisual materials in any format, materials regardless of physical form or characteristics, belonging to, on loan to or otherwise in the custody of the library.

(2) No person may fail to return overdue borrowed library materials. Any person who allows another to borrow material on his/her library card is responsible for its return. Lack of consent to the use of a library card by one other than the person to whom it was issued shall be a defense only if the card is reported lost or stolen to the library before the card is used to borrow library material.

(3) Each individual item borrowed may form the basis for a separate offense.

(4) Refusal to accept or failure to receive an overdue notice is not a defense to violations of this section.

(5) Any person who violates Section 24.15 (2) hereof may be required to forfeit not more than \$500.00.

24.16 DANGEROUS AND CONCEALED WEAPONS. Repealed 3/16/10, 2002, Recreated 10/18/11, 2032

A. Adoption of State Statues.

1. Except as otherwise specifically provided in this chapter, the following statutory provisions, exclusive of any regulations for which the statutory penalty is a fine or term of imprisonment, are hereby adopted and by reference made a part of this chapter as if fully set forth herein:

a. Wis. Stat. § 167.31 relating to transporting of bows and firearms.

b. Wis. Stat. § 175.60 relating to the carrying and display of concealed carry licenses and certain prohibited activities.

c. Wis. Stat. § 941.23(3) relating to the carrying and display of identification by out-of-state or former law enforcement members.

d. Wis. Stat. § 943.13 relating to certain trespassing actions while carrying or possessing a weapon or firearm.

e. Wis. Stat. § 948.605(2) relating to the carrying or possessing of a firearm within 1,000 feet of school grounds.

B. Prohibition against carrying weapons and firearms within certain City buildings.

1. In addition to those areas, locations and buildings specifically identified in Wis. Stat. §175.60(16), no person, except sworn law enforcement officers, shall carry or possess a weapon or firearm whether concealed or not within any City owned building or facility including, but not limited to, City Hall and the Public Library.

24.18 CONTRIBUTING TO THE DELINQUENCY OF MINORS. Repealed 3/16/10, 2002

24.20 BICYCLE USE ON SIDEWALKS.

- (1) Except as provided in (3) hereof, no person shall ride a bicycle, the wheel diameter of which exceeds 20", on any sidewalk in the City of South Milwaukee. Except as provided in (3) hereof, no person over the age of 12 shall ride a bicycle on any sidewalk in the City of South Milwaukee.
- (2) Any person riding a bicycle on any city sidewalk shall yield the right-of-way to any pedestrian upon the sidewalk or approaching the sidewalk.
- (3) The prohibitions of (1) hereof shall not apply to:
  - (A) Persons over the age of 65;
  - (B) An adult who is riding with a child under the age of 12 for the purpose of teaching such child how to ride a bicycle. Rep. & Rec. 10/3/89, 1443

24.21 LOITERING ON SCHOOL PREMISES.

- (1) No person other than one set forth in Section (2) hereof shall enter into, congregate, loiter or play in any public school building or on any public school property, including playgrounds, activity fields, parking lots, school yards, and all other school property regularly used by school officials and students for any purpose between 7:30 AM and 4:30 PM on any official school day.
- (2) EXCEPTIONS. Section (1) hereof shall not apply to:
  - (A) A parent or guardian of any enrolled student;
  - (B) A person who is currently enrolled and not under suspension, expulsion or other disciplinary action affecting their student status;
  - (C) A person on official school business;
  - (D) A person who has received official school permission to be present on school premises. Cr. 08/02/88, 1400

**24.22 USE OF SKATEBOARDS, ROLLER SKATES, ROLLER SKIS AND PLAY VEHICLES ON PUBLIC AND PRIVATE PROPERTY. Cr. 03/21/89, 1428**

- (1) It shall be unlawful for any person to operate or ride a skateboard, roller skates, roller skis or play vehicle as defined in Section 340.01, Wis. Stats., in any of the following places:
  - (A) On any city street;
  - (B) On any city sidewalk or alley in any business district as defined in 340.01, Wis. Stats.;
  - (C) In any public parking ramp or public parking lot;
  - (D) On any public property where signs prohibit it;
  - (E) On any private property unless permission has been received from the owner, lessee, or person in charge of that property.

For the purpose of this ordinance, the Business District shall be defined as any area primarily commercial in nature.

