

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:

- 241547 A substitute ordinance relating to short-term rentals.
- 260219 A substitute ordinance relating to penalties for the sale of alcohol, tobacco, and cannabinoid products to minors.
- 260227 A substitute ordinance relating to native plants.
- 260237 A substitute ordinance relating to the granting of a temporary change of plan permit.

Remove old MEMO (Suppl. #460)

<u>Section Affected</u>	<u>Action</u>	<u>File Number</u>	<u>Effective Date</u>	<u>Remove Pages</u>	<u>Add Pages</u>
80-17-2.5	rc	260227	8/20/2026	v-vi 237-238	v-vi 237-238b
85-39-3-c	am	260237	"	337-338	337-338
85-39-4-b-5	cr	"	"	"	"
85-39-5-b	rp	"	"	"	"
90-18-1-b-2	am	260219	"	383-384	383-384
Ch. 105 Table				581-582	581-582
105-50.5-3	am	260219	8/20/2026	592a-592b	592a-592b
105-50.5-3-a	cr	"	"	"	"
105-50.5-3-b	cr	"	"	"	"
105-50.5-3-c	cr	"	"	"	"
105-80	cr	241547	"	607-610	607-610
106-30.5-1	am	260219	"	622a-622b	622a-622b
106-30.5-2	am	"	"	"	"
106-30.5-2.5	cr	"	"	"	"

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 cr=created rc=recreated rp=repealed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

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Revised 7/31/2026
Suppl. #461

MEMO

If all supplements have been properly inserted, this book contains all actions of the Common Council through July 31, 2026.

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80-15. Spitting in Public Places. No person shall spit, expectorate or deposit any sputum, spittle, saliva, phlegm, mucus, tobacco juice or wads of tobacco upon the floor or stairways or of any part of any theater, public hall or building, or upon the floor or any part of any public conveyance in the city, or upon any sidewalk abutting on any public street, alley or lane of said city.

80-17. Turf Grass and Weeds. 1. DEFINITION. In this section, "Turf grass" means annual bluegrass, annual ryegrass, bahiagrass, bermudagrass, buffalograss, carpetgrass, centipedegrass, colonial bentgrass, creeping bentgrass, fine fescue, hybrid bermudagrass, kentucky bluegrass, kikuyugrass, orchardgrass, perennial ryegrass, quackgrass, rough bluegrass, seashore paspalum, St. Augustinegrass, tall fescue and zoysiagrass.

2. TO BE CUT. a. No turf grass or weeds of any kind shall be permitted to grow or stand more than 7 inches on any property in the city.

b. The city shall enforce par. a year-round.

2.5. EXCEPTIONS. a. "No mow May." The provisions of sub. 2 shall not apply during the month of May for any property owner who has obtained an annual "no mow May" permit from the commissioner. A property owner shall reapply annually to participate in the "no mow May" program. The department shall provide signage to each homeowner who has received a "no mow May" permit. The sign shall be displayed on the homeowner's lawn. The department shall report the results of the "no mow May" program to the common council during the first quarter of each year.

b. Native Plantings. The provisions of sub. 2 shall not apply to native plant landscaping, provided:

b-1. The plants used in the landscaping are native to, or cultivars of plants that are native to, the midwestern United States.

b-2. The landscaping is done intentionally as part of a deliberate design.

b-3. The landscaping is free of invasive or noxious weeds in accordance with s. NR 40.05, Wis. Adm. Code.

b-4. The landscaping does not encroach on or obstruct the visibility of any sidewalk or other public right-of-way.

b-5. The property owner completes an annual registration identifying the landscaping as an exempt native planting.

3. BY OWNER OR OCCUPANT. It shall be the duty of the owner and the tenant, or occupant of any leased or occupied premises, and the duty of the owner of any vacant or unoccupied premises within the city to comply with this section both as to the premises owned or occupied and as to public sidewalks on which such premises abut.

4. BY FRANCHISE HOLDER. It shall be the duty of every holder or owner of a public franchise to comply with this section as to portion of highways in the city which such holder or owner is required to keep in repair.

5. BY AGENT OR EMPLOYEE. It shall be the duty of every agent or employee in charge of any premises in the city to comply with the provisions of this section as to premises in his charge.

