

**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:

- 181907      An ordinance relating to sales on public premises outside of the entrances to the Fiserv Forum.
- 190220      A substitute ordinance relating to signature, notary, and residency requirements for alcohol beverage licenses and cigarette and tobacco licenses.
- 190279      An ordinance relating to trespassing upon lands, buildings, premises, streetcars, vehicles or railroad trains.

<u>Section Affected</u>	<u>Action</u>	<u>File Number</u>	<u>Effective Date</u>	<u>Remove Pages</u>	<u>Add Pages</u>
<b>Remove <u>old</u> MEMO (Suppl. #392)</b>					
				v-vi	v-vi
85-12-2	am	190220	7/5/2019	329-330	329-330
Ch. 85 (hist.)				339-340	339-340
90-5-1-c-4	am	190220	7/5/2019	367-370	367-370
90-5-8-a-2-c	am	190220	7/5/2019	"	"
90-6-2-b	am	190220	7/5/2019	373-374	373-374
90-37-8	am	190220	7/5/2019	391-392	391-392
105-56-1	am	181907	7/5/2019	595-596	595-596
105-56-2-b	am	181907	7/5/2019	"	"
Ch. 105 (hist.)				610e-610h	610e-610h
Ch. 110 Table				657-666	657-666
110-10-0	am	190279	7/5/2019	"	"
110-10-1	rc	190279	7/5/2019	"	"
110-10-3	rn to 110-10-4	190279	7/5/2019	"	"
110-10-3	cr	190279	7/5/2019	"	"
Ch. 110 (hist.)				"	"

For subscription, distribution or insertion questions contact the Legislative Reference Bureau, Code Section, (414) 286-3905.

For questions concerning the content of the Milwaukee Code or Ordinances contact the Legislative Reference Bureau, Research Section, (414) 286-2297.

Abbreviations:

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cr=created                        rc=recreated    rp=repealed

Revised 6/18/2019  
Suppl. #393



## **MEMO**

If all supplements have been properly inserted, this book contains all actions of the Common Council through June 18, 2019.

Revised 6/18/2019  
Suppl. #393



SUBCHAPTER 2  
ADMINISTRATIVE PROCEDURES  
APPLICABLE TO LICENSE AND  
PERMIT APPLICATIONS

**85-11. Purpose and Scope. 1. PURPOSE.** It is the purpose of the common council to assure uniformity and clarity in the procedures related to application for and administration of certain licenses and permits.

**2. SCOPE AND APPLICATION.** The provisions of this subchapter shall not supersede or replace any provision contained elsewhere in this code respecting licenses and permits, but shall apply where provisions for application and administration are otherwise silent. This subchapter provides uniform procedures for licenses and permit disqualifications, transfers of licenses and permits, changes in names of licensees, permittees and business names, and consideration of changes in circumstances following denial, nonrenewal or revocation.

**85-12. Contents of Application. 1. WHEN APPLICANT IS AN INDIVIDUAL.** The license application, which shall be signed and certified by the applicant, shall contain the following information:

- a. The type of license being applied for.
- b. Name, permanent home address and telephone number of the applicant.
- c. The date of birth of the applicant.
- d. If applicable, the name and address of the business with which the license will be associated or at which the licensee will be employed.
- e. Such other reasonable and pertinent information as the common council or licensing committee may from time to time require.

**2. WHEN APPLICANT IS A BUSINESS.** An application for a new or renewal license shall be signed by the sole proprietor, one partner, the agent, a majority owner of the business entity, or a corporate officer. Each type of application shall contain the following information:

- a. The type of license being applied for.
- b. The name and permanent address of the applicant.
- c. If applicable, the name and address of the premises for which the license is to be granted.

d. If the applicant is a corporation, limited liability company or other organized business entity, the name of the corporation, company or other entity shall be set forth exactly as it is set forth in its articles of incorporation, together with the name and address of an agent and of each person who owns 20% or more of the corporation, company or entity.

e. If the applicant is a partnership, the application shall set forth the name and resident address of each of the partners, including limited partners, and the application shall be verified by each partner. If one or more of the partners is a corporation, the provisions of this section pertaining to a corporate applicant shall apply to the corporate partners.

f. The date of birth of each sole proprietor, partner, agent or person who owns 20% or more of the business entity.

g. Such other reasonable and pertinent information the common council or the proper licensing committee of the common council may from time to time require.

**85-12.5. Issuance of License or Permit; Duplicate Required. 1. ISSUANCE.** Each license or permit authorized to be issued by the city clerk shall contain the signature of the city clerk and shall be sealed with the corporate seal of the city. No license or permit shall be issued until the applicant shall satisfy the common council, or other public body or official authorized by the common council, that he or she has in every manner complied with the ordinances pertaining to the issuance of the license or permit, including payment to the city of the required license or permit fee. In addition, no license or permit shall be issued by the city clerk if the health department or department of neighborhood services has placed a hold on issuance of the license or permit because of a need for the applicant to obtain an inspection or a permit, to pay a fee, or to comply with an order issued by the department.

**2. DUPLICATE REQUIRED.** Any license or permit that cannot be produced or displayed due to loss, theft, mutilation or destruction or that is not legible due to defacement or any other reason shall be promptly replaced by the licensee or permittee upon payment of the fee for a duplicate copy provided in s. 81-1-4.

## 85-12.7 License and Permit Procedures

### 85-12.7. Scheduling of Committee Hearing.

For any license application subject to review by a licensing committee of the common council, the city clerk shall, upon certifying that the application is complete and that any required reports of the police department and department of neighborhood services have been completed, refer the application to the appropriate committee. Upon referral, the application shall be scheduled and heard by the common council committee before the expiration of the period beginning on the date of referral and ending not later than 3 complete periods between regularly scheduled meetings of the common council.

### 85-13. Disqualification for License.

1. **APPLICABILITY.** Whenever any application denied, or license not renewed, revoked or surrendered, is an alcohol beverage retail establishment or tavern entertainment license, the provisions of this section related to periods of disqualification for these licenses shall apply to any other type of alcohol beverage retail establishment license.

2. **EXCEPTIONS.** This section shall not apply to any application that is denied or any license that is not renewed for a reason based solely on the failure of the applicant to appear before the licensing committee for a hearing on whether a new or renewal application shall be recommended for approval or denial to the common council.

3. **WHEN WITHDRAWN.** Whenever a new application for a license is withdrawn after the city clerk issues a notice for a hearing on a possible denial, the application shall be considered denied upon withdrawal for purposes of the disqualification provided in sub. 4, except that the period of disqualification shall be 6 months from the date of withdrawal.

4. **WHEN DENIED.** a. Except as provided in par. b, whenever an application is denied, no other application by the same applicant for the same license, and where applicable, at the same premises, shall be recommended for approval by the licensing committee for a period of 12 months following the date of the denial.

b. Whenever an application for a new license is denied for a reason relating to the fitness of the location of the premises to be licensed, no other application by any party for the same license at the same premises shall be recommended for approval by the licensing committee within 3 years of the date of the

denial unless the applicant has demonstrated under s. 85-15 a change of circumstances since the denial.

5. **WHEN NOT RENEWED.** a. Except as provided in par. b, whenever a license is not renewed, no other application by the same applicant for the same license, and where applicable, at the same premises, shall be recommended for approval by the licensing committee for a period of 12 months following the date of nonrenewal.

b. Whenever a license is not renewed for a reason relating to the fitness of the location of the licensed premises, no other application by any party for the same license at the same premises shall be recommended for approval by the licensing committee within 3 years of the date of the nonrenewal unless the applicant has demonstrated under s. 85-15 a change of circumstances since the nonrenewal.

6. **WHEN REVOKED.** a. Except as provided in pars. b and c, whenever a license is revoked, no other new application by the same applicant for the same license, and where applicable, at the same or any other premises, shall be recommended for approval by the licensing committee for a period of 12 months following the date of revocation.

b. Whenever a license is revoked, no other application by any other party who has a financial relationship with the person whose license was revoked, including, but not limited to membership in the same partnership, corporation, limited liability company or association, for the same license at the same premises shall be recommended for approval by the licensing committee for a period of 12 months following the date of revocation.

c. Whenever a license is revoked for a reason relating to the fitness of the location of the licensed premises, no other application by any party for the same license at the same premises shall be recommended for approval by the licensing committee within 3 years of the date of the revocation unless the person has demonstrated under s. 85-15 a change of circumstances since the revocation.