- (2) It shall be lawful for operators or riders of such skateboards, roller skates, roller skis, or play vehicles to use this equipment on non-business sidewalks and alleys provided they yield the right-of-way to vehicles using the alleys. Notwithstanding any other provisions herein, it shall be unlawful for any operator or rider of such play vehicle to use a play vehicle on any public property, street, alley, sidewalk or other public right-of-way later than one-half hour after sunset or one-half hour before sunrise.
- (3) Penalty provisions of Section 24.99(C) shall apply to violations of this ordinance.

**24.23 PROHIBITING JUVENILE BEER AND ALCOHOL PARTIES. Cr. 05/01/90, 1459**

- (1) No underage person as defined by Section 125.02 of the Wisconsin Statutes shall enter, remain or loiter in any public or private place where any fermented malt beverage or other alcoholic beverage is sold, dispensed, given away or made available to underage persons, unless accompanied by a parent, guardian or spouse who has attained the legal drinking age or unless the fermented malt beverage or alcoholic beverage is being dispensed by a person 21 years of age or older.
- (2) The penalty for violation of Section 24.23(1) shall be not more than the maximum penalty for a municipal ordinance violation which may be imposed upon a juvenile pursuant to Wisconsin Statutes.
- (3) The provisions of this ordinance shall not apply when the premises are governed by the provisions of Chapter 125 of the Wisconsin Statutes.

**24.24 PROHIBITING THE POSSESSION OR PURCHASE OF TOBACCO PRODUCTS BY MINORS.** Section 48.983 (1), (2), (3) and (4) of the Wisconsin Statutes is hereby adopted by reference. Any future amendments to this Statute are also adopted prospectively by reference. The penalty for violations of this ordinance shall be a forfeiture of not more than \$25.00. Rep. & Recr. 10/18/94, 1585

## 24.25 UNLAWFUL USE OF THE 911 EMERGENCY TELEPHONE SYSTEM. Cr. 02/05/91, 1488

- (1) No person shall, by means of a telephone call originating within or received within the City of South Milwaukee, utilize the 911 Emergency Telephone Number System for any purpose other than to report an emergency or to report a claimed emergency, knowing the fact situation which he or she reports does not exist. An emergency exists when an immediate response by public safety personnel is essential and an existing or very probable situation exists of:
  - (A) Bodily harm or life threatening illness or condition; or
  - (B) Property damage or loss.
- (2) No person shall knowingly permit any telephone under his or her control to be used for any purpose prohibited by this ordinance.

## 24.26 PROHIBIT GRAFFITI. Cr. 11/02/99, 1750

- (1) The owner of any property which has been marked by graffiti shall remove the marking within 10 days of notice to remove the marking issued by the Police Department.
- (2) Any person who fails to comply with an order issued pursuant to Sec. 24.26(1) shall be subject to a forfeiture of not more than \$50.00 for each day the marking is not removed following expiration of the time limit in the order.
- (3) The Common Council hereby creates the City of South Milwaukee Anti-graffiti Trust Fund. Within the limitations of state statutes, all penalties assessed against violators of Sec. 24.01(C) shall be deposited in this fund along with any donations received from persons wishing to contribute to the fund. The Common Council shall direct the expenditures of the Fund, however, all such expenditures shall be limited to graffiti removal expenses, the expenses incurred in administering the graffiti prevention ordinance and such other public purposes as may be approved by the Common Council from time to time.

24.27 “Drug paraphernalia” as used in this ordinance is defined in Wis. Stats. 961.571(1)(a). No person may use, or possess with the primary intent to use, drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance or controlled substance analog in violation of this chapter. Any person who violates this subsection may be fined not more than \$500. Created 11/13/12, 2057

## 24.28 THEFT OF CABLE SERVICES AND TAMPERING. Renumbered 04/05/95, 1609

- (A) No person, whether or not a subscriber to the cable system may intentionally or knowingly damage or cause to be damaged any wire, cable, conduit, equipment or apparatus of grantee, or commit any act with intent to cause such damage, or to tap, tamper with or otherwise connect any wire or device to a wire, cable, conduit, equipment and apparatus or appurtenances of grantee with the intent to obtain a signal or impulse from the cable system without authorization from or compensation to the grantee, or to obtain cable television or other communications service with intent to cheat or defraud grantee or any lawful charge to which it is entitled.

