

CHAPTER 110
CRIMES AGAINST PROPERTY

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110-1. Damaging or Tampering with Coin Machines, etc. Any person who, without lawful authority, opens, removes or damages any coin machine, coin telephone or other vending machine dispensing goods or services, or a part thereof, or possesses a key or device specifically designed to open or break any coin machine, coin telephone or other vending machine dispensing goods or services, or possesses a drawing, print or mold of a key or device specifically designed to open or break any coin machine, coin telephone or other vending machine dispensing goods or services within the limits of the city, shall be fined not less than \$50 nor more than \$500 or, upon default of payment thereof, shall be imprisoned in the house of correction of Milwaukee county for not more than 30 days.

110-3. Damaging of Drinking Fountains, etc. 1. PROHIBITED. All persons are prohibited from breaking or otherwise injuring any bubbler, drinking fountain or any drinking bubbler, or in any way injuring, soiling, tampering with or defacing any such bubbler or drinking fountain, or placing dirt, leaves, refuse or matter of any sort in or upon any such bubbler, drinking fountain or drinking bubbler, in any public park, street, sidewalk or ground, or any public building, schoolhouse, hall, museum, library or branch

library, bathhouse, pavilion, recreation house or natatorium in the city. 2. PENALTY. Any person violating this section shall upon conviction be fined not less than \$5 nor more than \$50.

110-4. Damaging of Public Property. 1. TREES, GRASS, STRUCTURES. All persons are prohibited from breaking or otherwise injuring any tree, shrub or plant; breaking, soiling or defacing any fountain, statue or other ornamental structure; treading, walking or riding upon any grass plot; or in any way injuring, soiling or defacing any public property in any public park, square, sidewalk or ground in the city, whether the same shall be owned or held in trust by said city or held in trust for the use of any district of said city.

2. PENALTY. Any person violating this section shall upon conviction be fined not less than \$5 nor more than \$50.

110-8. Breaking of Street Lamps or Windows. Any person who shall break glass in any street lamps or windows of any building owned or occupied by the city shall be punished by a fine of not less than \$10 for each and every offense.

110-10. Trespassing Upon Lands, Buildings or Premises; Signs. 1. PROHIBITED GENERALLY. It shall be unlawful for any person within the limits of the city to go upon or in, or remain upon or in, the land, building, or premises of another or any part, portion or area thereof after having been forbidden to do so or warned not to do so, either orally or in writing, by the owner or other lawful occupant, including a lessee, custodian or other person in possession thereof or his or her agent or representative, or after having been forbidden to do so or warned not to do so by a sign posted on such land, building, premises or part, portion or area thereof at a place where such sign may be reasonably seen, provided that this section shall not apply to police officers or fire fighters in the discharge of official duties. A visible posted sign indicating that such land, building, or premises or part, portion or area thereof is closed a time certain is sufficient warning and notice to all persons that their presence on or in such land, building, or premises or part, portion or area thereof is contrary to this subsection and unlawful. This subsection shall not apply to a person lawfully

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carrying a firearm as defined in s. 105-34-2-h if the person is licensed under s. 175.60, Wis. Stats., or permitted as an out-of-state licensee, to carry a firearm and if the intent of the owner or lawful occupant is solely to prevent a licensee or out-of-state licensee from carrying a firearm on the land of the owner or lawful occupant.

2. TRESPASS TO BUILDINGS WHILE CARRYING A FIREARM.

a. Definitions. In this section:

a-1. "Carry" means to go armed with.

a-2. "Dwelling unit" means a structure or that part of a structure which is used or intended to be used as a home, residence or sleeping place by one person or by 2 or more persons maintaining a common household, to the exclusion of all others.

a-3. "Implied consent" means conduct or words or both that imply that an owner or occupant of land has given consent to another person to enter the land.

a-4. "License" means a license to carry a concealed weapon under s. 175.60, Wis. Stats.

a-5. "Licensee" means a licensee, as defined in s. 175.60 (1) (d), Wis. Stats., or an out-of-state licensee, as defined in s. 175.60 (1) (g), Wis. Stats.

a-6. "Nonresidential building" includes a nursing home, a community-based residential facility, a residential care apartment complex, an adult family home and a hospice as these are defined in ch. 50, Wis. Stats.

a-7. "Place of employment" has the meaning given in s. 101.01 (11), Wis. Stats.