6. CHARGES AND COSTS. a. Any person who fails to cut turf grasses or weeds as required in sub. 2 shall be subject to a special charge of \$75 for a first violation in a calendar year, if the violation is not abated within 72 hours of initial inspection and photographic verification by the department.

b. The amount of the special charge for any second and each subsequent violation in the same calendar year shall increase by \$125 from the amount of the special charge imposed for the previous violation, not to exceed \$750 for 6 or more violations in the same calendar year, and shall be assessed upon initial inspection and photographic verification by the department.

c. There shall be an additional special charge of \$100 for failure to mow or otherwise abate any condition that remains in violation of this section. Upon a subsequent failure to comply with this section in the same calendar year, the person shall be subject to a special charge of \$150.

d. Any costs incurred by the city in abatement or remediation shall constitute additional special charges.

e. Special charges made under this subsection shall be due and payable 30 days after billing or, if not paid within that time, become a lien on the subject property as provided in s. 66.0627, Wis. Stats. The lien shall take effect as of the date of delinquency and shall include an administrative charge of \$25. The lien shall automatically be extended upon the current or next tax roll as a delinquent tax against the property, and all proceedings in relation to the collection, return and sale of the property for delinquent real estate taxes shall apply to such charge.

80-19 Nuisances

80-19. Nuisance Light on Residential Properties.

1. DEFINITIONS. In this section:

a. "Glare" means an excessive brightness contrast producing a sensation of visual discomfort resulting from viewing a strong, intense light source.

b. "Intermittent light" means any artificial light which flashes, revolves or fluctuates in such a manner that the variance is easily distinguished by personal observation.

c. "Light source" means a device (such as a lamp) which provides visible energy.

d. "Person" means any individual, firm, partnership, trustee, agent, association, corporation, company, governmental agency, club or organization of any kind.

e. "Spill light" means any artificial light flowing onto an adjacent property.

2. GLARE AND SPILL LIGHT DECLARED A NUISANCE. Glare, spill and intermittent artificial light impacting on residential properties between the hours of 6 p.m. and 7 a.m. which causes loss of enjoyment, comfort or repose, and use of such properties is declared a nuisance.

3. NUISANCE DETERMINED. a. Spill light shall be considered a nuisance when measurement in the nearest habitable area of the residential property at the location where the alleged nuisance occurs reveals that such light produces 0.2 horizontal foot candles or more at approximately 4 feet from the ground or floor surface at which the measurement is taken. Such measurements shall be taken by department personnel utilizing appropriate equipment and techniques.

b. Glare light shall be considered a nuisance when an artificial light source has not been properly located, shielded, directed or controlled, and as a result there is a direct line of sight between the light source or its reflection and a point 5 feet above the ground or higher in the nearest habitable area on the complainant's property and of such intensity as to cause discomfort or annoyance.

c. Intermittent light shall be considered a nuisance when it impacts upon a habitable area of a complainant's property with such intensity and variance as to cause discomfort or annoyance.

4. PRODUCTION OF LIGHT NUISANCE PROHIBITED. No artificial light source shall be installed, allowed to be installed or permitted on any property which light source flashes or revolves, or due to its intensity or physical characteristics, causes glare or spills onto a residential property in such a manner as to cause a nuisance during the hours of 6 p.m. through 7 a.m.

5. RESPONSIBILITY. It shall be the responsibility of every installer of artificial lights and every owner or occupant of property on which artificial lights are installed to comply with sub. 4.

6. EXEMPTIONS. The provisions of subs. 4 and 5 shall not apply where:

a. Such lights are caused to be installed by city, county or state governments to light public ways or areas for public benefit; or

b. There is no written complaint filed with the department by a person directly affected by such light; or

c. Such lights are required by law for safety reasons and there is no practical way to control them to eliminate the nuisance.

7. MAKING A COMPLAINT.

a. Any adult resident of the city may seek relief from nuisance light on a residential property by filing a written complaint with the department.

b. The written complaint shall contain the complainant's name and address, the address of the property where the alleged nuisance light is installed, a brief description of the light source, and the complainant's signature.

c. Upon receipt of a complaint, the department shall investigate whether the regulations set forth in subs. 3 or 4 could or are being violated.

d. The department shall notify the affected parties as to its findings.

e. The complainant must be willing to testify in court if required as to the nature of the nuisance of the light about which they are complaining.

