

**INSTRUCTION SHEET
ADDITIONS TO
MILWAUKEE CODE OF ORDINANCES
VOLUME 1**

SUMMARY

This supplement incorporates changes to Volume 1 of the Milwaukee Code of Ordinances enacted by the following Common Council files:

230817 A substitute ordinance relating to nuisance odor regulations.

Remove old MEMO (Suppl. #426)

<u>Section Affected</u>	<u>Action</u>	<u>File Number</u>	<u>Effective Date</u>	<u>Remove Pages</u>	<u>Add Pages</u>
64-1	corr			i-ii v-vi 121-122	i-ii v-vi 121-122
80-6	rc	230817	11/18/2023	229-232	229-232b

For subscription, distribution or insertion questions contact the Municipal Research Library, Code Section, (414) 286-2280.

For questions concerning the content of the Milwaukee Code of Ordinances contact the Municipal Research Library, (414) 286-2297.

Abbreviations:

am=amended	ra=renumbered and amended	rn=renumbered
cr=created	rc=recreated	rp=repealed
corr=correction		

CITY OFFICIALS

2020 to 2024

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Cavalier Johnson

Council President
Jose G. Perez

The Common Council
(By Aldermanic District)

1. Andrea M. Pratt
2. Mark Chambers Jr.
3. Jonathan Brostoff
4. Robert J. Bauman
5. Lamont Westmoreland
6. Milele A. Coggs
7. Khalif Rainey
8. JoCasta Zamarripa

9. Larresa Taylor
10. Michael Murphy
11. Mark A. Borkowski
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13. Scott P. Spiker
14. Marina Dimitrijevic
15. Russell W. Stamper, II

City Clerk: Jim Owczarski
Deputy: Dana Zelazny

City Attorney
Tearman Spencer

City Comptroller
Aycha Sawa

City Treasurer
Spencer Coggs

Municipal Judges

Branch 1
Valarie Hill

Branch 2
Molly Gena

Branch 3
Phil Chavez

FORWARD

In 1989, volume 1 of the Milwaukee Code of Ordinances was printed in its current format of an updatedable looseleaf format. As changes to these ordinances are passed by the Common Council, the Legislative Reference Bureau will issue replacement pages for this book. Thus, it can be a current and reliable resource to its users.

Volume 1, which contains chapters numbering 50 to 199, contains administrative ordinances which pertain to the organization and operation of Milwaukee's city government. Other looseleaf volumes include Volume 2 (Building and Zoning Code), Volume 3 (Administrative Ordinances), and the City Charter.

The numbering system for the Milwaukee City Charter and Code of Ordinances is patterned on that used for the Wisconsin Statutes (except for the use of dashes in place of parentheses) and is as follows:

Chapter	Section	Subsection	Paragraph	Subdivision	Subparagraph
70	10	3	a	4	b

If there are questions regarding the numbering system, or the correct method of citation, please contact the Legislative Reference Bureau.

Keith Broadnax, Manager
Legislative Reference Bureau
May 2023

MEMO

If all supplements have been properly inserted, this book contains all actions of the Common Council through October 31, 2023

Revised 10/31/2023
Suppl. #427

**CHAPTER 64
CAMPGROUNDS**

TABLE

64-1	Adoption of State Code
64-3	Definition
64-5	Enforcement

64-1. Adoption of State Code. Except as otherwise provided in this chapter, the city of Milwaukee adopts ch. ATCP 79, Wis. Adm. Code, as amended. The city also adopts ch. 254, Wis. Stats.

64-3. Definition. In this chapter, "department" means the health department or any department to which health department functions or duties under this chapter have been delegated pursuant to a memorandum of understanding.

64-5. Enforcement. The department shall enforce the provisions of this chapter where applicable.

For the legislative history of Chapter 64, contact the Municipal Research Library.

64 - Campgrounds

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80-2 Nuisances

80-2. Authority to Abate Nuisances.

1. COMMISSIONER AUTHORIZED TO ABATE. The commissioner shall have the authority to cause the summary abatement of any nuisance found on any premises in accordance with the procedure prescribed in s. 80-8.

2. ENFORCEMENT BY INJUNCTION. The regulations of this chapter may be enforced by means of injunction.

80-3. Private Visual Presentations in Commercial Establishments. Commercial establishments which offer private viewing of movies, tapes, slides, pictures or live performance of any kind shall comply with the following:

1. BOOTH ACCESS. Each booth shall be totally accessible to and from aisles and public areas of the establishment. Access to a booth shall be unrestricted by doors, locks or other control-type devices.