- (B) No person, whether or not a subscriber to the cable system may intentionally or knowingly possess without authority any device or printed circuit board designed to receive from a cable television system any cable television programming or services offered for sale over that cable television system, whether or not the programming or services are encoded, filtered, scrambled or otherwise made unintelligible, with the intent that the device or printed circuit board be used to receive that cable television company's services without payment. Intent to violate this paragraph for direct or indirect commercial advantage or private financial gain may be inferred from proof of the existence on the property and in the actual possession of the defendant of a device if the totality of the circumstances, including quantities or volumes, indicates possession for resale.
- (C) No person may intentionally manufacture, import into the City of South Milwaukee, distribute, publish, advertise, sell, lease or offer for sale or lease any device, printed circuit board or any plan or kit for a device or for a printed circuit designed to receive the cable television programming or services offered for sale over a cable television system, from a cable television system, whether or not the programming or services are encoded, filtered, scrambled or otherwise made unintelligible with the intent that the device, printed circuit, plan or kit be used for the reception of that company's services without payment. The intent required for a violation of this paragraph may be inferred from proof that the defendant has sold, leased or offered for sale or lease any device, printed circuit board, plan or kit for a device or for a printed circuit board in violation of this paragraph and during the course of the transaction for sale or lease the defendant expressly states or implies to the buyer that the product will enable the buyer to obtain cable television service without charge.
- (D) Except as provided in subsections (e) and (f), any person convicted of violating any provision of this section is subject to a forfeiture of not less than \$10.00 nor more than \$500.00 for each offense. Each day's violation of this section shall be considered a separate offense.
- (E) Any person convicted of violating any provision of this section for direct or indirect commercial advantage or private financial gain is subject to a forfeiture of not less than \$50.00 nor more than \$1,000.00. Each day's violation of this section shall be considered a separate offense.
- (F) Private financial gain as used in this section does not include the gain resulting to any individual from the private use in that individual's dwelling unit of any programming for which the individual has not obtained authorization.
- (G) No licensee, employee, or patron of a Class "B" licensed premises whether or not a subscriber to the cable television and communications system may intentionally or knowingly damage or cause to be damaged any wire, cable, conduit, equipment or apparatus of grantee of a South Milwaukee City Cable Franchise, or commit any act with intent to cause such damage, or to tap, tamper with or otherwise connect any wire or device to a wire, cable, conduit, equipment and apparatus or appurtenances of grantee with the intent to obtain a signal or impulse from the cable system without authorization from or compensation to the grantee, or to obtain cable television or other communications service with intent to cheat or defraud grantee of any lawful charge to which it is entitled.
- (H) License Suspension. A violation of this Section 24.28 will constitute sufficient grounds for revocation of any liquor license issued for the premises where the violation occurred.  
Renumbered 04/05/95, 1609

## 24.29 TRUANCY. , 2133A, 10/4/16

- (1) Adoption of State Statute Section 118.163 of the Wisconsin Statutes, as it relates to truancy, is hereby adopted as if fully set forth herein.
- (2) Prohibition of Truancy and Habitual Truancy. It shall be unlawful for any pupil to be truant or a habitual truant from any school in the School District of South Milwaukee. Pursuant to Sec. 938.17(2)(a)2.b of the Wisconsin Statutes, the Municipal Court of the City of South Milwaukee shall exercise jurisdiction over any pupil alleged to be habitually truant from a South Milwaukee School District school, regardless of location.
- (3) Mandatory Appearance. Any citation issued for Habitual Truancy shall be returnable in the Municipal Court, shall state on its face that is a "Must Appear" citation and shall no forfeiture amount written on the face of the citation.
- (4) Dispositions. Upon finding a finding of guilt, the Municipal Court shall impose one or more of the dispositions set forth in Secs. 118.163(2)(a), (b), (d), (e), (g), (h), (i), (j) or (k) of the Wisconsin Statutes for habitual truancy or the dispositions set forth in Sec. 118.163 (lm) for truancy.
- (5) Summons of Parent. Pursuant to Sec. 938.17(2)(cg) of the Wisconsin Statutes, the Municipal Judge may issue a summons requiring the partner, guardian or legal custodian of the pupil to appear with the pupil.
- (6) Compulsory School Attendance.
  - a) Any person who has a child under his or her control, which child is between the ages of six (6) and eighteen (18) years old and which child attends school within the jurisdiction of the South Milwaukee Municipal Court, as set forth in Sec. 938.17(2)(a)2 of the Wisconsin Statutes, is required to ensure that the child attends school, pursuant to the provisions of Sec. 118.15 of the Wisconsin Statutes.
  - b) The penalty for violation of this subsection shall be a forfeiture of not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00), together with the costs of prosecution and , in default of payment of said forfeiture and costs, suspension of the defendant's operating privileges, pursuant to Secs. 343.30 and 345.47 of the Wisconsin Statutes, or by imprisonment in the Milwaukee County House of Correction or Milwaukee County Jail until payment of the forfeiture and costs, but not in excess of the number of days set forth in Sec. 800.095(4) of the Wisconsin Statutes. Each and every day during which a violation continues constitutes a separate offense.
- (7) Taking of a Truant Pupil into Custody. A police officer may take a juvenile into custody, pursuant to Sec. 938.19(1)(d)10 of the Wisconsin Statutes, if the officer has reasonable grounds to believe that the juvenile is absent from school without an acceptable excuse under Sec. 118.15 of the Wisconsin Statutes.