8. RETROACTIVITY. It is the intent of the city that the provisions of this section shall apply to all existing installations, and the owners or occupants of properties on which nuisance lights exist shall be responsible for eliminating any nuisance caused by their lights to comply with this section.

80-22. Sale of Unwashed Rags.

1. PROHIBITED. No dealer in rags or in any used fabric shall sell or offer for sale any such rags or fabric except in a thoroughly clean condition; and all rags or used fabric shall be thoroughly washed or laundered by a method approved by the commissioner before being sold or offered for sale by any dealer.

2. USE OF UNWASHED RAGS. No manufacturer shall use or permit the use of any unwashed rags or used fabric in any factory, workshop or other place of employment owned or controlled by him; provided, however, that this section shall not apply to rags or fabrics that become soiled in consequence of actual commercial usage in such factory, workshop or place of employment.

3. DEFINITIONS. In this section:

a. The word "dealer" shall apply to any person, firm or corporation engaged in the business of buying or selling rags or used fabric.

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3. The city clerk may revoke a provisional license without further common council action if he or she determines that the applicant provided false, misleading or fraudulent information.

4. The city clerk shall provide on each individual application for any license or permit issued through the city clerk's office notice that a penalty is provided for any false, misleading or fraudulent information or false affidavit provided by any applicant or licensee.

85-35. Changes to Application. A licensee shall notify the city clerk whenever there is a change in any information that is reported on the application form or renewal application form. The licensee shall make this notification in writing within 30 days after the change occurs.

85-37. Changes to Plan of Operation, Permanent. If, after a license has been issued, the licensee wishes to permanently deviate from the plan of operation that was 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 is approved through issuance of a new license.

85-39. Changes to Plan of Operation, Temporary. 1. AUTHORITY. The granting of a temporary change of plan permit shall authorize the permittee or licensee to deviate from the plan of operation specified on the existing license or permit. Such authority shall be contingent on the licensee also obtaining any other special privileges or permits required to effectuate the additional action or activity sought in the change of plan permit application.

2. ELIGIBLE AREAS. Areas included in any temporary change of plan permit shall be owned by or under the control of the permittee or licensee. If the applicant seeks to encroach upon public property or a public thoroughfare, the applicant shall also obtain the applicable special privilege permit.

3. APPLICATION. a. Application for a temporary change of plan permit shall be made by an individual, or authorized agent in the case of a corporation, who shall be personally responsible for compliance with all of the provisions of this section.

b. Application for the temporary change of plan permit shall be filed on or before

the deadline established by the city clerk on forms provided by the city clerk. The application shall include:

b-2. The name, business address and telephone number of the applicant.

b-3. The address of the existing licensed premises, the aldermanic district in which the premises is located, and a specific description of the site for which the temporary change is sought.

b-4. The name of the particular event or function for which the temporary change of the licensed premises is sought.

b-5. The date and period of time for which the particular event or function will be operated.

b-6. Such other reasonable and pertinent information as the common council or licensing committee may require.

c. The city clerk shall accept applications filed after the filing deadline established by the city clerk, provided the applicant affirms the applicant's understanding that any decision made by a common council member under sub. 4 is final and not subject to further review, and that a late filing may result in denial if insufficient time exists for adequate review of the application.

4. APPROVAL BY COUNCIL MEMBER. a. The completed application shall be referred to the common council member representing the district in which the premises for which the permit is sought is located. The common council member shall determine whether to approve the permit and shall inform the city clerk of his or her decision.

b. In making a determination, the common council member shall consider each of the following factors:

b-1. The appropriateness of the location and site for which the permit is sought, and whether the activity for which the permit is sought will create undesirable neighborhood problems.

b-2. The hours during which the activity would take place on the site and the likely effect of the activity on the surrounding area.

b-3. Whether previous permits granted to the same applicant or to other applicants for the same site have resulted in neighborhood problems including, but not limited to, complaints of loud music, noise, litter, disorderly assemblages, loitering or public urination.

b-4. Any other factors which reasonably relate to the public health, safety and welfare.

85-39-5 License and Permit Procedures

b-5. Whether the application was submitted fewer than 5 working days before the activity for which the permit is sought. Applications submitted fewer than 5 working days before the activity for which the permit is sought may be denied.

5. COMMITTEE ACTION. If an application filed prior to the deadline set by the city clerk is denied approval by a common council member under sub. 4-a, the applicant may appeal the decision to the licensing committee.