2. BOOTH CONSTRUCTION. a. Any booth used to view a movie, tape, slide, picture or live performance of any kind must be so constructed as to discourage sexual activity and the spread of communicable disease by including, but not being limited to the following requirements:

a-1. Every booth shall be separated from adjacent booths and any nonpublic areas by a wall.

a-2. Every booth shall have at least one side totally open to a public, lighted aisle so that there is an unobstructed view at all times of anyone occupying the booth.

a-3. All walls shall:

a-3-a. Be solid, without any openings.

a-3-b. Extend from the floor to a height of not less than 6 feet.

a-3-c. Be light-colored, nonabsorbent, smooth-textured and easily cleanable.

b. The floor must be light-colored, nonabsorbent, smooth-textured and easily cleanable.

c. The lighting level of each booth when not in use shall be a minimum of 10 foot candles at all times.

3. BOOTH OCCUPANTS. a. Only one individual shall occupy a booth at any time.

b. No individual occupying a booth shall, at any time, engage in any type of sexual activity or cause any bodily discharge or litter associated with sexual activity while in the booth.

c. No individual shall damage or deface any portion of the booth.

4. OPERATOR RESPONSIBILITY. It shall be the responsibility of the owner, operator, licensee and employees of the establishment to

a. Maintain the premises in a clean and sanitary manner at all times.

b. Maintain at least 10 foot candles of light in the public portion of the establishment, including aisles, at all times.

c. Insure compliance of the establishment and its patrons with the provisions of this section.

d. Post the regulations concerning booth occupancy on signs, with lettering at least one inch high, that are placed in conspicuous areas of the establishment and in each of the viewing booths.

5. ENFORCEMENT. a. Both the department and the police department shall have the authority to inspect the premises during operating hours and to enforce the provisions of this section.

b. Failure to comply with the requirements of this section may constitute grounds for the suspension, revocation or nonrenewal of licenses issued by the city to operate such an establishment.

c. Violation of any provision of this section constitutes a public nuisance.

80-6. Offensive Odors from Factories or Shops.

1. FINDING. Any gas plant, factory, yard, store house, building or structure of any kind, tallow, chandler's shop, soap factory, tannery, distillery, livery stable, cattle yard, shed, barn, packing house, slaughter house, rendering establishment, coal pile, rubbish accumulation, stagnant pool, sink hole or other thing which shall become noxious, foul or offensive, or which shall emit foul or offensive odors, gases, effluvia or stench, or which shall be dangerous or prejudicial to the public health, is declared to be a public nuisance.

2. ENFORCEMENT PROCEDURE.

a. The commissioner of health or commissioner of neighborhood services may commence prosecution for an odor nuisance violation upon verification by a health department or department of neighborhood services inspector of the existence of a nuisance described in sub. 1.

b. As an alternative to commencement of prosecution based upon direct verification by a health department or department of neighborhood services inspector, the commissioner of health or commissioner of neighborhood services may commence prosecution upon receipt of a written complaint submitted by a member of the public that complies with the requirements of par. c and which alleges the existence of a nuisance described in sub. 1.

c. A complaint by a member of the public, sufficient to authorize the commencement of an odor nuisance prosecution in the absence of direct verification of the odor by a health department or department of neighborhood services inspector shall include relevant information relating to the date, time and place of the alleged odor nuisance, the nature of the odor nuisance, and shall identify the person or persons responsible for or allowing the odor, or alternatively, shall include information leading to the identification of the person or persons by the health department or department of neighborhood services. Information included in the complaint shall also identify one or more persons who experienced or were affected by the odor, at least one of whom is an adult available to testify in court.

d. Testimony required. No person shall be convicted under this procedure except upon testimony of at least one affected adult person.

80-6.1. Discharge of Offensive or Hazardous Substances. Any industry, factory, shop, yard or premises which discharges, as defined in s. 236-41-1-a, any dust, lint, fumes, particles, vapors, mist, waste or hazardous substance, as defined in s. 236-41-1-b, or any other matter which is dangerous, or which threatens, impairs or effects the public health, is declared a public nuisance.