## 24.30 PROHIBIT USE OF UNLICENSED MOTORIZED SCOOTERS. Cr. 12/3/03, 1851

- (A) The operation of unlicensed motorized scooters is prohibited on all City streets, alleys, highways, bike-paths, sidewalks and public parking lots.

- (B) The operation of unlicensed motorized scooters is prohibited on all other public property unless specifically permitted by a posted sign.
- (C) The operation of unlicensed motorized scooters is prohibited on all private property unless the owner, lessee, or person in charge of that property has consented to the use of the property by unlicensed scooters.
- (D) An unlicensed motorized scooter@ means any scooter not licensed by the State of Wisconsin for use on highways.

24.31 PARENTAL RESPONSIBILITY FOR JUVENILE MISCONDUCT. Cr. 12/7/04, 1870

- (1) Purpose. The purpose of this section is to reduce the incidents of misconduct by juveniles by requiring proper supervision on the part of custodial parents.
- (2) Definitions. For the purpose of this section, unless otherwise defined:
  - a. “Child” means a person under the age of eighteen years.
  - b. “Custodial parent” means a parent or legal guardian of a minor child who has custody of said child.
  - c. “Custody” means either physical custody of a child under a court order under Section 767.23 or 767.24 of the Wisconsin Statutes, custody of a child under a stipulation under Section 767.10 of the Wisconsin Statutes, or actual physical custody of the child. Custody does not include legal custody, as defined under Section 48.02 (12) Wisconsin Statutes, by an agency or a person other than a child’s birth or adoptive parent. In determining which parent has custody of a child for purposes of this section, the court shall consider which parent had responsibility for caring for and supervision of the child at the time that the child’s ordinance violations occurred.
- (3) Prohibited Conduct. Every custodial parent has a duty to properly supervise his or her child. Any custodial parent whose child is convicted of a non-traffic City of South Milwaukee Municipal Code violation twice in a six-month period or three or more times within a twelve-month period is guilty of failing to properly supervise said child where the violations were a foreseeable consequence of the breach of the duty to supervise their child. The six and twelve-month periods shall be measured from the date of the first violation. The City shall have the burden to prove that the custodial parent is guilty of the prohibited conduct in that:
  - a. The parent aided or abetted said child during an act forming the basis for a violation.
  - b. The parent failed to act or otherwise impose reasonable supervisory controls on the child intended and reasonably designed to prevent a violation.
- (4) Penalty. The offense described under section three (3) shall be subject to a penalty of not more than \$200.00.
- (5) (a)Defenses. The following shall be among the defenses to a violation of subsection (c) where proven by the parent by clear and convincing evidence:
  - (1) Where the parent was not legally responsible for the supervision of the juvenile at the time the misconduct occurred; or

- (2) Where the parent has a physical or mental disability or incompetence rendering them incapable of supervising the juvenile at the time the misconduct occurred;
- (3) Where the parent reported the act forming the basis of the violation to the appropriate authorities when the violation occurred or as soon as the parent learned of the violation.
- (4) Where the juvenile has been diagnosed by a competent physician or licensed psychologist as suffering from psychotic disorder or other disorder rendering parental control ineffective.
- (5) (b) It is not a defense where the parent assigns his or her parental responsibility to another, except pursuant to legal proceedings, which result in a court order effectuating the same.