7. **WHEN SURRENDERED.** Whenever a license is surrendered in lieu of pending nonrenewal or revocation proceedings, no other new application by the applicant for the same license, and where applicable, at the same or any other premises, shall be recommended for approval by the licensing committee for a period of 12 months following the date of surrender.

**LEGISLATIVE HISTORY  
CHAPTER 85**

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>
Ch. 85	cr	080009	5/20/2008	6/7/2008
85-0	am	080189	7/1/2008	7/19/2008
85-1-1	am	131502	4/22/2014	5/9/2014
85-2-3.5	cr	111286	2/28/2012	3/16/2012
85-2-3.5	am	160192	9/20/2016	10/7/2016
85-2-4	rn to 85-2-5	091207	5/4/2010	5/21/2010
85-2-4	cr	091207	5/4/2010	5/21/2010
85-2-6	cr	111286	2/28/2012	3/16/2012
85-2.5-0	am	120043	5/22/2012	6/12/2012
85-2.5-1	rc	131559	5/13/2014	7/1/2014
85-2.5-1-a	rp	141893	9/22/2015	10/9/2015
85-2.5-1-b	rp	141893	9/22/2015	10/9/2015
85-2.5-1-c	rp	141893	9/22/2015	10/9/2015
85-2.5-1-d	rp	141893	9/22/2015	10/9/2015
85-2.5-1-e	rp	141893	9/22/2015	10/9/2015
85-2.5-1-f	rp	141893	9/22/2015	10/9/2015
85-2.5-1-g	rp	141893	9/22/2015	10/9/2015
85-2.5-1-h	rp	141893	9/22/2015	10/9/2015
85-2.5-1-i	rp	120043	5/22/2012	6/12/2012
85-2.5-1-j	rp	141893	9/22/2015	10/9/2015
85-2.5-1-k	rp	141893	9/22/2015	10/9/2015
85-2.5-1-L	rc	120043	5/22/2012	6/12/2012
85-2.5-1-m	rp	141893	9/22/2015	10/9/2015
85-2.5-1-n	rp	120043	5/22/2012	6/12/2012
85-2.5-1-o	rp	141893	9/22/2015	10/9/2015
85-2.5-1-p	rp	120043	5/22/2012	6/12/2012
85-2.5-1-q	rp	120043	5/22/2012	6/12/2012
85-2.5-1-r	rp	141893	9/22/2015	10/9/2015
85-2.5-1-s	rp	141893	9/22/2015	10/9/2015
85-2.7	cr	131502	4/22/2014	5/9/2014
85-2.7-4-b	am	141794	4/21/2015	5/8/2015
85-2.7-5	am	141794	4/21/2015	5/8/2015
85-3-3	cr	091207	5/4/2010	5/21/2010
85-4-0	am	131502	4/22/2014	5/9/2014
85-4-1.5	cr	131559	5/13/2014	7/1/2014
85-4-2-c	am	091206	5/4/2010	5/21/2010
85-4-3	rc	121805	4/30/2013	5/4/2013
85-4-4-c-0	am	131502	4/22/2014	5/9/2014
85-4-4-c-23	cr	131559	5/13/2014	7/1/2014
85-5-4-f	am	111480	3/20/2012	4/6/2012
85-5-4-g	cr	110326	11/2/2011	3/1/2012
85-11	cr	080189	7/1/2008	7/19/2008
85-11-2	am	081724	5/5/2009	5/22/2009
85-11-2	am	111624	4/11/2012	4/28/2012
85-12	cr	120042	5/22/2012	6/12/2012
85-12-2	am	190220	6/18/2019	7/5/2019
85-12-2-0	am	121521	4/30/2013	5/17/2013
85-12-2-0	am	161675	4/18/2017	5/5/2017

## 85--(HISTORY) License and Permit Procedures

85-12.5	cr	120118	6/12/2012	6/29/2012
85-12.5-1	am	121062	2/27/2013	3/16/2013
85-12.7	cr	130324	7/23/2013	8/10/2013
85-13	cr	080189	7/1/2008	7/19/2008
85-13-3	rn to 85-13-4	110227	7/6/2011	7/23/2011
85-13-3	cr	110227	7/6/2011	7/23/2011
85-13-3	am	120829	11/27/2012	12/14/2012
85-13-4	rn to 85-13-5	110227	7/6/2011	7/23/2011
85-13-5	rn to 85-13-6	110227	7/6/2011	7/23/2011
85-13-6	rn to 85-13-7	110227	7/6/2011	7/23/2011
85-13-6-b	am	131324	2/11/2014	2/28/2014
85-13-7	cr	091371	5/25/2010	6/12/2010
85-13-7	rn to 85-13-8	110227	7/6/2011	7/23/2011
85-13-8	rp	111286	2/28/2012	3/16/2012
85-14	cr	171057	11/28/2017	12/15/2017
85-15	cr	080189	7/1/2008	7/19/2008
85-17	cr	111286	2/28/2012	3/16/2012
85-17-1	am	120829	11/27/2012	12/14/2012
85-18	cr	131559	5/13/2014	7/1/2014
85-19	cr	111624	4/11/2012	4/28/2012
85-19-1	am	120349	7/24/2012	8/10/2012
85-20	cr	121667	12/17/2013	1/9/2014
85-20-1-0	am	140634	9/23/2014	10/10/2014
85-20-1-f	cr	140634	9/23/2014	10/10/2014
85-20-2	rn to 85-20-3	180930	11/27/2018	12/14/2018
85-20-2	cr	180930	11/27/2018	12/14/2018
85-20-3	am	151320	1/19/2016	2/5/2016
85-20-3	rn to 85-20-4	180930	11/27/2018	12/14/2018
85-20-4	rn to 85-20-5	180930	11/27/2018	12/14/2018
85-21	cr	110991	4/11/2012	4/28/2012
85-21-2-a	am	130324	7/23/2013	8/10/2013
85-21-2-c	cr	130324	7/23/2013	8/10/2013
85-21-2-c	am	131559	5/13/2014	7/1/2014
85-23	cr	111624	4/11/2012	4/28/2012
85-24	cr	120486	9/25/2012	10/12/2012
85-24-1-a-1	am	151320	1/19/2016	2/5/2016
85-24-1-b	rc	141893	9/22/2015	10/9/2015
85-24-1-b-2	am	180930	11/27/2018	12/14/2018
85-25	rc	120118	6/12/2012	6/29/2012
85-26	cr	130903	11/26/2013	2/1/2014
85-26-4	am	151320	1/19/2016	2/5/2016
85-29-1	rc	131559	5/13/2014	7/1/2014
85-29-1-a	am	120043	5/22/2012	6/12/2012
85-29-1-a	rp	141893	9/22/2015	10/9/2015
85-29-1-b	rp	120043	5/22/2012	6/12/2012
85-29-1-b	rp	141893	9/22/2015	10/9/2015
85-29-1-c	rp	141893	9/22/2015	10/9/2015
85-29-1-d	rn to 85-29-1-b	120043	5/22/2012	6/12/2012
85-29-1-d	rp	141893	9/22/2015	10/9/2015
85-29-1-e	rn to 85-29-1-c	120043	5/22/2012	6/12/2012
85-29-1-e	rp	141893	9/22/2015	10/9/2015
85-29-1-f	rn to 85-29-1-d	120043	5/22/2012	6/12/2012
85-29-1-f	rp	141893	9/22/2015	10/9/2015
85-29-1-g	rn to 85-29-1-e	120043	5/22/2012	6/12/2012

## Liquor and Tavern Regulations 90-5-1-c

b-7. If the applicant is a club, association or other organization which is neither a corporation or partnership, the application shall set forth the exact name of the entity together with the names and residence addresses of all officers and be verified by an officer of the club, association, or organization.