a-8. "Private property" means real property that is not owned by the United States, this state or a local governmental unit.

a-9. "Open land" means land that meets all of the following criteria:

a-9-a. The land is not occupied by a structure or improvement being used or occupied as a dwelling unit.

a-9-b. The land is not in the immediate vicinity of a structure or improvement being used or occupied as a dwelling unit.

a-9-c. The land is not occupied by a public building.

a-9-d. The land is not occupied as a place of employment.

a-10. "Special event" means an event that is open to the public, is for a duration of not more than 3 weeks, and either has designated entrances to and from the event that are locked when the event is closed or requires an admission.

b. Prohibited. It is unlawful for any person, while carrying a firearm, to enter or remain:

b-1. At a residence that the actor does not own or occupy after the owner of the residence, if he or she has not leased it to another person, or the occupant of the residence has notified the actor not to enter or remain at the residence while carrying a firearm or with that type of firearm. In this paragraph, "residence," with respect to a single-family residence, includes the residence building and the parcel of land upon which the residence building is located, and "residence," with respect to a residence that is not a single-family residence, does not include any common area of the building in which the residence is located or any common areas of the rest of the parcel of land upon which the residence building is located.

b-2. In a common area in a building, or on the grounds of a building, that is a residence that is not a single-family residence if the actor does not own the residence or does not occupy any part of the residence, if the owner of the residence has notified the actor not to enter or remain in the common area or on the grounds while carrying a firearm or with that type of firearm. This paragraph does not apply to a part of the grounds of the building if that part is used for parking and the firearm is in a vehicle driven or parked in that part.

b-3. In any part of a nonresidential building, grounds of a nonresidential building, or land that the actor does not own or occupy after the owner of the building, grounds, or land, if that part of the building, grounds, or land has not been leased to another person, or the occupant of that part of the building, grounds, or land has notified the actor not to enter or remain in that part of the building, grounds, or land while carrying a firearm or with that type of firearm. This paragraph does not apply to a part of a building, grounds or land occupied by the state or by a local governmental unit, to a privately or publicly-owned building on the grounds of a university or college, or to the grounds of or land owned or occupied by a university or college, or, if the firearm is in a vehicle driven or parked in the parking facility, to any part of a building, grounds or land used as a parking facility.

b-4. At a special event if the organizers of the special event have notified the actor not to enter or remain at the special event while carrying a firearm or with that type of firearm. This paragraph does not apply, if the firearm is in

a vehicle driven or parked in the parking facility, to any part of the special event grounds or building used as a parking facility.

b-5. In any part of a building that is owned, occupied or controlled by the state or any local governmental unit, excluding any building or portion of a building under s. 175.60 (16) (a), Wis. Stats., if the state or local governmental unit has notified the actor not to enter or remain in the building while carrying a firearm or with that type of firearm. This paragraph does not apply to a person who leases residential or business premises in the building or, if the firearm is in a vehicle driven or parked in the parking facility, to any part of the building used as a parking facility.

b-6. In any privately or publicly-owned building on the grounds of a university or college, if the university or college has notified the actor not to enter or remain in the building while carrying a firearm or with that type of firearm. This paragraph does not apply to a person who leases residential or business premises in the building or, if the firearm is in a vehicle driven or parked in the parking facility, to any part of the building used as a parking facility.

c. Determining Implied Consent. A determination that a person has implied consent to enter the land of another shall be based upon consideration of all the circumstances existing at the time the person entered the land, including all of the following whether the owner or occupant permitted previous entries by the person or by other persons under similar circumstances, the customary use of the land by other persons, whether the owner or occupant represented to the public that the land may be entered for particular purposes and the general arrangement or design of any improvements or structures on the land.

d. Methods of Providing Notice. A person has received notice from the owner or occupant within the meaning of par. b if he or she has been notified personally, either orally or in writing, or if the land is posted. Land is considered to be posted or notice is considered given if:

d-1. A sign at least 11 inches square is placed in at least 2 conspicuous places for every parcel to be protected. The sign shall provide an appropriate notice and the name of the person giving the notice followed by the word "owner" if the person giving the notice is the holder of legal title to the land and by the word "occupant" if the person giving the notice is not the holder of legal title but is a lawful occupant of the land. Proof that appropriate signs as provided in this

subdivision were erected or in existence upon the premises to be protected prior to the event complained of is sufficient to prove that the premises to be protected were posted as provided in this subdivision.

d-2. Markings at least one-foot long, including in a contrasting color the phrase "private land" and the name of the owner, are placed in at least 2 conspicuous places for every 40 acres to be protected. The sign shall be at least 5 inches by 7 inches.

d-3. Notice has otherwise been provided consistent with s. 943.13(2)(bm)2, Wis. Stats.