6. HEARING PROCEDURE. a. Any hearing required under sub. 5 shall be conducted as set forth in s. 85-2.7.

b. No hearing shall be heard unless the city clerk provides the applicant written notice in the manner set forth in s. 85-3 so that the applicant has at least 7 days' notice of the hearing.

7. ISSUANCE. a. If the common council member approves or the common council grants the application for a temporary change of plan permit, the city clerk shall issue an appropriate document to the applicant confirming that fact and specifying the date, period of time and specific location for which the temporary change of plan shall be in effect. The document shall also contain any restrictions or conditions which the common council member or common council may place on the approvals.

b. The city clerk shall not issue a temporary change of plan permit if the commissioner of neighborhood services has provided the city clerk with a request to hold the issuance on the basis that the applicant has not obtained all required permits for the premises or final inspection of the premises has not yet occurred.

c. The city clerk shall, within 24 hours after the issuance of the approving document, inform the chief of police of the date, place and event for which the temporary change of plan was issued.

8. ON-PREMISES SALE. a. A licensee granted a temporary change of plan permit and in possession of a current Class "B" tavern license, Class "B" fermented malt beverage retailer's license, or Class "C" wine retailer's license may not sell any alcohol or non-alcohol beverages for consumption in bottles, cans and glass containers in the temporary location of the change of plan. Beverages may only be sold in single-service cups for on-premises consumption in the location of the temporary extension of the licensed premises.

b. An exception to the limitation on sale of alcohol beverages to single-service cups in par. a may be permitted by the chief of police upon application of an event sponsor or the licensee of the temporary change of plan made at least 60 days prior to the special event. In an application for such an exception, the applicant shall provide all of the following to the chief of police:

b-1. A copy of the change of plan application or permit, if issued, and information identifying the sponsor or sponsors of the special event, if any.

b-2. The reason or reasons for which an exception is sought.

b-3. The security plan proposed for the event, including a specific description of the procedures and policies for ensuring the safety of the public.

b-4. A description of the entertainment or amusement to be provided during the special event.

b-5. The type and estimated quantity of single-service beverage containers proposed for sale or possession upon the extended premises.

b-6. Any other information the chief of police may require.

c. The chief of police may permit beverage containers other than single-service cups when, in his or her discretion, considering information in the application and other factors consistent with the health, safety and welfare of the public and of police officers, it is determined that the exception poses no appreciable risk. These factors may include past experience with the same or similar special events, the estimated number of participants in the special event, and neighborhood circumstances.

d. The chief of police may, upon cause clearly shown in the application, waive the requirement that an application be made at least 60 days prior to the event.

9. DISPLAY OF PERMIT. a. Every person issued a temporary change of plan permit pursuant to this section shall post the permit in a conspicuous place in the premises during those times when the activity is taking place.

b. It shall be unlawful for any person to post a permit or to be permitted to post a permit upon premises other than those mentioned in the application, or knowingly to deface or destroy a permit.

b-2-a. Not more than \$500 if the person has not committed a previous violation within 30 months of the violation.

b-2-b. Not less than \$500 if the person has committed a previous violation within 30 months of the violation.

b-2-c. Not less than \$750 nor more than \$1,000 if the person has committed 2 previous violations within 30 months of the violation.

b-2-d. Not less than \$1,000 nor more than \$10,000 if the person has committed 3 or more previous violations within 30 months of the violation.

b-3. A court shall suspend any license or permit issued under this chapter to a person and shall revoke the person's right to purchase stamps from the Wisconsin department of revenue for:

b-3-a. Not more than 3 days, if the court finds that the person committed a violation within 12 months after committing one previous violation.

b-3-b. Not less than 3 days nor more than 10 days, if the court finds that the person committed a violation within 12 months after committing 2 other violations; or

b-3-c. Not less than 15 days nor more than 30 days, if the court finds that the person committed the violation within 12 months after committing 3 other violations.

b-4. The court shall promptly mail notice of a suspension under this paragraph to the department of revenue and to the clerk of each municipality which has issued a license or permit to the person.

c. Penalty; Underage Persons. Any underage person who procures or attempts to procure alcohol beverages is subject to the penalties provided by s. 125.07(4) Wis. Stats.