b-8. The date of birth.

b-9. Such other reasonable and pertinent information the common council or the proper licensing committee of the common council may from time to time require.

c. Additional Requirements. In any application for an alcohol beverage retail establishment license, excepting the short-term Class "B" special fermented malt beverage license, the applicant shall file a detailed floor plan on a 8-1/2 inch x 11 inch sized sheet of paper for each floor of the premises and a completed plan of operation on forms provided therefor by the city clerk.

c-1. Floor Plan. In this paragraph, "floor plan" means a blueprint or detailed sketch of the alcohol beverage retail establishment and shall include:

c-1-a. Area in square feet and dimensions of the premises.

c-1-b. Locations of all entrances and exits to the premises. This shall include a description of how patrons will enter the premises, the proposed location of the waiting line, estimated waiting time, and the location where security searches or identification verification will occur at the entrance to the premises.

c-1-c. Locations of all seating areas, bars and, if applicable, food preparation areas for applications for Class "B" and "Class C" alcohol beverage retail establishment licenses.

c-1-d. Locations and dimensions of any alcohol beverage storage and display areas.

c-1-e. Locations and dimensions of any outdoor areas available at the premises for the sale or service of alcohol beverages.

c-1-f. Locations and dimensions of any off-street parking and loading areas for patrons, employees and entertainers available at the premises.

c-1-g. North point and date.

c-1-h. Any other reasonable and pertinent information the common council may from time to time require.

c-2. Plan of Operation. The plan of operation shall require:

c-2-a. The current or planned hours of operation for the premises.

c-2-b. The number of patrons expected on a daily basis at the premises.

c-2-c. The legal occupancy capacity of the premises, if known by the applicant.

c-2-d. The number of off-street parking spaces available at the premises.

c-2-e. What plans the applicant has to insure the orderly appearance and operation of the premises with respect to litter and noise. This shall include a description of designated or likely outdoor smoking areas, the number and placement of exterior and interior trash receptacles, crowd control barriers and sanitation facilities, as well as a description of how applicable noise standards will be met for the subject premises.

c-2-f. What other types of business enterprises, if any, are planned or currently conducted at the premises.

c-2-g. What other types of licenses and permits, if any, are planned or currently issued for the premises.

c-2-h. Whether or not, pursuant to s. 90-14, the premises is less than 300 feet from any church, school or hospital.

c-2-i. What, if any, age distinctions are planned or currently conducted at the premises.

c-2-j. A description of any proposed security provisions for off-street parking and loading areas.

c-2-k. The number of security personnel expected to be on the premises, their responsibilities, the equipment they will use in carrying out their duties and their licensing, certification or training credentials.

c-2-l. A description of any provisions made for clean-up of the premises, including identification of the solid waste contractor to be used by the applicant.

c-2-m. Any other reasonable and pertinent information the common council may from time to time require.

c-3. Right to Occupy. An applicant for an alcohol beverage retail establishment license shall file a copy of the document that establishes the right of the applicant to occupy the premises for which a license is sought.

c-3-a. Documents establishing a right to occupy include deeds, leases, accepted offers to purchase and similar documents including agreements that are contingent upon issuance of the requested license.

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c-3-b. An applicant shall provide any additional information that may be requested by the city clerk relating to the terms and conditions of occupancy of the premises for which the license is sought.

c-4. Exemptions. For any renewal application for an alcohol beverage retail establishment license for which there is no change in any information that is reported in the floor plan and plan of operation as submitted with the original or previous renewal application pursuant to this paragraph, the licensee may file a written statement to that effect with the city clerk and, having done so, shall not be required to file a new floor plan and plan of operation with the renewal application.

d. Number of Licenses. In any application for an alcohol beverage retail establishment license, the applicant shall state whether the applicant currently holds any alcohol beverage retail establishment license in any other location in the state.

**1.5. POLICE REVIEW OF FLOOR PLAN, PLAN OF OPERATION AND CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN SURVEY.** Following submission of the floor plan and plan of operation required by s. 90-5-1-c, but prior to the scheduling of a licensing committee hearing under s. 90-5-8-a-2, the applicant for a new Class "A," Class "B" or "Class C" retail license shall meet in person with a police department community liaison officer or other designee of the chief of police to review the floor plan and plan of operation and to conduct a crime prevention through environmental design (CPTED) survey.

**2. TRUTH OF STATEMENTS AND AFFIDAVITS; PENALTY.** a. All matters submitted in writing to the city by any applicant or licensee pertaining to an intoxicating liquor or fermented malt beverage license shall be true. Any person who submits in writing any untrue statement or affidavit to the city in connection with any such license or application shall be fined not to exceed \$500 or in default of payment thereof shall be imprisoned in the county jail or house of correction of Milwaukee county for not more than 90 days; and that license, if granted, shall be subject to revocation and no intoxicating liquor or fermented malt beverage license of any kind or nature whatsoever shall thereafter be granted to such a person for a period of one year from the date of such revocation.

b. There shall be contained on each individual application for an intoxicating liquor or fermented malt beverage license of any kind information to the effect that a penalty is provided for any false statement or false affidavit supplied by any such applicant or licensee.

**3. TIME OF FILING; LEGAL NOTICE AND FEE.** a. Filing Time. Application shall be filed for all liquor and beer licenses at least 30 days prior to the date of granting by the common council. When an application has been on file at least 14 days prior to the date of granting, and the police investigation has been completed with no police objection, and there are no other objections to the granting of the license, the common council may grant such licenses prior to the passage of the full 30 days.

b. Legal Notice and Fee. A notice of the application for an alcohol beverage retail establishment license containing the name and address of the applicant and the kind of license applied for and the location of the premises to be licensed shall, prior to the granting of such license be published in a daily paper which shall have been regularly and continuously published daily in the city for a period of at least 3 times successively. At the time of filing an application the applicant shall pay to the city clerk such sum as computed by the rate per folio for legal notices or publications as created, established, and applied in the counties of this state by provisions of Wisconsin statutes, would be required to pay for such publication.

**4. DEPOSIT OF FEE; REFUND.** a. Prior to issuance of a license, each applicant shall deposit with the city treasurer the full amount of the fee required in ch. 81 for the specific license or licenses applied for.

b. It shall be the duty of the city treasurer to accept the deposit, issue a receipt therefor, and cause a record to be kept thereof. When a license is granted by the common council, it shall be the duty of the city treasurer to apply such deposit as full payment of the license fee, upon receipt of certification thereof by the city clerk.

c. It shall be the duty of the city clerk to enter on all applications filed with him the amount deposited with the city treasurer, the date of the deposit and the number of the treasurer's receipt.

e. Non-payment of all applicable fees, late fees and processing charges within 15 days from the date of the letter advising of the insufficiency shall render the license null and void as prescribed in s.125.04(1) and (8), Wis. Stats. If the license is required for the operation of an establishment, the establishment shall be closed until all fees, late fees and processing charges are paid in full.

5. MONEY TO BE PART OF GENERAL CITY FUND. All moneys received by the treasurer for licenses issued under this chapter shall be appropriated to and become part of the general city fund.

6. FINGERPRINTING. All applicants for a "Class A" retailer's intoxicating liquor license, a "Class B" tavern license, a Class "B" manager's license, a Class "A" fermented malt beverage retailer's license, a "Class C" wine retailer license, a Class "D" operator's license or a Class "D" provisional operator's license shall be fingerprinted as provided in s. 85-21-1.

7. INVESTIGATION. a. All applications shall be referred to the chief of police, the commissioner of neighborhood services and the commissioner of health, all of whom shall cause an investigation to be made and report their findings to the licensing committee of the common council. For an application for a "Class A" or "Class B" license for the sale of intoxicating liquor, the report of the commissioner of neighborhood services shall include a statement as to whether the main entrance of the premises is less than 300 feet from the main entrance of any church, school, day care center or hospital.

b. The chief of police shall investigate each applicant as provided in s. 85-21-2. The chief of police shall also provide copies of any licensed premise synopsis reports relating to licensed premises previously located at the premises proposed for licensing as a Class "A," "Class A," Class "B," "Class B" or "Class C" retail establishment during the 5-year period prior to the date of application.