24.33 REGULATE EXOTIC PET ANIMALS AND PROVIDE FOR KEEPING OF ANIMALS. Cr. 6/2/2009, 1986, Amd. 5/15/12, 2049

(1) **Permit** – Except as herein specifically provided, no person may keep any animal in or on any premises in the City of South Milwaukee without first obtaining a permit for the keeping of the animal. All permits issued under this section shall be issued by the City Health Department and no permit shall be issued to any person for any animal if, in the judgment of the City Health Administrator or designee, the animal or the keeping of the animal on the proposed premises poses a danger to the residents of the premises, the neighbors or the City residents generally. In determining whether to grant or deny a permit, the Health Inspector shall consider the number of animals currently kept on the premises, the size of the premises, the number of residents on the premises and nearby, the characteristics of the animal and all other matters relevant to a determination of the degree of danger, health risk, or nuisance posed by the animal. Any permit issued under this section shall only be issued on payment of the permit fee established by resolution of the Common Council and satisfactory annual inspection to insure continuing compliance with the requirements of this chapter. Permits shall expire on June 30<sup>th</sup> following the date on which the permit is issued and all renewals shall commence on July 1 of the year in which an application for renewal is approved.

(2) **Protected Animals**

- (a) *Possession and sale.* It shall be unlawful for any person to possess with intent to sell or offer for sale, or buy or attempt to buy or procure, within the city any of the following animals, alive or dead, or any part of product thereof: All wild cats of the family felidae, polar bear (*thalarctos maritimus*), red wolf (*canis niger*), vicuna (*vicugna vicugna*), or alligator, caiman or crocodile of the order of crocodilia, gray or timber wolf (*canis lupus*), sea otter (*enhydra lutris*), Pacific ridley turtle (*lepidochelys olivacea*), Atlantic green turtle (*chelonia mydas*) and Mexican ridley turtle (*lepidochelys kempfi*), or any species listed under section 4 of this ordinance.
- (b) *Compliance with federal regulations.* It shall be unlawful for any person to buy, sell or offer for sale a native or foreign species or subspecies of mammal, bird, amphibian or reptile, or the dead body or parts thereof, which appears on the endangered species list designated by the United States Secretary of the Interior and published in the Code of Federal Regulations pursuant to the Endangered Species Act of 1969 (Public Law 135, 91<sup>st</sup> Congress).

- (c) *Regulating the importation of certain birds.* No person shall import or cause to be imported into this city any part of the plumage, skin or dead body of any species of hawk, owl or eagle. This subsection (1)(c) shall not be construed to forbid or restrict the importation of use of the plumage, skin, body or any part thereof legally collected for use by the American Indians for ceremonial purposes or in the preservation of their tribal customs and heritage.

(3) **Protected Animals Exceptions.** The provisions of subsection (1) of this section shall not be deemed to prevent the importation, possession, purchase or sale of any species by any public agency, institute of higher learning, persons holding federal permits, or by a person holding a scientific collector's permit issued by the secretary of the state department of natural resources, or to any person or organization licensed to present a circus.

(4) **Wild animals and Domesticated; prohibition on keeping.** It shall unlawful for any person to keep, maintain or have in their possession or under their control within the city any poisonous reptile or animal, insect or reptile, any vicious or dangerous domesticated animal or any other animal or reptile of wild, vicious or dangerous propensities. Specifically, it shall be unlawful for any person to keep, maintain or have in their possession or under their control within the city any of the following animals, reptiles or insects:

- (a) All poisonous animals and reptiles including rear-fang snakes.
- (b) Apes: Chimpanzees (*Pan*); gibbons (*Hylobates*); gorillas (*Gorilla*); orangutans (*Pongo*); and siamangs (*Symphalangus*).
- (c) Baboons (*Papoi*, *Mandrillus*).
- (d) Bears (*Ursidae*).
- (e) Bison (*Bison*).
- (f) Cheetahs (*Acinonyx jubatus*).
- (g) Crocodilians (*Crocodylia*), 30 inches in length or more.
- (h) Constrictor snakes, six feet in length or more.
- (i) Coyotes (*Canis latrans*).
- (j) Deer (*Cervidae*); includes all members of the deer family, for example, white-tailed deer, elk, antelope and moose.
- (k) Elephants (*Elephas* and *Loxodonta*).
- (l) Gamecocks and other fighting birds.
- (m) Hippopotami (*Hippopotamidae*).
- (n) Hyenas (*Hyaenidae*).
- (o) Jaguars (*Panthera onca*).
- (p) Leopards (*Panthera pardus*).
- (q) Lions (*Panthera leo*).
- (r) Lynxes (*Lynx*).
- (s) Monkeys, old world (*Cercopithecidae*).
- (t) Ostriches (*Struthio*).
- (u) Pumas (*Felis concolor*); also known as cougars, mountain lions and panthers.
- (v) Rhinoceroses (*Rhinocero tidae*).
- (w) Sharks (class *Chondrichthyes*).
- (x) Snow leopards (*Panthera uncia*).
- (y) Tigers (*Panthera tigris*).
- (z) Wolves (*Canis lupus*).
- (aa) Squirrels of flying or non-flying variety.
- (bb) Poisonous insects.
- (cc) Bees, wasps and hornets.
- (dd) Pigs, to include pot-bellied.
- (ee) Snapping turtles.