2. POSSESSION OF ALCOHOL BEVERAGES BY UNDERAGE PERSONS; PROHIBITIONS; PENALTY. Any underage person not accompanied by his or her parent, guardian or spouse who has attained the legal drinking age, who knowingly possesses or who consumes any alcohol beverages is subject to the penalties provided by s. 125.07(4) Wis Stats. This subsection does not apply to an underage person processing alcohol beverage in the course of employment during his or her working hours if he or she is employed by a brewer, a fermented malt beverage wholesaler, a permittee other than a Class "B" fermented malt beverage or "Class B" intoxicating liquor

permittee, a facility for the production of alcohol fuel, a retail licensee under conditions specified in s. 90-19-1-i or for the delivery of unopened containers to the home or vehicle of a customer, or a campus, if the underage person is at least 18 years of age, and is under the immediate supervision of a person who has attained the legal drinking age.

3. MISREPRESENTATION OF AGE; PENALTY. Any person who falsely represents that he or she is of legal drinking age or over for the purpose of receiving alcohol beverages from a licensee or permittee is subject to the penalties provided by s. 125.07(4) Wis. Stats.

90-19. Presence of Underage Persons in Places of Sale; Penalty. 1. RESTRICTIONS.

No underaged person, not accompanied by his or her parent, guardian or spouse who has attained the legal drinking age, may enter, knowingly attempt to enter, or be on any premises for which a license or permit for the retail sale of alcohol beverages has been issued, for any purpose except the transaction of business pertaining to the licensed premises with or for the licensee or his or her employee. The business may not be amusement or the purchase, receiving or consumption of edibles or beverages or similar activities which normally constitute activities of a customer of the premises. This subsection does not apply to:

a. An underage person who is a resident, employee, lodger or boarder on the premises controlled by the proprietor, licensee or permittee of which the licensed premises consists or is a part.

b. An underage person who enters or is on a Class "A" or "Class A" premises for the purpose of purchasing items other than alcohol beverages. Any underage person so entering the premises may not remain on the premises after the purchase.

c. Hotels, drug stores, grocery stores, bowling centers, movie theaters, painting studios, billiards centers having on the premises 12 or more billiards tables that are not designed for coin operation and that are 8 feet or longer in length, indoor golf simulator facilities, indoor golf and baseball facilities on premises for which the only alcohol beverage license issued is a Class "B" fermented malt beverage license, service stations, vessels, cars operated by any railroad, regularly established athletic fields, outdoor volleyball courts that are contiguous to a

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licensed premises, stadiums, public facilities as defined in s. 125.51(5)(b)1.d., Wis. Stats., which are owned by a county or municipality, or centers for the visual or performing arts.

d. Premises in the state fair park, concessions authorized on state-owned premises in the state parks and state forests as defined or designated in chs. 27 and 28, Wis. Stats., and parks owned or operated by agricultural societies.

e. Ski chalets, golf courses and golf clubhouses, curling clubs, private soccer clubs and private tennis clubs.

f. Premises operated under both a Class "B" or "Class B" license or permit and a restaurant permit where the principal business conducted is that of a restaurant. If the premises are operated under both a Class "B" or "Class B" license or permit and a restaurant permit, the principal business conducted is presumed to be the sale of alcohol beverages, but the presumption may be rebutted by competent evidence.

g. An underage person who enters or remains on a Class "B" premises for the purpose of transacting business at an auction or market if the person does not enter or remain in a room where alcohol beverages are sold, furnished or possessed.

h. A person who is at least 18 years of age who serves alcohol beverages on a licensed premises under the immediate supervision of the licensee, agent or person holding an operator's license, who is on the premises at the time of the service.

i. A person who is at least 18 years of age and who is working under a contract with the licensee or agent to provide entertainment for customers on the premises.

j. An underage person who enters or remains on Class "B" or "Class B" licensed premises on a date specified by the licensee during times when no alcohol beverages are consumed, sold or given away. See s. 90-19.5 for regulations with respect to the operation of a licensed premises under this paragraph.

k. An underage person who enters or remains in a dance hall or banquet or hospitality room attached to Class "B" or "Class B" licensed premises for the purposes of attending a banquet, reception, dance or other similar event.

L. An underage person who enters or remains in a banquet or hospitality room on brewery premises operated under a Class "B" or

"Class B" license for the purpose of attending a brewery tour.