8. COMMITTEE ACTION. a. Notice.

a-1. Applications for Class "D" operator's licenses shall be referred to chief of police for review. If the police chief files no written report summarizing the arrest and convictions of the applicant which could form a basis for denial, the license shall be forwarded to the common council for approval. If the chief or police files a written report summarizing the arrest and convictions of the applicant which

could form a basis for denial, the application, except as provided in subd. 3, shall be forwarded to the licensing committee of the common council for its recommendation as to whether or not each license should be issued.

a-2. Applications for all new Class "A," "Class A," Class "B," "Class B" and "Class C" retail licenses and Class "B" manager's licenses shall, except as provided in subd. 3, be referred to the licensing committee for its recommendation as to whether or not each license should be issued. Applications shall be referred without delay upon certification by the city clerk that the application is complete. Upon referral, the application shall be scheduled and heard by the licensing committee before the expiration of the period beginning on the date of referral and ending not later than 3 complete periods between regularly scheduled meetings of the common council.

a-2-a. Certification shall not be made prior to completion of all application paperwork and prior to receipt by the city clerk of the required police report required in subpar. a-2.

a-2-b. Certification shall not be made within 10 days following the provision of written notice of the application by the city clerk to all addresses located within 250 feet of the premises proposed for licensing with information about submitting comments related to the application, including objections to the proposed license, if any. The city clerk may receive comments and objections electronically, by telephone, by mail or through the direct filing of a written document. Communications relating to the license application shall be placed in the file containing application materials.

a-2-c. Certification shall not be made within 10 days following written and signed assurance to the city clerk by the applicant that notice of the application, on a form prescribed by the city clerk and approved by the licensing committee, has been conspicuously posted on the outside of the premises at applicant's expense providing notice to members of the public that an application has been made and that objections to the application may be filed with the city clerk, and that a survey form may be submitted electronically, through the city Internet site, by phone or in writing. The written and signed assurance shall include a statement of applicant's intent to maintain the posting, or replace any missing posting, until the date scheduled for hearing by the licensing committee.

### 90-5-8-a-3 Liquor and Tavern Regulations

a-2-d. Certification shall not be made prior to submission of a copy of a map displaying concentration in the neighborhood of licensed alcohol beverage retail establishments.

a-2-e. Except for a Class "B" manager's license application, certification shall not be made prior to the city clerk's receipt from the chief of police of written confirmation that the applicant has, as required by s. 90-5-1.5, met with a police department community liaison officer or other designee of the chief to review the applicant's floor plan and plan of operation and to conduct a crime prevention through environmental design (CPTED) survey.

a-2-f. An applicant for a new alcohol beverage retail establishment license, with the exception of applicants under subpar. h, shall appear before the licensing committee at the date, time and place specified in written notice provided to the applicant by the city clerk's office. The notice shall be accompanied by a copy of any written report prepared as a result of investigation under sub. 7, and shall further be accompanied by copies of previous licensed premise reports relative to the premises in the 5-year period prior to the date of application.

a-2-g. If the applicant is a corporation or limited liability company, a duly authorized agent or legal representative of the corporation shall appear before the licensing committee. All applicants may be represented by legal representatives before the licensing committee.

a-2-h. Unless there is a possibility of denial of any license, applicants shall not be required to appear before the licensing committee under subd. 2-f and g provided the applicants have been previously granted alcohol beverage retail establishment licenses for premises upon the Henry W. Maier Festival park grounds. Applications for alcohol beverage retail establishment licenses for premises upon the Henry W. Maier Festival Park grounds may be certified by the city clerk as complete without meeting the requirements for certification in subd. 2-a to d.

a-3. If the chief of police files a written report summarizing the arrest and convictions of an applicant for a new operator's license or manager's license which could form the basis for denial of the application, the city clerk shall, in lieu of forwarding the application to the licensing committee for a hearing under subds. 1 and 2, refer the application to the common council for

approval and, except as provided in subd. 4, issue a warning letter to the applicant whenever all of the following are true:

a-3-a. The applicant has no more than one pending charge for a misdemeanor offense and the pending charge is related to a non-violent offense.

a-3-b. The applicant has not within 12 months of the date of application been convicted of any misdemeanor offense related to a violent offense.

a-3-c. The applicant has not within 12 months of the date of application been convicted of more than one misdemeanor offense or municipal code violation.

a-3-d. The applicant has not within 3 years of the date of application been convicted of more than one misdemeanor offense or municipal ordinance violation related to serving underage or intoxicated persons.

a-3-e. The applicant has not within 3 years of the date of application been convicted of more than 3 misdemeanor offenses and municipal ordinance violations.

a-3-f. The applicant has not within 5 years of the date of application been convicted of more than one felony offense and has not within 5 years of the date of application served probation or been imprisoned for any felony conviction.

a-3-g. The applicant has not within 10 years of the date of application been convicted of a second or subsequent offense related to operating a motor vehicle while intoxicated.

a-4. If an applicant eligible to be issued a warning letter under subd. 3 has not within 10 years of the date of application been convicted of any misdemeanor or felony offense or municipal code violation, then the city clerk shall refer the application to the common council for approval and issue no warning letter.

a-5. In determining the eligibility of the applicant to be issued a warning letter under subd. 3, the city clerk shall not consider either of the following:

a-5-a. Any pending charges or convictions of any misdemeanor or felony offenses related to failure to pay child support.

a-5-b. Any one conviction of a misdemeanor offense or municipal ordinance violation related to retail theft for which the applicant was not imprisoned.

**11. LICENSE PERIOD; FEES.** See ch. 81 for the required license fees and the date of expiration.

**12. CHANGES TO BE REPORTED.**

a. A licensee shall notify the city clerk whenever there is a change in any information that is reported in the application form or renewal application form. The licensee shall make this notification in writing within 10 days after the change occurs.

b. A licensee, or an applicant if action has not been taken on an application, shall advise the city clerk upon receiving information that the right of the applicant or licensee to occupy the licensed premises will be interrupted or terminated prior to the expiration of the license period. Notification shall be made in writing within 10 days after the information becomes known to the licensee or applicant. The city clerk shall forward the communication to the member of the common council in whose district the licensed premises is located.

**13. CHANGE IN PLAN OF OPERATION.** See ss. 85-35 to 85-39 for provisions relating to changes to applications and plans of operation.

**90-5.5. License for Cider Sales Only.**

**1. GRANTING AND ISSUANCE.**

Notwithstanding s. 90-14, upon application, the common council shall grant, and the city clerk shall issue, a "Class A" license to the applicant if the following apply:

a. The application is made for a "Class A" license containing the condition that retail sales of intoxicating liquor are limited to cider.

B The applicant holds a Class "A" fermented malt beverage retailer license issued for the same premises for which the "Class A" license application is made.

**2. SALES LIMITED TO CIDER.**

Notwithstanding s. 125.51(2)(a), Wis. Stats., and s. 90-3-5 of this code, a person issued a "Class A" license under sub. 1 may not make retail sales, or provide taste samples, of any intoxicating liquor other than cider.

**90-6. Qualifications for Licenses.**

**1. PROFESSIONAL CHARACTER.**

a. The common council, consistent with ss. 111.321, 111.322, and 111.335, Wis. Stats., may refuse to grant a license to any person who has been convicted of any felony, misdemeanor or other offense the circumstances of which substantially relate to the circumstances of the particular licensed activity. If the applicant is a corporation, this requirement does not apply if the corporation has terminated its relationship with all of the individuals whose actions directly contributed to the conviction.

b. In addition, any applicant for a Class "D" operator's license or a Class "B" manager's license shall not have been convicted of 2 or more offenses during the last 3 years relating to serving minors or intoxicated persons.

c. Class "D" operator's licenses may be issued only to applicants who have attained the age of 18. All other licenses issued under this chapter may be issued only to applicants who have attained the age of 21.