3. TRESPASSING UPON STREETCAR, VEHICLE OR RAILROAD TRAIN. It shall be unlawful for any person within the limits of the city to go upon or in, or remain upon or in, the Milwaukee streetcar, or any public or private vehicle as defined by s. 340.01(74), Wis. Stats., or railroad train as defined by s. 340.01(48), Wis. Stats., of another or any part, portion or area thereof after having been forbidden to do so or warned not to do so, either orally or in writing, by the owner or other lawful occupant, including a lessee, custodian or other person in possession thereof or his or her agent or representative, or after having been forbidden to do so or warned not to do so by a sign posted on such streetcar, public or private vehicle or railroad train of another or any part, portion or area thereof where such sign may be reasonably seen, provided that this subsection shall not apply to police officers or fire fighters in the discharge of official duties.

4. PENALTY. a. Any person violating this section shall upon conviction be fined not less than \$100 nor more than \$1,000 and upon default of payment may be imprisoned as provided by law.

b. Any person violating this section while carrying a firearm or other dangerous weapon who is not licensed under s. 175.60, Wis. Stats., or permitted as an out-of-state licensee, to carry a firearm, shall upon conviction be fined not less than \$500 nor more than \$1,000 and upon default of payment may be imprisoned as provided by law.

110-11. Nonpayment of Motor Bus Fare.

1. DEFINITION. In this section, "motor bus" has the meaning specified in s. 340.01 (31), Wis. Stats.

2. PROHIBITION. No person who intentionally enters a motor bus that transports persons for hire shall:

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a. Refuse to pay, without delay, upon demand of the operator or other person in charge of the motor bus, the prescribed transportation fare.

b. Attempt to avoid payment of the fare either partially or in full through various means, including but not limited to, the use of a counterfeit, stolen, mutilated or altered ticket, pass, transfer or other bus fare medium.

c. Aid another person to avoid payment of the prescribed transportation fare.

3. PENALTY. Any person who violates this section shall be subject to a forfeiture of \$25 and upon default of payment shall be imprisoned in the county jail or house of correction of Milwaukee county for one day.

110-12. Eviction, Forcible Entry and Denial of Access to a Premises. 1. PROHIBITED ACTS.

a. No landlord, landlord's agent or anyone acting under color of authority from a landlord may make any forcible entry into the premises of a residential tenant, or threaten to make such a forcible entry, or attempt to enter the premises by the use of stealth or stratagem during the term or after the expiration of the tenant's tenancy. No landlord, landlord's agent, or person acting under color of authority of a landlord may forcibly hold possession of residential premises or a tenant's personal property, the possession of which was obtained without the use of force.

b. No tenant or anyone acting at the direction of a tenant may change or add locks or physically alter the structure of the premises or any fixtures located on the premises without the express written permission of the landlord. No tenant or any member of a tenant's household may deny a landlord access to the premises under sub. 3-b.

2. DEFINITION. In the section "forcible" means any of the following:

a. The actual or threatened use of physical force against a tenant or any member of the tenant's household.

b. The actual or threatened use of force with respect to any of the tenant's personal property.

c. Denial of access to the tenant or any member of the tenant's family to the premises or any personal property located on the premises.

d. Changing the locks or the physical alteration of the structure of the premises or any fixtures located on the premises with the intent to deprive the tenant of access thereto.

e. The actual or threatened interruption to the premises of the supply of fuel, heat, electricity or water.

f. Removal of doors, windows or other building components affecting the health or safety of the occupants.

3. EXCEPTIONS. a. This section does not apply to the exercise of liens of innkeepers and keepers of hotels or boarding or lodging houses under s. 779.43, Wis. Stats., or affect the provisions of s. ATCP 134.09, Wis. Adm. Code.

b. The landlord may upon advance notice and at reasonable times inspect the premises, make repairs and show the premises to prospective tenants or purchasers. If the tenant is absent from the premises and the landlord reasonably believes that entry is necessary to preserve or protect the premises, the landlord may enter without notice and with such force as appears necessary. Advance notice means at least 12 hours advance notice unless the tenant, upon being notified of the proposed entry, consents to a shorter time period.