2. PENALTIES. a. Licenses, etc.

a-1. A licensee or permittee who directly or indirectly permits an underage person to enter or be on a licensed premises in violation of sub. 1 is subject to a forfeiture of not more than \$500.

a-2. No person may intentionally encourage or contribute to a violation of sub. 1. Any person violating sub. 1 is subject to the penalty provided by subd. 1.

b. Underage Person. An underage person who enters or is on a premises licensed for the sale of alcohol beverages in violation of sub. 1 is subject to the penalties provided by s. 125.07(4) Wis. Stats.

90-19.5. Presence of Underage Persons During Times When No Alcohol Beverages Are Sold. Underage persons may enter or remain on a Class "B" or "Class B" licensed premises pursuant to s. 90-19-1-k under the following conditions:

1. NOTIFICATION OF TIMES. a. The licensee or agent shall notify the police chief at least 7 days prior to any date on which underage persons will be permitted to enter and remain on the premises. The time period may be waived by the police chief or a designee upon determination of good cause or special circumstances.

b. Each event shall require separate notification. Notification shall be in writing and contain the following information:

b-1. Dates and times of the event.

b-2. Specific nature of the event, including description of entertainment.

b-3. Number of persons expected on the premises.

2. REGULATIONS. The operation of a licensed premises during those times when underage persons are on the premises under this section shall be subject to the following regulations:

a. There shall be at least a one hour period between the serving of the last alcohol beverage and the commencement of operations under this section.

b. No alcohol beverages may be consumed, sold or given away in any part of the licensed premises.

c. All alcohol beverages on tables shall be removed.

**CHAPTER 105
PUBLIC SAFETY**

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105-1. Riots; Unlawful Assemblies.

1. PURPOSE AND FINDINGS. This section is enacted to protect the health, safety and welfare of the public, to preserve order and to prevent harm or injury to persons and property. The city finds that police officers have a duty to suppress unlawful assemblies within their jurisdiction. For that reason

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they may order all persons who are part of an assembly to disperse. It is further found that unlawful assemblies involving motor vehicles increase the risk of harm or injury to persons or property, obstruct or impede lawful travel and commerce, are more difficult to disperse than other assemblies, and significantly increase the costs of enforcement.

2. DEFINITIONS. a. "Unlawful assembly" means an assembly which consists of 3 or more persons and which causes such a disturbance of public order that it is reasonable to believe that the assembly will cause injury to persons or damage to property unless it is immediately dispersed. An "unlawful assembly" includes an assembly of persons who assemble for the purpose of blocking or obstructing the lawful use by another person, or persons of any private or public thoroughfares, property or positions of access or exit to or from any private or public building, or dwelling place, or any portion thereof and which assembly does in fact so block or obstruct the lawful use by any other person, or persons of any such private or public thoroughfares, property or any position of access or exit to or from any private or public building, or dwelling place, or any portion thereof.

b. "Person participating in an unlawful assembly involving motor vehicles" includes any person who acts in a manner contributing to or promoting the disturbance of public order in an unlawful assembly involving 3 or more motor vehicles.

3. FAILURE OR REFUSAL TO WITHDRAW; PENALTIES. a. It is unlawful for any person to fail or refuse to withdraw from an unlawful assembly, which the person knows has been ordered to disperse.

b. Any person convicted of a violation of sub. a shall forfeit not more than \$500 or, upon default of payment of forfeiture and costs, be imprisoned in the county jail or house of correction not more than 20 days.

c. Any person convicted of a violation of sub. a., who intentionally fails or refuses to withdraw from an unlawful assembly involving 3 or more motor vehicles, shall forfeit not less than \$250 nor more than \$1,000 or, upon default of payment of forfeiture and costs, be imprisoned in the county jail or house of correction not more than 40 days.

4. VEHICLES CONSTITUTING A PUBLIC NUISANCE; ABATEMENT. a. A motor vehicle operated 2 or more times in an unlawful assembly is declared to constitute a public nuisance.

b. The city attorney is authorized to initiate proceedings in abatement of a nuisance vehicle used 2 or more times by any operator or operators convicted of a violation of sub. 3-a, and to seek appropriate relief including, but not limited to, removal and sale of the vehicle.