**2. RESIDENCY REQUIREMENTS.**

a. By License Class. "Class A" retailer's intoxicating liquor license; "Class B" tavern license, retailer's intoxicating liquor and service bar licenses; Class "A" fermented malt beverage retailer's license; Class "B" fermented malt beverage retailer's license; "Class C" wine retailer's license:

a-1. The applicant shall have been a resident of the state of Wisconsin continuously for at least 90 days prior to the date of the application.

a-2. This subsection shall not apply to officers and directors of corporations.

b. Class "B" Manager's License. The applicant shall have been a resident of the state of Wisconsin prior to the date of issuance.

c. Licenses Not Requiring City Residency. There shall be no city residency requirements for the following licenses:

c-1. Class "B" special malt beverage retailer's license.

c-3. Class "D" operator's license.

c-4. Class "D" special temporary operator's license.

## 90-7 Liquor and Tavern Regulations

d. Limited Partners. All limited partners in a limited partnership, as defined in ch. 179, Wis. Stats., shall have been residents of the state of Wisconsin continuously for at least 90 days prior to the date of the application for any license issued pursuant to ch. 90.

### 3. PROOF OF SELLER'S PERMIT.

The applicant shall have submitted proof under s. 77.61 (11), Wis. Stats., that the applicant is the holder of a seller's permit as required by subch. 3, ch. 77, Wis. Stats., or has been informed by an employee of the Wisconsin department of revenue that the department will issue a seller's permit to the applicant. This provision shall not apply to the following:

a. Applicants for a Class "D" operator's license.

b. Applicants for a Class "B" manager's license.

c. Applicants for a Class "B" special fermented malt beverage license.

### 4. TRAINING COURSE.

a. No alcohol beverage retail establishment license, Class "B" manager's license or Class "D" operator's license may be issued unless the applicant has successfully completed a responsible beverage server training course approved by the Wisconsin department of revenue unless the applicant fulfills one of the following requirements:

a-1. The person is renewing an operator's license, a manager's license, an alcohol beverage retail establishment license.

a-2. Within the past 2 years, the person held an alcohol beverage retail establishment license, manager's license or operator's license.

a-3. Within the past 2 years, the person has completed such a training course.

a-4. The person was an agent of a corporation or limited liability company that held, within the past 2 years, an alcohol beverage retail establishment license, manager's or operator's license.

b. If the applicant is a corporation or limited liability company, the agent shall complete the required responsible beverage server training course.

## 90-7. Restrictions on Corporations.

### 1. RESPONSIBLE PERSON.

a. General. No corporation organized under the laws of the state of Wisconsin or of any state or foreign country may be issued a license to sell in any manner any intoxicating

liquor or fermented malt beverage unless it has appointed as agent a natural person who has been a resident of the state of Wisconsin continuously for at least 90 days prior to the date of the application for any license issued pursuant to ch. 90. The agent must meet the provisions of s. 90-6-1-a. The agent shall have vested in him or her, by properly authorized and executed written delegation, full authority and control of the premises described in the license of the corporation, and of the conduct of all business on the premises relative to intoxicating liquor or fermented malt beverages that the licensee could have and exercise if it were a natural person.

b. Certain Retail Premises. Under a "Class B," Class "B" or "Class C" retailer's license, there shall be upon the licensed premises at all times, the licensee, or the agent of the corporation or limited liability company, or a Class "D" operator, or a person holding a Class "B" manager's license.

2. CORPORATE STOCK. Each corporate applicant shall file with its application for a license a statement by its officers showing names and addresses of all persons who individually hold 20% or more of the corporation's total or voting stock, or proxies for that amount of stock, together with the amount of stock or proxies held by each person. It shall be the duty of the corporation agent to file with the city clerk a statement of the transfer of any stock or proxies, where the effect of the transfer would constitute a change in the stockholders list then on file. Notice to the city clerk shall be given not later than 10 calendar days after any transfer. If this transfer results in any person holding 20% or more of the corporation's total or voting stock, or proxies for that amount of stock, and that person has not been fingerprinted pursuant to another provision of this chapter, that person shall be fingerprinted. All of the information provided pursuant to this subsection shall be forwarded to the chief of police who shall cause an investigation to be made and who shall report his or her findings to the city clerk. The provisions of this subsection do not apply to hotels, duly organized fraternal organizations, concessionaires in public auditoriums, municipal festival organizations and to the Wisconsin center district established pursuant to ch. 229, Wis. Stats.

**6. DEPOSIT OF FEE; REFUND.**

a. Prior to issuance of a license, each applicant shall deposit with the city treasurer the full amount of the fee required in s. 81-17.7 for the license or permit applied for.

b. It shall be the duty of the city treasurer to accept the deposit, issue a receipt therefor, and cause a record to be kept thereof. When a license or permit is granted by the common council, it shall be the duty of the city treasurer to apply such deposit as full payment of the license or permit fee, upon receipt of certification thereof by the city clerk.

c. It shall be the duty of the city clerk to enter on all applications filed with him or her the amount deposited with the city treasurer, the date of the deposit and the number of the treasurer's receipt.

d. Upon the withdrawal or the common council's denial of a center for the visual and performing arts license application, the amount of \$50 of the application fee shall be retained by the city treasurer to defray the cost of investigation of facts and administration thereof. The remainder of the application fee and deposits on all applications denied by the common council shall be refunded by the city treasurer upon surrender of the deposit receipt certified by the city clerk, provided that the certified deposit receipt is surrendered no later than one year after the date of the license denial.

**7. FEES.** See s. 81-17.7 for the required permit fees and terms.

**8. CHANGE IN PLAN OF OPERATION.** If, after the license has been granted or issued, the licensee wishes to substantially deviate from the plan of operation as submitted with the original application, the licensee shall file a written request with the city clerk which states the nature of the change. No change shall take place until the request has been approved by the common council. The common council's approval shall be given only if it determines, in the manner set forth in sub. 5-e-2, that the change is compatible with the normal activity of the neighborhood in which the premises is located.

**9. RENEWAL OF LICENSES.**

a. Procedure for Renewal. Applications for the renewal of a center for the visual and performing arts license shall be made to the city clerk. The clerk shall refer the

application for license renewal to the chief of police, the commissioner of neighborhood services and the commissioner of health for review. If the chief of police, the commissioner of neighborhood services and the commissioner of health indicate that the applicant still meets the licensing qualifications, the application shall be referred to the common council for approval unless a written objection has been filed with the city clerk at least 45 days prior to the date on which the license expires. This objection may be filed by any interested person. If a written objection is filed, or if a determination is made that the applicant no longer meets the licensing qualifications, the application shall be forwarded to the licensing committee for its recommendation to the common council.

b. Procedure for Non-Renewal.

b-1. If there is a possibility that the committee will not renew a license, a motion should be entertained to hold the application in committee and instruct the city clerk to forward proper notice to the applicant, unless such proper notice has already been sent, in which case the hearing shall proceed.

b-2. Prior to the date set for the hearing, the city clerk's office shall forward notice to the applicant which shall contain:

b-2-a. The date, time and place of the hearing.

b-2-b. A statement of the common council's intention not to renew the license in the event any objections to renewal are found to be true.

b-2-c. A statement of the reasons for non-renewal.

b-2-d. A statement that an opportunity will be given to respond to and challenge such reasons for non-renewal and to present witnesses under oath and to confront and cross-examine opposing witnesses under oath.

b-2-e. A statement that the applicant may be represented by an attorney of the applicant's choice at the applicant's expense, if the applicant so wishes.

c. Hearings. All hearings held and committee recommendations prepared pursuant to this subsection shall be conducted as set forth in sub. 11.