(5) **Wild Animals; exceptions to Prohibition on Keeping.** The prohibitions of subsection (3) of this section shall not apply where the creatures are in the care, custody or control of a veterinarian for treatment; agricultural fairs; shows or projects of the 4-H Clubs; a display for judging purposes; an itinerant or transient carnival, circus or other show; dog or cat shows or trials; public or private educational institutions; licensed pet shops; or zoological gardens if:

- (a) Their location conforms to the provisions of the zoning ordinance of the city.
- (b) All animals and animal quarters are kept in a clean and sanitary condition and so maintained as to eliminate objectionable odors.
- (c) Animals are maintained in quarters so constructed as to prevent their escape.
- (d) No person lives or resides within 100 feet of the quarters in which the animals are kept.
- (e) No food establishment is located within 100 feet of the quarters in which the animals are kept.

(6) **Animals and Birds, Keeping Of.**

- (a) *Horses, Swine, Cattle, etc.* No person, except a permitted slaughterhouse or meat packer, shall keep horses, swine, cattle, fowl and chickens, sheep or goats in the City, except horses for riding may be kept upon special permit of the City Council after recommendation by the Board of Health.
- (b) *Selling Poultry; Dyed Baby Chicks.* No person shall display, give, or sell dyed, colored or artificially treated baby chicks or ducklings as pets or novelties. No person shall sell, give away or distribute live chicks, ducklings, goslings, poultry or any other young of the poultry family to be used as pets or novelties.
- (c) *Prohibition.* No person, firm or corporation shall keep, feed, or breed any hares, rabbits, guinea pigs, rats, mice, gerbils, chickens, turkeys, geese, ducks, doves, pigeons, parrots of any species, game birds of any species, dogs, cats, reptiles, and amphibians for commercial purposes, within the residential districts.
- (d) *Commercial Purposes.* No person shall conduct for commercial purposes any establishment in which dogs, cats, hares, rabbits, guinea pigs, rats, mice, gerbils, chickens, turkeys, geese, ducks, doves, pigeons, parrots of any species, game birds or any species, are kept and maintained in the commercial or industrial districts without first obtaining from the Department of Public Health a permit so to do.

(7) **Exceptions.** Section 24.33 does not apply to the following animals which are regulated elsewhere or which the Common Council believes do not pose a potential danger if limited to the number specified herein. All numerical limitations apply to the building structure in which the animal is kept. Nothing in this ordinance is intended to supersede existing regulations governing dogs, cats, and pigeons:

- (a) Dogs (*canis familiaris*), Cats (*felis domesticus*), and Pigeons.
- (b) Small birds such as Finches, Parakeets, Cockatoo, Canaries, Cockatiels, etc. if not more than 4 in total.
- (c) Tropical fish.
- (d) Turtles weighing less than 1 pound, excludes snapping turtles.
- (e) Parrots if not more than 2 in total.
- (f) Non-venomous snakes capable of growing to no more than 5 feet at maturity, if not more than 2 in total. Snakes capable of growing to more than 5 feet at maturity are prohibited unless permitted under (1) above regardless of the current length of the snake.

- (g) Non-venomous lizards capable of growing to no more than 3 feet at maturity if not more than 2 in total. Lizards capable of growing to more than 3 feet at maturity are prohibited unless permitted under (1) above regardless of the current length of the lizard.
- (h) Gerbils, guinea pigs, rabbits, rats and mice, not more than 5 in total.
- (i) Frogs, toads, geckos, salamanders, not more than 10 in total.
- (j) Ferrets, not more than 2 in total.
- (k) Such other animals as the Board of Health may from time to time determine do not pose a danger, possible health risk, or nuisance. All such animals determined by the Board of Health that do not pose a danger shall be exempt from the provisions of this ordinance on adoption of a Common Council resolution reflecting the Board's determination.