80-6.2. Excessive Discharge of Air-polluting Materials Prohibited. Any person or persons, firm, corporation or organization which in the conduct of any activity or business carries on any operation or activity which allow or cause to be emitted into the open air any dust, lint, fumes, particles, vapors, mist, gases, offensive odors, waste or any other matter in such a manner as to cause injury, detriment, nuisance or annoyance to any person, or to threaten to or does impair or affect the health of any person or to endanger the health or safety of any person, or to cause or have a natural tendency to cause injury or damage to business or property, shall take the most effective practical measures to reduce such discharge to a minimum. The commissioner is empowered to determine what measures are practical in any given instance and shall be guided by the generally accepted modern standards of control measures for the given operation, activity or industry in making such determination. The commissioner may order such changes or improvements necessary to meet the requirements of this section. The person, firm, corporation or organization shall comply with such an order within the period of time deemed reasonable by the commissioner.

80-7. Garage, Service Station, or Parking Lot Nuisances. Any public garage, used car lot, automobile service station, parking lot or space which shall become noxious, foul, offensive or dangerous and prejudicial to public health or which shall seriously or permanently interfere with life or safety by the testing or running of gasoline engines at various speeds, backfire or the emitting of smoke and gases, odors of gasoline or oils, or the stirring up of dusts and dirt, is declared a public nuisance.

80-8 Nuisances

80-8. Notice to Abate Nuisance. It shall be the duty of the commissioner to give notice in writing to the person, firm or corporation owning, occupying, in charge or control of any premises or vehicle wherein a public nuisance shall be, to forthwith abate and remove the same; and any premises or conditions so described in ss. 80-6 to 80-7 which shall be so maintained or permitted to exist for a period of 2 hours after reasonable notice in writing, signed by the commissioner, shall have been given to the person, firm or corporation owning, occupying, in charge or control of the same, are declared to be public nuisances which shall be forthwith abated.

80-10. Chronic Nuisance Premises.

1. FINDINGS. The common council finds that any premises, including a manufactured home community, that has generated 3 or more responses from the police department for nuisance activities has received more than the level of general and adequate police service and has placed an undue and inappropriate burden on the taxpayers of the city. The common council further finds that premises owners, and other parties conducting business activities upon the premises, that chronically fail to control the use of their property substantially interfere with the comfortable enjoyment of life, health and safety of the community. The common council therefore directs the chief of police, the commissioner of neighborhood services and the city attorney, as provided in this section, to charge the owners of such premises the costs associated with abating the violations at premises at which nuisance activities chronically occur.

2. DEFINITIONS. For the purposes of this section: a. "Chief of police" means the chief of the police department or the chief's designee. The chief's designee includes, but is not limited to, a commanding officer signing a notice under sub. 3-a-1 or 2 or any other specifically named designee in any notice under this section.

b. "Manufactured home community" means any plot or plots of ground upon which 3 or more manufactured homes that are occupied for dwelling or sleeping purposes are located.

c. c-1. "Nuisance activity" means any of the following activities, behaviors or conduct whenever engaged in by persons associated with a premises:

c-1-a. An act of harassment as defined in s. 947.013, Wis. Stats.

c-1-b. Disorderly conduct as defined in s. 106-1 of the code or s. 947.01, Wis. Stats.

c-1-c. Cruelty to animals or any other violation of s. 78-31.

c-1-d. Indecent exposure as defined in s. 106-5 of the code or s. 944.20(1)(b), Wis. Stats.

c-1-e. Keeping a place of prostitution as defined in s. 106-3 of the code or s. 944.34, Wis. Stats., or leasing a building for the purposes of prostitution as defined in s. 106-4 of the code.

c-1-f. Littering of premises as defined in s. 79-12.

c-1-g. Theft as defined in s. 110-16 of the code or s. 943.20, Wis. Stats.

c-1-h. Arson as defined in s. 943.02, Wis. Stats.

c-1-i. Possession, manufacture or delivery of a controlled substance or related offenses as defined in ch. 961, Wis. Stats.

c-1-j. Gambling as defined in ss. 107-1 and 2 of the code or s. 945.02, Wis. Stats.

c-1-k. Crimes against life and bodily security as enumerated in ss. 940.01 to 940.32, Wis. Stats., except as provided in subd. 2.

c-1-l. Crimes involving illegal possession or use of firearms as defined in ch. 941 and s. 948.60, Wis. Stats.

c-1-m. Keeping a prohibited dangerous animal as defined in s. 78-25.

c-1-n. Trespass to land as defined in s. 943.13, Wis. Stats., or criminal trespass to dwelling as defined in s. 943.14, Wis. Stats.