## 90-37-10 Liquor and Tavern Regulations

**10. REVOCATION.** a. Any license issued under this section may be revoked for cause by the common council after notice to the licensee and a hearing.

b. Revocation proceedings may be instituted by the licensing committee upon its own motion, or upon sworn written charges made and filed with the city clerk by the chief of police or upon a sworn written complaint filed with the city clerk by any city resident.

c. Whenever either sworn written charges or a sworn written complaint are filed with the city clerk setting forth specific charges against a licensee involving conduct which would violate ordinances that are grounds for revocation of a license, the city clerk shall issue notice to the licensee of the licensing committee's intention to hear the matter. The notice shall be served upon the licensee so that the licensee has at least 10 working days' notice of the hearing. The notice shall contain:

c-1. The date, time and place of the hearing.

c-2. A statement to the effect that the possibility of revocation of the license exists and the reasons for possible revocation.

c-3. A statement that an opportunity will be given to the applicant to respond to and challenge any reason for revocation and to present witnesses under oath and to confront and cross-examine opposing witnesses under oath.

c-4. A statement that the licensee may be represented by an attorney of the licensee's choice at the licensee's expense, if the licensee so wishes.

d. The licensing committee shall convene at the date and time designated in the notice for the purpose of taking evidence and making findings of fact and conclusions of law and a recommendation to the common council in connection with the proposed revocation.

e. If the licensee appears before the committee at the time designated in the summons and denies the charges contained in the complaint, an evidentiary hearing in connection with the revocation shall be conducted by the committee at that time. If the licensee does not appear, or appears but does not deny the charges contained in the complaint,

the complaint shall be taken as true and the committee shall hear the arguments of the complaints and the licensee in connection with the revocation.

f. All hearings held and committee recommendations prepared pursuant to this subsection shall be conducted as set forth in sub 11.

### **11. HEARING PROCEDURE.**

a. Authority of Licensing Committee. The licensing committee shall conduct hearings with respect to the non-renewal or revocation of a center for the visual and performing arts license pursuant to this subsection. The chair of the licensing committee shall be the presiding officer.

b. Committee Hearing Procedure.

b-1. The chair shall direct that oaths be administered and subpoenas issued upon request of either side.

b-2. The chair shall ensure that an orderly hearing is conducted in accordance with the requirements of this subsection.

b-3. The chair shall rule on objections to the admissibility of evidence. Any ruling of the chair shall be final unless appealed to the committee, and the committee shall reverse such ruling only upon the vote of a majority of its members.

b-4. At all stages of the proceedings before the committee or before the common council, the licensee shall be entitled to appear both in person and by an attorney.

c. Record. A record shall be made of all licensing proceedings before the committee and before the common council as provided in s. 85-4-3.

d. Grounds for Non-Renewal or Revocation. The recommendation of the committee regarding the licensee must be based on evidence presented at the hearing. Probative evidence concerning non-renewal or revocation may include evidence of:

d-1. Failure of the licensee to meet the municipal qualifications.

d-2. Failure of the licensee to operate the premise in accordance with the plan of operation submitted pursuant to sub. 4-b-8.

g. Refunds. Permit fee payments may be refunded, except for a \$50 permit processing fee, if an application for a special event permit is denied by the commissioner of public works or if notification of cancellation of a permitted special event is received by the department of public works is at least 10 working days prior to the scheduled event.

**3. CONTENTS OF PERMIT.** Each special permit shall state the following information:

a. The name, address, home and business telephone numbers of the person or organization named on the permit.

b. A description of activity for which the permit has been issued.

c. The date, hour and location for the special event.

d. The expiration time and date.

e. When possible, the estimated attendance for the special event.

f. Where applicable, the minimum and maximum speeds, and maximum intervals of space to be maintained by units of a parade.

g. Portions of the streets that may be occupied by the special event.

h. Such other information as the commissioner of public works shall find necessary to the enforcement of this section.

**4. PERMIT REGULATIONS.**

a. City Not Liable. The special event permit application shall contain a statement that: "The applicant agrees to indemnify and save harmless the city from and against all liabilities, claims, demands, judgments, losses and all suits at law or in equity, costs and expenses including reasonable attorney fees, for injury or death of any person or loss or damage to the property of any person, firm, organization or corporation, including both parties thereto and their employees, arising as a consequence of granting of the permit for such special event." No permit may be issued unless the applicant has agreed to the terms of this statement on the written application.

b. Insurance. b-1. Each applicant for a Class A, B or C event shall furnish with the application fee submitted to the department of public works a certificate of insurance written by a company licensed in the state of Wisconsin, approved by the city and covering any and all liability or obligations which may result from the operations by the applicants' employees, agents, contractors or subcontractors, and including worker's compensation coverage in

accordance with ch. 101, Wis. Stats. The certificate shall provide that the company will furnish the city with a 10-day written notice of cancellation, non-renewal or material change. The insurance shall be written in comprehensive form and shall protect the applicant and city against all claims arising from injuries to members of the public or damage to property of others arising out of any act or omission of the applicant, its employees, agents, contractors and subcontractors.

b-2. The policy of insurance shall provide minimum combined single limits for bodily injury and property damage of \$1,000,000, or such other insurance as deemed to be adequate by the city attorney.

c. No Discrimination. The special event permit application shall contain a statement that: "The applicant agrees that the sponsoring organization will not exclude any person from the public area described in the permit because of race, color, national origin or handicap." No permit may be issued unless the applicant has agreed to the terms of this statement on the written application.

**5. PENALTY.** Any person violating the provision of this section, upon conviction, shall forfeit a maximum of \$500 and the costs and disbursements of such action, and in default of payment thereof be confined in the county jail or house of correction for not more than 20 days, or until such forfeiture costs are paid.

**105-56. Sales on Public Premises.**

**1. PURPOSE.** It is determined and declared that the use of certain public premises for the specific public purposes to which such premises are intended is preeminent. It is further determined and declared that sales on the designated public premises interfere with their use for their intended purposes. It is further determined and declared that the use of the public sidewalk and streets outside of the entrance to the Wisconsin Center, the Auditorium, the Arena, the Milwaukee Public Museum, the Fiserv Forum, the Performing Arts Center, the Rave/Eagles Club, the Riverside Theater, Summerfest and Miller Park parking facilities, for sales interferes with the orderly ingress and egress to and from those premises and therefore with their use for their intended purposes.

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2. REGULATIONS. a. It shall be unlawful for any person to sell or offer for sale any goods, merchandise, foodstuffs, tickets or any other articles of any kind on public premises reserved for specific public purposes and posted as such without the express written consent of the custodian of such premises.

b. It shall be unlawful for any person to sell, or offer to sell, any goods, merchandise, foodstuffs, tickets or any other article of any kind on any public street or public sidewalk within 500 feet of the premises of the Wisconsin Center, the Auditorium, the Arena, the Milwaukee Public Museum, the Fiserv Forum, the Performing Arts Center, the Rave/Eagles Club, the Riverside Theater, Summerfest or Miller Park parking facilities, for the period of time beginning 2 hours immediately before the commencement of any scheduled event therein and ending one hour immediately after the conclusion of the event. This paragraph does not apply to any sales or offers to sell on the premises listed.

3. EXCEPTIONS. Nothing in this section shall be construed to prohibit the resale of tickets to entertainment or sporting events at or below face value.

4. PENALTY. Any person convicted of violating any provisions of this section shall be fined not less than \$20 nor more than \$200 for each violation plus costs of prosecution. Each day's violation shall constitute a separate offense.

**105-57. Sales on Public Right of Way (Special Events).** 1. PURPOSE. It is determined and declared that the use of certain public right of way on the days on which certain special events listed in sub. 2 are scheduled for the specific public purposes to which the right of way is intended is preeminent. It is further determined and declared that sales on the designated public right of way in sub. 2 interferes with their use for their intended purposes. It is further determined and declared that the use of the public sidewalk and streets outside of the designated right of way for events listed in sub. 2 interferes with the orderly ingress and egress to and from those special events and therefore with their use for their intended purposes.

2. SPECIAL EVENTS; DESIGNATED RIGHT OF WAY. The right of way for Jazz in the Park, River Rhythms, the Westown Farmer's Market, and certain special events designated by the commissioner of public works shall be as described in the application for the special event permit issued by the department of public works.

3. REGULATIONS. a. It shall be unlawful for any person to sell, or offer to sell, any goods, merchandise, foodstuffs, tickets or any other article of any kind on any public street or public sidewalk within 500 feet of the right of way for special events designated in sub. 2, for the period of time beginning 2 hours immediately before the commencement of any scheduled event therein and ending one hour immediately after the conclusion of the event. This paragraph does not apply to any sales or offers to sell within the designated right of way of the special events listed in sub. 2.

b. An organization sponsoring a special event specified in sub. 2 shall assign locations to vendors for the event. All vendor vehicles or tents must be located at least 15 feet apart from each other.