105-1.5. Hiring of Professional Strikebreakers Prohibited. **1. FINDINGS.** It is declared that the employment of those individuals, commonly known as professional strikebreakers within the community during the course of a labor dispute, substantially contribute to prolonged industrial strife and to the danger of violent activity endangering the lives and property of the residents of this city, thereby necessitating the prohibitions established by this section, which shall be deemed an exercise of the police powers for the protection of the peace, dignity, health and welfare of the people of the city of Milwaukee.

2. DEFINITIONS. When used in these sections:

a. The term "person" shall include one or more individuals, partnerships, corporations, associations, or firms, and shall include any officer, employee or agent thereof.

b. The term "labor dispute" shall mean a controversy between an employer and his employees which results in a strike or lockout.

c. The term "professional strikebreaker" shall mean any person who customarily and repeatedly secures or seeks to secure gainful occupation by offering to take the place or replacing any employee absent from his position of employment because of a labor dispute.

3. GENERAL PROVISIONS. a. No person shall recruit, procure, supply or refer for purposes of employment any professional strikebreaker in place of any employee involved in a labor dispute in which such person is not directly involved.

b. No person involved in a labor dispute shall either, directly or indirectly:

b-1. Employ in the place of any employee involved in such labor dispute any professional strikebreaker during the course of the labor dispute.

b-2. Contract or arrange with any other person to recruit, procure, supply or refer for purposes of employment any professional strikebreaker in place of employees involved in such a labor dispute.

c. No professional strikebreaker shall take or offer to take the place of any employee involved in a labor dispute during the course of that dispute.

b. "Smokeless tobacco" means any product that contains cut, ground, powdered or leaf tobacco and is intended to be placed in the oral or nasal cavity for purposes other than smoking, including chewing tobacco, dipping tobacco, dissolvable tobacco products, snuff and snus, but does not include any product that has been approved by the U.S. Food and Drug Administration for sale as a tobacco cessation product or for other therapeutic purposes where such product is marketed and sold solely for such an approved purpose.

c. "Sporting event venue" means any venue in which sporting events occur. This includes the entire physical area in which the sporting event occurs, including open, semi-open and enclosed spaces and structures, playing fields, dugouts, bullpens, training rooms, locker rooms, team bench areas, spectator seating areas, pedestrian walkways, bathrooms, dining areas, vendor areas, offices, recreational areas, parking lots and designated tailgating areas.

d. "Sporting event" means any professional, collegiate, high school or organized amateur game or athletic competition organized by a league or association of persons, including but not limited to baseball, softball, football, basketball, hockey, track and field, field hockey, lacrosse or soccer.

2. USE OF SMOKELESS TOBACCO PROHIBITED. The use of smokeless tobacco is prohibited at sporting event venues.

3. RESPONSIBILITY OF PERSONS IN CHARGE.

a. No person in charge may allow any person to use smokeless tobacco in violation of sub. 2 at a location that is under the control or direction of the person in charge.

b. A person in charge shall comply with par. a by doing all of the following:

b-1. Posting signs setting forth the prohibition and providing other appropriate notification and information concerning the prohibition.

b-2. Refusing to serve food or drink to a person who is in violation of sub. 2.

b-3. Asking a person who is in violation of sub. 2 to refrain from using smokeless tobacco and, if the person refuses to do so, asking the person to leave the sporting event venue.

b-4. If a person refuses to leave a sporting event venue after being requested to do so as provided in subd. 3, the person in charge shall immediately notify an appropriate law enforcement agency of the violation.

4. PENALTIES.

a. Any person violating the prohibition set forth in sub. 2 shall be subject to a forfeiture of not less than \$100 nor more than \$250.

b. Except as provided in par. c or d, any person in charge who violates sub. 3 shall be subject to a forfeiture of \$100 for each violation.

c. For violations subject to the forfeiture under par. b, if the person in charge has not previously received a warning notice for a violation of sub. 3, the law enforcement officer shall issue the person in charge a warning notice and may not issue a citation.

d. No person in charge may be required under par. b to forfeit more than \$100 in total for all violations of sub. 3 occurring on a single day.

105-50. Synthetic Marijuana 1. POSSESSION, SALE AND USE PROHIBITED. No person shall possess, purchase, display for sale, attempt to sell, sell, give, barter or use any chemical derivative of marijuana, or any other substance, designed to mimic the physical, psychological, intoxicating, narcotic or other effects of marijuana.