c-1-o. Any act of aiding and abetting, as defined in s. 50-18 or s. 939.05, Wis. Stats., of any of the activities, behaviors or conduct enumerated in subpars. a to L.

c-1-p. Any conspiracy to commit, as defined in s. 939.31, Wis. Stats., or attempt to commit, as defined in s. 939.32, Wis. Stats., any of the activities, behaviors or conduct enumerated in subpars. a to n.

c-1-q. Discharge of a firearm as defined in s. 105-35.

c-1-r. The production or creation of excessive noise as defined in s. 80-63.

c-1-s. Loitering as defined in s. 106-31.

c-1-t. Public drinking as defined in s. 106-1.8.

c-1-u. The sale, offering for sale, bartering or giving away of any intoxicating liquors or fermented malt beverages without a license as provided in s. 90-3-1 of the code or s. 125.04(1), Wis. Stats.

c-1-v. The operation of a convenience store in violation of any provision of s. 68-55.

c-1-w. The possession of counterfeit items as defined by s. 132.02, Wis. Stats.

c-1-x. Selling or giving away tobacco products to persons under the age of 18 as defined in s. 106-30-2.

c-1-y. The possession, possession with intent to sell or deliver, or delivery of drug paraphernalia as defined in s. 106-36.

c-1-z. Owning, keeping, having or harboring any bird or animal that causes a disturbance of the peace as defined in s. 78-29.

c-1-aa. Misuse of emergency telephone numbers as defined in s. 105-77.

c-1-bb. Illegal sale, discharge and use of fireworks as defined in s. 105-47-1.

c-1-cc. Loitering-illegal drug activity as defined in s. 106-35.6.

c-1-dd. Truancy and contributing to truancy as defined in ss. 106-23.1 and 106-23.3.

c-1-ee. Underage alcohol activities, as defined in s. 90-18.

c-1-ff. Adult contributing, allowing, providing alcohol to underage persons activities, as defined in s. 90-18.

c-1-gg. Robbery as enumerated in s. 943.32, Wis. Stats.

c-1-hh. Receiving or concealing stolen property as enumerated in s. 943.34, Wis. Stats.

c-1-ii. The sale of cigarettes in a form other than as a package or container on which a stamp is affixed under s. 139.32(1), Wis. Stats., as provided in s. 106-30-3-c.

c-1-jj. The possession, sale or use of synthetic marijuana, as provided in s. 105-50.

c-1-kk. Operating or carrying on the business of being a secondhand dealer without having first obtained a secondhand dealer's license, as provided in s. 92-2-2.

c-1-LL. Motor vehicle repair, service or maintenance on any lot used wholly or in part for residential purposes as defined in s. 295-503-3-b.

c-1-mm. On-street motor vehicle repair as defined in s. 105-66.

c-1-nn. Excessive false alarms, as defined in s. 105-75-15-a.

c-2. "Nuisance activity" does not include activities, behaviors or conduct that results in a call for assistance made by the owner or occupant requesting law enforcement services related to any of the following:

c-2-a. "Domestic abuse," as defined in s. 813.12(1)(am), Wis. Stats.

c-2-b. "Sexual assault," as described in ss. 940.225, 948.02, and 948.025, Wis. Stats.

c-2-c. "Stalking," as described in s. 940.32, Wis. Stats.

d. "Other responsible party" means any individual or entity other than the owner of the premises that is licensed or subject to license in the operation of a business upon the premises.

e. "Person associated with a premises" means the premises owner, operator, manager, resident, occupant, guest, visitor, patron or employee or agent of any of these persons.

3. PROCEDURE. a. Notices. a-1. Whenever the chief of police determines that the police department has responded to 3 or more nuisance activities that have occurred at a premises during a 30-day period or that the police department has responded to 2 or more nuisances of the types defined in sub. 2-c-1-e, i to L that have occurred at a premises within one year, the chief of police may notify the premises owner or other responsible party in writing that the premises is a nuisance. For purposes of this section, each separate and distinct incident shall constitute a nuisance activity, and 2 or more separate and distinct incidents occurring on the same day shall be counted separately. This notice shall contain:

a-1-a. The street address or legal description sufficient for identification of the premises.

a-1-b. A description of the nuisance activities that have occurred at the premises.

a-1-c. A statement indicating that the cost of future enforcement may be assessed as a special charge against the premises, or referred or collection, and that the owner or other responsible party may be cited under sub. 6.

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