4. EXCEPTIONS. Nothing in this section shall be construed to prohibit the resale of tickets to entertainment or sporting events at or below face value.

5. PENALTY. Any person convicted of violating this section shall be fined \$300 plus costs of prosecution, or in default of payment the violator shall be imprisoned for not more than 10 days.

**105-59.5. Police Escorts.** All requests for police escorts for funerals and other special events shall be made to the police department. Escorts shall be authorized at the discretion of the chief of police.

### **105-60. Abandoned Iceboxes or Refrigerators.**

1. DECLARED A PUBLIC HAZARD. The abandonment or dangerous exposure of any icebox or refrigerator with its door, or doors, in normal latching or locking condition is declared to be a public nuisance and a serious menace to life because of the danger to children entering such iceboxes or refrigerators and becoming locked therein and suffocating.

2. REMOVAL OF LOCKS AND DOORS REQUIRED. It shall be unlawful for any person, firm or corporation to leave outside of any building or dwelling in a place accessible to

Public Safety 105—(HISTORY)

105-36-1	am	951346	1/23/96	2/9/96
105-36-1	am	980963	12/18/98	1/1/99
105-36-1.5	cr	141326	12/16/2014	1/10/2015
105-37	cr	131551	4/2/2014	4/22/2014
105-39-1	am	110623	10/11/2011	10/28/2011
105-39-2	am	890134	11/17/89	12/9/89
105-40-1	rp	021691	3/25/2003	4/11/2003
105-40-2	am	960621	7/30/96	8/16/96
105-40-2-b	am	980963	12/18/98	1/1/99
105-41-8	rp	110623	10/11/2011	10/28/2011
105-43	rp	090222	7/7/2009	7/24/2009
105-43-3-b	rc	971913	5/5/98	5/22/98
105-43-3-c	cr	971913	5/5/98	5/22/98
105-43-3-d	cr	971913	5/5/98	5/22/98
105-43-3-e	cr	971913	5/5/98	5/22/98
105-43-3-f	cr	971913	5/5/98	5/22/98
105-43-4	cr	901092	4/23/91	4/27/91
105-43-4	am	940400	6/28/94	7/16/94
105-43-4	rn to 105-43-5	901092	4/23/91	4/27/91
105-43-5	rn to 105-43-6	901092	4/23/91	4/27/91
105-43-6	rn to 105-43-7	901092	4/23/91	4/27/91
105-43-7	rn to 105-43-8	901092	4/23/91	4/27/91
105-43.2	rc	901092	4/23/91	4/27/91
105-43.2	am	090222	7/7/2009	7/24/2009
105-45	cr	981296	1/19/99	2/5/99
105-46	cr	041217	2/1/2005	2/18/2005
105-47	cr	872430	3/29/88	4/16/88
105-47-3	rc	071508	3/18/2008	4/5/2008
105-48	cr	901402	6/25/2002	12/1/2002
105-48	rc	100242	7/27/2010	8/3/2010
105-48-4	rn to 105-48-5	180354	6/20/2018	7/10/2018
105-48-4	cr	180354	6/20/2018	7/10/2018
105-48-5-c	cr	190033	5/7/2019	5/24/2019
105-48-5-d	cr	190033	5/7/2019	5/24/2019
105-49	rc	100242	7/27/2010	8/3/2010
105-49-1	am	980963	12/18/98	1/1/99
105-49-2	am	160591	11/1/2016	11/18/2016
105-49-4	cr	180354	6/20/2018	7/10/2018
105-49.5	cr	160693	11/22/2016	12/13/2016
105-50	rp	100242	7/27/2010	8/3/2010
105-50	cr	100625	10/12/2010	10/29/2010
105-52	cr	170238	6/20/2017	7/8/2017
105-55.5	cr	882107	4/4/89	4/22/89
105-55.5	rc	031096	4/12/2005	4/29/2005
105-55.5-2-e	rc	890140	6/6/89	6/24/89
105-55.5-2-e	rc	890139	6/27/89	7/18/89
105-55.5-2-e-2	am	960043	5/14/96	6/1/96
105-55.5-2-e-5	cr	890824	9/19/89	10/7/89
105-55.5-2-i	cr	892507	5/8/90	5/25/90
105-55.5-3-c	cr	900555	7/31/90	8/17/90
105-56-1	am	881295	11/1/88	11/18/88
105-56-1	am	890605	7/25/89	8/15/89
105-56-1	am	930845	9/28/93	10/15/93
105-56-1	am	960043	5/14/96	6/1/96
105-56-1	am	980383	7/7/98	7/24/98
105-56-1	am	980807	10/9/98	10/28/98
105-56-1	am	981326	1/19/99	2/5/99

**105—(HISTORY) Public Safety**

105-56-1	am	060520	9/26/2006	10/13/2006
105-56-1	am	151199	3/29/2016	4/15/2016
105-56-1	am	181907	6/18/2019	7/5/2019
105-56-2-b	am	890605	7/25/89	8/15/89
105-56-2-b	am	930845	9/28/93	10/15/93
105-56-2-b	am	960043	5/14/96	6/1/96
105-56-2-b	am	980383	7/7/98	7/24/98
105-56-2-b	am	980807	10/9/98	10/28/98
105-56-2-b	am	981326	1/19/99	2/5/99
105-56-2-b	am	060520	9/26/2006	10/13/2006
105-56-2-b	am	151199	3/29/2016	4/15/2016
105-56-2-b	am	181907	6/18/2019	7/5/2019
105-56-3	rn to 105-56-4	040411	9/21/2004	10/8/2004
105-56-3	cr	040411	9/21/2004	10/8/2004
105-57-1	am	071682	5/20/2008	6/7/2008
105-57-2	rc	900252	6/20/90	7/10/90
105-57-2	am	950034	5/16/95	6/3/95
105-57-2	am	060520	9/26/2006	10/13/2006
105-57-2	rc	071682	5/20/2008	6/7/2008
105-57-2	am	091312	2/9/2010	2/26/2010
105-57-3	rc	060520	9/26/2006	10/13/2006
105-57-3	rc	071682	5/20/2008	6/7/2008
105-57-3-a	am	950034	5/16/95	6/3/95
105-57-3-a-1	am	890287	6/16/89	6/24/89
105-57-3-b	am	950034	5/16/95	6/3/95
105-57-3-c	am	890287	6/16/89	6/24/89
105-57-3-c	am	950034	5/16/95	6/3/95
105-57-3-d-0	am	950034	5/16/95	6/3/95
105-57-3-d-1	am	950034	5/16/95	6/3/95
105-57-3-d-2	am	85-109-a	3/4/86	3/21/86
105-57-3-d-2	am	950034	5/16/95	6/3/95
105-57-4	rn to 105-57-5	071682	5/20/2008	6/7/2008
105-57-4	cr	071682	5/20/2008	6/7/2008
105-58	cr	85-109	5/14/85	6/1/85
105-58	rp	060520	9/26/2006	10/13/2006
105-58-2	rc	900252	6/20/90	7/10/90
105-58-2	am	941797	6/6/95	6/23/95
105-58-3-a-2	am	85-109-a	3/4/86	3/21/86
105-59	cr	85-109-a	3/4/86	3/21/86
105-59	rp	060520	9/26/2006	10/13/2006
105-59.5	cr	882107	4/4/89	4/22/89
105-63	cr	950129	5/16/95	8/1/95
105-63	rp	980134	5/27/98	6/13/98
105-64	cr	961022	2/11/97	2/28/97
105-64-4	cr	970217	6/3/97	6/20/97
105-64-4	am	991247	11/29/99	1/1/2000
105-64-4	am	991569	2/29/2000	3/17/2000
105-65-1	am	941628	3/8/95	7/1/95
105-65-1	am	991569	2/29/2000	3/17/2000
105-65-2	am	991569	2/29/2000	3/17/2000
105-65-3	am	941628	3/8/95	7/1/95
105-65-3	am	971806	4/7/98	4/25/98
105-65-4-a	am	910026	5/14/91	6/1/91
105-65-4-a	am	941628	3/8/95	7/1/95
105-65-4-a	am	961896	7/25/97	8/13/97
105-65-4-a	rc	111301	2/28/2012	3/16/2012