4. PENALTY. Any person who violates this section shall upon conviction forfeit not less than \$25 nor more than \$500 together with costs of prosecution or, in default of payment, may be imprisoned in the house of correction of Milwaukee County for not more than 90 days. Each day during which a violation continues shall be determined a separate and distinct offense.

110-15. Vandalism. Whoever within the limits of the city intentionally causes damage to any physical property of another without his or her consent shall upon conviction thereof be fined not more than \$500, and upon default of payment shall be imprisoned in the Milwaukee county jail or the house of correction of Milwaukee county for not more than 60 days.

110-15.5. Vandalism - Graffiti Related.

1. PROHIBITED CONDUCT. No person may write, paint, or draw any inscription, figure, or mark of any type on any public or private building or other real or personal property owned, operated or maintained by a government entity or any agency or by any person, firm or corporation unless the express permission of the owner or operator of the property has been obtained.

2. PENALTIES. a. Any person convicted of violating this section shall forfeit not less than \$500 nor more than \$2,000 per violation, or upon default of payment be imprisoned for not more than 80 days, if the

amount of defacement, damage or destruction to physical property is \$500 or less.

b. Any person convicted of violating this section shall forfeit not less than \$1,000 nor more than \$2,000 per violation, or upon default of payment be imprisoned for not more than 80 days, if the amount of defacement, damage or destruction to physical property is more than \$500.

110-15.7. Vandalism; Vacant Buildings.

1. FINDINGS. The common council finds that a significant relationship exists between the vandalizing of vacant buildings and increased calls for police services, higher incidence of fires, both accidental and intentional, and decline and disinvestment in neighborhoods. Vandalized vacant buildings become havens for vandalism, arson and drug crimes, representing not only a drain of valuable governmental resources, but also creating a significant reduction of the quality of life for the surrounding neighborhood. The common council further finds that vandalized vacant buildings are rarely repaired and become a neighborhood blight, eventually requiring demolition of buildings. These abandoned buildings place an undue and inappropriate burden on the taxpayers of the city and pose an increased risk to public safety. This section is intended to reduce and prevent neighborhood blight, to ameliorate conditions that threaten the health, safety and welfare of the public, to promote neighborhood stability and residential owner occupancy by preserving the condition and appearance of residential properties, and to maintain residential property values and assessments.

2. PROHIBITED CONDUCT. No person may vandalize or remove materials from a vacant building without the express permission of the owner or operator of the property or by order of the department of neighborhood services relating to razing of the building.

3. PENALTIES. a. Any person convicted of violating this section and causing more than \$500 damage to a vacant building shall forfeit not less than \$1,000 nor more than \$5,000 per violation, and in default of payment thereof may be imprisoned in an appropriate county facility as allowed by law.

110-16. Theft. 1. DEFINITIONS. In this section:

a. "Movable property" shall mean property whose physical location can be changed without limitation, including electricity and gas, documents which represent or embody

intangible rights, and things growing on, affixed to or found in land.

b. "Property" means all forms of tangible property, whether real or personal, without limitation including electricity, gas and documents which represent or embody a chose in action or other tangible rights.

c. "Property of another" includes property in which the actor is a co-owner and property of a partnership of which the actor is a member, unless the actor and the victim are husband and wife.

d. "Value" means the market value at the time of the theft or the cost to the victim of replacing the property within a reasonable time after the theft, whichever is less, but if the property stolen is a document evidencing a chose in action or other intangible right, value shall mean either the market value of the chose in action or other right or the intrinsic value of the document, whichever is greater. If the thief gave consideration for, or had a legal interest in, the stolen property, the amount of such consideration or value of such interest shall be deducted from the total value of the property.

2. INTENTIONAL. Whoever intentionally takes and carries away, uses, transfers, conceals or retains possession of movable property of another valued at less than \$500 without his or her consent and with intent to deprive the owner permanently of possession of such property may be penalized as provided in sub. 4.