(8) Each permit issued under this section shall provide that when the number of animals increases over the number permitted by reason of propagation by permitted animals, the person holding the permit shall remove sufficient number of animals from the premises to again be in compliance with the permit within 60 days after the birth of the new animals. Nothing herein or in any permit shall be construed to authorize the operation of a commercial animal enterprise on any premises other than a pet store located in a properly zoned district. The fee for permits issued hereunder shall be established by the Common Council and be included in the Administrative Fee Schedule.

(9) **Health Nuisances.** The Health Officer may prohibit the keeping of any animal or fowl in any place, location or manner which in his judgment would constitute a health nuisance or be in violation of this section.

(10) **Penalty.** If a person violates any provision of this Section such person shall be subject to the general penalty provisions set forth under 24.99 of the South Milwaukee Code. Each day a person keeps any animal in violation of any of the provisions of this ordinance constitutes a separate offense for each animal so kept.

#### 24.34 SYNTHETIC CANNABINOID POSSESSION PROHIBITED

**A. Possession, Use and Sale are Prohibited.** It shall be illegal for any person to use, possess, transport, purchase, attempt to purchase, sell, publically display for sale or attempt to sell, give, trade or barter any one or more of the following chemicals whether under the common street or trade names of "Spice", "K2", "Genie", "Yucatan Fire", "fake" or "new" marijuana, or by any other name, label, or description:

- (1) Salviadinorum or salvinorum A; all parts of the plant presently classified botanically as salvia divinorum, whether growing or not, the seeds thereof; any extract from any part of such plant, and every compound, manufacture, salts derivative, mixture or preparation of such plant, its seeds or extracts;
- (2) (6aR,10aR)-9-(hydroxymethyl)-6, 6dimethyl-3-(2methyloctan-2-yl)-6a, 7, 10, 10a-tetrahydrobenzo[c]chromen-1-o1 some trade or other names: HU-210;
- (3) 1-Pentyl-3-(1-naphthoyl) indole-some trade or other names: JWH-018\spice;
- (4) 1-Butyl-3-(1naphthoyl) indole-some trade or other names: JWH-073;
- (5) 1-(3{trifluoromethylphenyl}) piperazine-some trade or other names: TFMPP;
- (6) or any similar structural analogs.

**B. Exception.** Acts otherwise prohibited under this Section shall not be unlawful if done by or under the direction or prescription of a licensed physician, dentist, or other medical health professional authorized to direct or prescribe such acts.

**C. Penalty.** Any person violating this ordinance shall be subject to a forfeiture of not less than \$250.00 nor more than \$500.00, exclusive of costs

24.99 GENERAL PENALTIES.

- (A) The penalty for violations of any violation of Wisconsin State Statutes adopted by reference in this Code of ordinances shall be limited to a forfeiture which shall not exceed the maximum fine which may be imposed upon conviction of the corresponding state statute, plus allowable costs and required assessments. Rep.& Recr. 12/20/94, 1596; Rep.& Recr. 10/21/97, 1688
- (B) The penalty for violations of ordinances for which no specific penalty is provided in this chapter and the penalty for violations of any regulatory section of the City of South Milwaukee's Municipal Code of Ordinances for which no specific penalty is provided shall be a forfeiture of not more than \$200.00. Cr. 10/21/97, 1688
- (C) JUVENILE PENALTIES. Cr. 10/21/97, 1688
  - (1) The penalty for juveniles who violate any section of this Code adopted by reference to a Wisconsin State Statute in this Code of ordinances shall be the maximum permissible under the State regulations governing juvenile penalties in Municipal Courts for such violations.
  - (2) The penalty for juveniles who violate any provision of this Code not adopted by reference to a State Statute and for which no specific penalty is provided elsewhere shall be the maximum permissible under the State regulations governing juvenile penalties in Municipal Courts for such violations.
- (A) FAILURE TO PAY FORFEITURE. The Municipal Court may order a period of confinement in the House of Correction or other appropriate institution or suspension of the defendant's operator's privileges which shall be imposed in the event the forfeiture imposed by the Municipal Court is not paid when and as ordered by the Court. The Court may also order any other alternative penalty or judgment which it determines to be appropriate in the circumstances and which is authorized by Wisconsin State Statutes. Cr. 10/21/97, 1688.

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