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105-65-4-a-1	am	120623	9/25/2012	10/12/2012
105-65-4-a-2	am	120623	9/25/2012	10/12/2012
105-65-4-b	am	85-1445	12/20/85	1/15/86
105-65-4-b	am	930451	7/27/93	8/13/93
105-65-4-b	am	950106	5/16/95	8/2/95
105-65-4-b	am	951756	4/2/96	4/20/96
105-65-4-b	am	961310	12/17/96	1/9/97
105-65-4-b	am	961896	7/25/97	8/13/97
105-65-4-b	am	001458	2/27/2001	3/16/2001
105-65-4-b	rc	111301	2/28/2012	3/16/2012
105-65-4-c	am	85-1445	12/20/85	1/15/86
105-65-4-c	am	961896	7/25/97	8/13/97
105-65-5	rp	941628	3/8/95	3/25/95
105-65-7	cr	872175	3/8/88	3/25/88
105-65-7	am	881930	3/7/89	3/25/89
105-65-7	am	991947	11/29/99	1/1/2000
105-65-7	am	991569	2/29/2000	3/17/2000
105-65.5	cr	920847	11/7/94	11/24/94
105-65.5	rp	051344	4/11/2006	4/29/2006
105-65.7	cr	020955	11/6/2002	11/23/2002
105-65.7	rn to 101-24.5	021691	3/25/2003	4/11/2003
105-65.7-7	rp	021284	1/22/2003	2/8/2003
105-66-1	am	020954	11/6/2002	11/23/2002
105-66-2	am	020954	11/6/2002	11/23/2002
105-66-3.5	cr	141906	5/12/2015	5/30/2015
105-66-4	am	141906	5/12/2015	5/30/2015
105-67	cr	160693	11/22/2016	12/13/2016
105-71-0	rc	991763	5/14/2002	10/1/2002
105-71-1	rc	991763	5/14/2002	10/1/2002
105-71-3	am	000623	9/22/2000	10/11/2000
105-71-4	am	951346	1/23/96	2/9/96
105-71-4	am	980963	12/18/98	1/1/99
105-71-5	rn to 105-71-6	000623	9/22/2000	10/11/2000
105-71-5	cr	000623	9/22/2000	10/11/2000
105-71-6	rn to 105-71-7	000623	9/22/2000	10/11/2000
105-71-7	am	951008	12/19/95	1/13/96
105-71-7	rn to 105-71-8	000623	9/22/2000	10/11/2000
105-71-8	rn to 105-71-9	000623	9/22/2000	10/11/2000
105-71-9	rn to 105-71-10	000623	9/22/2000	10/11/2000
105-73	rn from 104-17	891785	1/16/90	2/3/90
105-75	rn from 104-19	891785	1/16/90	2/3/90
105-75-2	rc	101025	4/12/2011	6/1/2011
105-75-2-b	am	030823	10/14/2003	10/31/2003
105-75-2-b	am	040559	9/21/2004	10/8/2004
105-75-2-b	am	051574	4/11/2006	4/29/2006
105-75-2-j	rn to 105-75-2-k	040559	9/21/2004	10/8/2004
105-75-2-j	cr	040559	9/21/2004	10/8/2004
105-75-2-j	rc	041616	4/12/2005	4/29/2005
105-75-3	am	030823	10/14/2003	10/31/2003
105-75-3-a	rc	101025	4/12/2011	6/1/2011
105-75-3-b	rc	892520	5/8/90	5/25/90
105-75-3-b	am	070109	5/8/2007	5/25/2007
105-75-3-b-0	am	101025	4/12/2011	6/1/2011
105-75-3-b-0	am	121521	4/30/2013	5/17/2013
105-75-3-b-2	am	101025	4/12/2011	6/1/2011
105-75-3-b-5	rn to 105-75-3-b-6	991857	4/11/2000	4/29/2000
105-75-3-b-5	cr	991857	4/11/2000	4/29/2000

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105-75-3-b-6	rn to 105-75-3-b-7	991857	4/11/2000	4/29/2000
105-75-3-b-6	rp	110346	9/20/2011	10/7/2011
105-75-3-b-7	rn to 105-75-3-b-6	110346	9/20/2011	10/7/2011
105-75-3-b-7-e	am	121594	4/30/2013	5/17/2013
105-75-3-b-8	rn to 105-75-3-b-7	110346	9/20/2011	10/7/2011
105-75-3-b-9	rn to 105-75-3-b-8	110346	9/20/2011	10/7/2011
105-75-3-b-10	rn to 105-75-3-b-9	110346	9/20/2011	10/7/2011
105-75-3-b-8	am	040559	9/21/2004	10/8/2004
105-75-3-b-8	am	051574	4/11/2006	4/29/2006
105-75-3-b-8	rc	101025	4/12/2011	6/1/2011
105-75-3-d	am	060217	7/12/2006	7/29/2006
105-75-3-d	am	101025	4/12/2011	6/1/2011
105-75-3-d	rc	150634	9/22/2015	10/9/2015
105-75-4	rc	030823	10/14/2003	10/31/2003
105-75-4-b	am	101025	4/12/2011	6/1/2011
105-75-4-c	cr	060217	7/12/2006	7/29/2006
105-75-4-c	rp	150634	9/22/2015	10/9/2015
105-75-5	rn to 105-75-11	030823	10/14/2003	10/31/2003
105-75-5	cr	030823	10/14/2003	10/31/2003
105-75-5	am	101025	4/12/2011	6/1/2011
105-75-6	rn to 105-75-12	030823	10/14/2003	10/31/2003
105-75-6	cr	030823	10/14/2003	10/31/2003
105-75-7	rn to 105-75-13	030823	10/14/2003	10/31/2003
105-75-7	cr	030823	10/14/2003	10/31/2003
105-75-7-a	am	040559	9/21/2004	10/8/2004
105-75-7-a	am	041442	2/22/2005	3/11/2005
105-75-7-a	am	051574	4/11/2006	4/29/2006
105-75-7-b	rc	080009	5/20/2008	6/7/2008
105-75-7-c	rc	080009	5/20/2008	6/7/2008
105-75-7-c	rp	080189	7/1/2008	7/19/2008
105-75-7-d	rc	080009	5/20/2008	6/7/2008
105-75-7-d	rp	080189	7/1/2008	7/19/2008
105-75-7-e	rp	080009	5/20/2008	6/7/2008
105-75-7.5	cr	080189	7/1/2008	7/19/2008
105-75-8	rn to 105-75-14	030823	10/14/2003	10/31/2003
105-75-8	cr	030823	10/14/2003	10/31/2003
105-75-8	rc	080009	5/20/2008	6/7/2008
105-75-8-d-1	am	101025	4/12/2011	6/1/2011
105-75-8-d-4	rp	101025	4/12/2011	6/1/2011
105-75-8-d-4	am	101025	4/12/2011	6/1/2011
105-75-8-d-5	rn to 105-75-8-d-4	101025	4/12/2011	6/1/2011
105-75-8-d-5	am	101025	4/12/2011	6/1/2011
105-75-8-d-6	rn to 105-75-8-d-5	101025	4/12/2011	6/1/2011
105-75-8-d-7	rn to 105-75-8-d-6	101025	4/12/2011	6/1/2011
105-75-8-e	cr	101025	4/12/2011	6/1/2011
105-75-9	rn to 105-75-15	030823	10/14/2003	10/31/2003
105-75-9	cr	030823	10/14/2003	10/31/2003
105-75-9	rp	080009	5/20/2008	6/7/2008
105-75-9-d-5	rn to 105-75-9-d-7	040559	9/21/2004	10/8/2004
105-75-9-d-5	cr	040559	9/21/2004	10/8/2004

CHAPTER 110  
CRIMES AGAINST PROPERTY

TABLE

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 110-32 Fraud on Hotel or Restaurant Keeper  
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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

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