3. AIDING AND ABETTING. Whoever is concerned in the commission of a violation of this section is a principal and may be charged with and convicted of the commission of a violation of this section although he or she did not directly commit it and although the person who directly committed it has not been convicted or has been convicted of some other violation based on the same act. A person is concerned in the commission of a violation of this section if he or she: directly commits a violation of this section; intentionally aids and abets the commitment of it; or is a party to a conspiracy with another to commit it or advises, hires, counsels or otherwise procures another to commit it. Such a party is also concerned in the commission of any other violation of the code which is committed in the pursuance of the intended violation of this section and which under the circumstances is a natural and probable consequence of the intended violation of this section. This subsection does not apply to a person who voluntarily changes his or her mind and no longer desires that a violation of this

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section be committed, and notifies the other parties concerned of his or her withdrawal within a reasonable time before the commission of a violation of this section so as to allow the others also to withdraw.

4. PENALTY. Any person violating this section upon conviction thereof shall be fined not more than \$500 and upon default of payment shall be imprisoned in the county jail or the house of correction of Milwaukee county for not more than 60 days.

110-18. Tapping of Public Utilities.

1. PROHIBITED. Any person who, without permission and for the purpose of obtaining electrical current, gas or water with intent to defraud any vendor of electricity, gas or water doing any of the following shall be subject to the forfeiture provided in sub. 2.

a. Connects or causes to be connected by wire or any other device with the wire, cables or conduits of any vendor.

b. Connects or disconnects the meters, pipes or conduits, or connects with the meters, pipes or conduits by pipes, conduits or other instruments.

2. PRESUMPTIVE EVIDENCE. The existence of any of the conditions with reference to meters, pipes, conduits or attachments, described in this section, shall be presumptive evidence that the person to whom gas, electricity or water is at the time being furnished by or through the meters, pipes, conduits or attachments has, with the intent to defraud, created or caused to be created the conditions. The presumption shall not apply to any person furnished with gas, electricity or water less than 31 days or until there has been at least one meter reading.

3. ENFORCEMENT. The police department and department of neighborhood services shall have responsibility for the enforcement of this action.

4. PENALTY. a. Any person violating this section shall be subject to a forfeiture of not less than \$100 nor more than \$500, and in default of payment thereof, may be imprisoned as provided by law.

b. Any person who commits a second or subsequent violation of this section shall be subject to a forfeiture of not less than \$200 nor more than \$500, and in default of payment thereof, may be imprisoned as provided by law.

110-32. Fraud on Hotel or Restaurant Keeper.

1. UNLAWFUL. Whoever does either of the following within the limits of the city shall, upon conviction, be fined not more than \$500 or upon default of payment may be imprisoned in the house of correction of Milwaukee county for not more than 60 days:

a. Having obtained any food, lodging or other service or accommodation at any hotel, motel, boarding or lodging house, or restaurant, intentionally absconds without paying for it.

b. While a guest at any hotel, motel, boarding or lodging house or restaurant, intentionally defrauds the keeper thereof in any transaction arising out of such relationship as guest.

2. INTENT TO DEFRAUD. Under this section, prima facie evidence of an intent to defraud is shown by:

a. The refusal of payment upon presentation when due, and the return unpaid of any bank check or order for the payment of money, given by any guest to any hotel, motel, boarding or lodging house, or restaurant, in payment of any obligation arising out of such relationship as guest. Such facts shall also be deemed prima facie evidence of an intent to abscond without payment.

b. The failure or refusal of any guest at a hotel, motel, boarding or lodging house or restaurant, to pay, upon written demand, the established charge for food, lodging or other service or accommodation actually rendered.

c. The giving of false information on a lodging registration form or the presenting of false or fictitious credentials for the purpose of obtaining lodging or credit.

d. The drawing, endorsing, issuing or delivering to any hotel, motel, boarding or lodging house, or restaurant, of any check, draft or order for payment of money upon any bank or other depository, in payment of established charges for food, lodging or other service or accommodation, knowing at the time that there is not sufficient credit with the drawee bank or other depository for payment in full of the instrument drawn.

110-35. Retail Theft. 1. INTENTIONAL. Whoever intentionally alters indicia of price or value of merchandise or who takes and carries away, transfers, conceals or retains possession of merchandise held for resale by a merchant or property of a merchant, without his or her consent and with intent to deprive the merchant

permanently of possession of the full purchase price of the merchandise, may be penalized as provided in sub. 6 if the retail price of the merchandise involved is less than \$500.

2. CONCEALMENT. The intentional concealment of unpurchased merchandise which continues from one floor to another or beyond the last station for receiving payments in a merchant's store is evidence of intent to deprive the merchant permanently of possession of such merchandise without paying the purchase price thereof. The discovery of unpurchased merchandise concealed upon the person or among the belongings of such person or concealed by a person upon the person or among the belongings of another is evidence of intentional concealment on the part of the person so concealing such goods.

3. DETAINMENT. A merchant or merchant's adult employee who has probable cause for believing that a person has violated this section in his or her presence may detain the person in a reasonable manner for a reasonable length of time to deliver the person to a peace officer, or to his or her parent or guardian in the case of a minor. The detained person must be promptly informed of the purpose of the detention and be permitted to make phone calls, but he or she shall not be interrogated or searched against his or her will before the arrival of a peace officer, who may conduct a lawful interrogation of the accused person. Compliance with this subsection entitles the merchant or his or her employee effecting the detention to the same defense in any action as is available to a peace officer making an arrest in the line of duty.

4. EVIDENCE. a. In any action or proceeding for violation of this section, duly identified and authenticated photographs of merchandise which was the subject of the violation may be used as evidence in lieu of producing the merchandise.

b. A merchant or merchant's adult employee is privileged to defend property as prescribed in s. 939.49, Wis. Stats.

6. PENALTY. Any person violating this section upon conviction thereof shall be punished by a fine not to exceed \$500 together with costs for each and every offense, and in default of payment of either such fine or costs shall be confined in jail or the house of correction in Milwaukee county for a term of not more than 90 days at the discretion of the court.

110-36. Shopping Cart Management.

1. FINDINGS. The common council finds abandoned shopping carts blight neighborhoods, reduce property values, obstruct pedestrian and vehicular traffic in the public rights-of-way, and constitute a hazard to the health, safety, and general welfare of the city.

2. DEFINITIONS. In this section:

a. "Abandoned shopping cart" means an unattended shopping cart on any public street, alley, sidewalk, or other public or private way within the city other than the cart provider's premises.

b. "Cart provider" means any business establishment that provides 25 or more shopping carts for use by patrons.

c. "Cart provider's premises" means the area maintained or managed by a cart provider for the conduct of business, including buildings, parking areas, storage areas and adjacent walkways.

d. "Shopping cart" means a basket of any size, mounted on wheels, rollers or similar devices, provided by a cart provider for transporting merchandise of any kind on the cart provider's premises.

3. CART IDENTIFICATION AND POSTING. a. The cart provider's name and premises address shall be securely attached to, or marked in a conspicuous place, upon each shopping cart provided for customers, or within 5 business days of the purchase of a new or a replacement shopping cart.

b. The cart provider shall post or cause to be posted a copy, or a summary, of sub. 4 and sub. 8-a in a conspicuous place within the cart provider's premises.

4. CART REMOVAL, POSSESSION OR ABANDONMENT. a. No person shall remove, or cause to be removed, a shopping cart from the cart provider's premises without express permission of the cart provider.

b. No person shall be in possession of a shopping cart beyond the boundaries of the cart provider's premises without express permission of the cart provider.

c. No person shall abandon or leave unattended a shopping cart upon any public street, alley, sidewalk, or other public or private way within the city other than the cart provider's premises.

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5. ANTI-THEFT MEASURES. If the department of public works retrieves or returns 100 or more shopping carts provided by a single cart provider within 12 months under sub. 7, the cart provider shall implement one of the following anti-theft measures to prevent shopping cart removal from the cart provider's premises:

a. Equip all carts with devices to disable and render inoperable any cart removed from the cart provider's premises.

b. Require a security deposit for the use of each shopping cart, refundable upon return of the shopping cart to a designated area on the cart provider's premises.

c. Install of bollards, chains, fences of other physical measures to prevent the removal of shopping carts from the cart provider's premises.

d. Assign personnel employed directly or indirectly by the cart provider to be primarily responsible for preventing removal of shopping carts from the cart provider's premises.

6. SHOPPING CART RETURN. Each cart provider shall make reasonable efforts to promptly return to its premises any abandoned shopping cart removed from the cart provider's premises.

7. DISPOSITION OF ABANDONED SHOPPING CARTS. Any abandoned shopping cart not promptly returned to its premises by the cart provider shall be, at the sole discretion of the department of public works, be disposed of in one of the following manners:

a. Retrieved by the department of public works, and transported to the city self-help center. Carts not claimed at the city's self-help center within 5 days shall be the property of the city of Milwaukee. A reasonable attempt shall be made by the department retrieving and transporting an abandoned shopping cart to notify the cart provider of the shopping cart's abandonment at the time of retrieval, or within 5 days of the shopping cart's transport to the city self-help center.

b. Returned by the department of public works to the premises of the cart provider.

8. PENALTIES. a. Removal, Possession or Abandonment. Any person who violates sub. 4 shall forfeit not less than \$25 nor more than \$500 for each offense, and in default of payment thereof, be imprisoned as provided by law.

b. Cart Retrieval or Return. For each shopping cart retrieved or returned in a calendar year by the department of public works under sub. 7, a cart provider shall incur the following forfeiture:

b-1. \$50 for the first through the 25th shopping cart.

b-2. \$100 forfeiture for the 26th through the 50th shopping cart.

b-3. \$150 forfeiture for the 51st through the 100th shopping cart.

b-4. \$250 forfeiture for the 101st and all subsequent shopping carts.

c. Failure to Identify Carts. A cart provider shall forfeit not less than \$250 nor more than \$1,000 per shopping cart retrieved by the department of public works under sub. 7 without proper identification as provided under sub. 3-a, and in default of payment thereof, be imprisoned as provided by law.

d. Failure to Implement Anti-theft Measures. Any cart provider who violates sub. 5 shall, upon conviction, forfeit not less than \$250 nor more than \$1,000 per shopping cart unprotected by an anti-theft measure, and in default of payment thereof, be imprisoned as provided by law.

LEGISLATIVE HISTORY
CHAPTER 110

Abbreviations:

am = amended
cr = created

ra = renumbered and amended
rc = repealed and recreated

rn = renumbered
rp = repealed

| <u>Section</u> | <u>Action</u> | <u>File</u> | <u>Passed</u> | <u>Effective</u> |
|----------------|------------------|-------------|---------------|------------------|
| 110-10 | rc | 110471 | 10/15/2013 | 11/1/2013 |
| 110-10-0 | am | 190279 | 6/18/2019 | 7/5/2019 |
| 110-10-1 | rc | 190279 | 6/18/2019 | 7/5/2019 |
| 110-10-3 | rn to 110-10-4 | 190279 | 6/18/2019 | 7/5/2019 |
| 110-10-3 | cr | 190279 | 6/18/2019 | 7/5/2019 |
| 110-11 | cr | 050516 | 2/28/2006 | 3/17/2006 |
| 110-12 | cr | 86-1909 | 3/17/87 | 4/3/87 |
| 110-12-3-a | am | 930451 | 7/27/93 | 8/13/93 |
| 110-14 | cr | 950451 | 7/14/95 | 7/29/95 |
| 110-14 | rp | 980134 | 5/27/98 | 6/13/98 |
| 110-15.5 | cr | 932002 | 4/26/94 | 5/13/94 |
| 110-15.5-2 | rc | 041220 | 2/1/2005 | 2/18/2005 |
| 110-15.7 | cr | 111512 | 4/11/2012 | 4/28/2012 |
| 110-16 | rc | 84-1161 | 12/11/84 | |
| 110-16-1-b | rn to 110-16-1-c | 882437 | 4/4/89 | 4/22/89 |
| 110-16-1-b | cr | 882437 | 4/4/89 | 4/22/89 |
| 110-16-1-c | rn to 110-16-1-d | 882437 | 4/4/89 | 4/22/89 |
| 110-16-2 | am | 020654 | 9/24/2002 | 10/11/2002 |
| 110-18 | cr | 130640 | 9/24/2013 | 10/11/2013 |
| 110-35-1 | am | 020654 | 9/24/2002 | 10/11/2002 |
| 110-36 | rc | 170927 | 2/6/2018 | 2/23/2018 |
| 110-36-0 | am | 031615 | 6/15/2004 | 7/2/2004 |
| 110-36-1 | rc | 031615 | 6/15/2004 | 7/2/2004 |
| 110-36-3 | rc | 031615 | 6/15/2004 | 7/2/2004 |
| 110-36-3-b | am | 881930 | 3/7/89 | 3/25/89 |
| 110-36-4 | am | 881930 | 3/7/89 | 3/25/89 |
| 110-36-4 | rc | 031615 | 6/15/2004 | 7/2/2004 |

110-- Crimes Against Property

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