2. MEDICAL AND DENTAL USE ALLOWED. Acts prohibited under par. 1 shall not be unlawful if done by or under the direction or prescription of a licensed physician, dentist, or other medical health professional authorized to direct or prescribe such acts, provided use is permitted under state and federal laws.

3. PENALTIES. Persons violating this section shall be subject to a forfeiture of not less than \$100 nor more than \$500 together with the cost of prosecution, and upon default shall be imprisoned in the county jail or house of correction for a period not to exceed 40 days, or until the forfeiture costs are paid.

105-50.5. Age Restrictions on Hemp-derived THC Products 1. DEFINITION. a. In this section, "hemp-derived cannabinoid" means either of the following:

a-1. A cannabinoid other than delta-9 tetrahydrocannabinol (THC) or an isomer derived from such cannabinoid (delta-8 THC, delta-10 THC, hexahydrocannabinol (HHC), HHC-O, THCA, THC-O, THCP, THCV).

a-2. A hemp-derived product containing delta-9 tetrahydrocannabinol in a concentration of 0.3 percent or less.

b. "Hemp-derived cannabinoid" shall not mean any non-intoxicating cannabinoids, including cannabidiol (CBD), which is an active ingredient in cannabis, but does not cause intoxication by itself, is not addictive, and does not contain other isomers as listed in par. a.

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2. AGE RESTRICTION ON THE SALE OF HEMP-DERIVED CANNABINOID. No person shall sell or provide hemp-derived cannabinoids to any person under the age of 21 at the time of transaction.

3. PENALTIES. Any person violating this section shall be subject to a forfeiture of:

a. Not less than \$400 nor more than \$1,000 together with the cost of prosecution, and upon default may be imprisoned by law.

b. Not less than \$1,000 nor more than \$5,000 together with the cost of prosecution if the person has committed a previous violation within 30 months of the violation, and upon default may be imprisoned by law.

c. Not less than \$5,000 nor more than \$10,000 together with the cost of prosecution if the person has committed 2 or more previous violations within 30 months of the violation, and upon default may be imprisoned by law.

105-51. Hate Literature. 1. DEFINITIONS. The word "person" when used in this section shall mean any person, individual, firm, partnership, corporation, organization or any officer, employee or agent thereof.

2. ANONYMOUS PUBLICATIONS PROHIBITED. It shall be unlawful for any person to print, post, publish, distribute, exhibit or cause to be printed, posted, published, distributed or exhibited, by any means or in any manner whatsoever, any handbill, dodger, circular, booklet, pamphlet, leaflet, card, sticker, periodical, pictorial print, picture, painting, literature or paper which tends to expose any individual or any racial or religious group to hatred, contempt, ridicule or obloquy, or tends to incite religious or racial hatred, unless the same has clearly printed or written thereon:

a. The true name and post office address of the person, individual, firm, partnership, corporation, or organization causing the same to be printed, posted, published, distributed or exhibited; and

b. If such name is that of a firm, corporation, or organization, the name and post office address of any individual acting in its behalf in causing such printing, posting, publication, distribution or exhibition.

3. PENALTY. Any person who shall violate, or cause to be violated, any provisions of this section shall upon conviction thereof be fined not less than \$10 nor more than \$500 together with the costs of prosecution, and, in default of payment of either such fine or costs, shall be confined in the house of correction of Milwaukee county for not less than 10 days and not more than 6 months.

105-52. Kratom and Kava Prohibited

1. POSSESSION, SALE, AND USE PROHIBITED. No person shall possess, purchase, display for sale, attempt to sell, sell, give, barter or use any chemical derivative of kratom or kava.

2. MEDICAL AND DENTAL USE ALLOWED. Acts prohibited under par. 1 shall not be unlawful if done by or under the direction or prescription of a licensed physician, dentist, or other medical health professional authorized to direct or prescribe such acts, provided use is permitted under state and federal laws.

3. PENALTIES. Any person violating this section shall, upon conviction, be subject to a forfeiture of not less than \$100 nor more than \$500 together with the cost of prosecution, and upon default shall be imprisoned as provided by law.

105-53. Entrance to Government Pier.

1. WARNING SIGNS. It shall be unlawful for any person to enter upon or remain on the government breakwater, known as government pier, located in the McKinley beach area at the point where E. Brady Street extended east intersects the shore of Lake Michigan, at such times as warning signals or signs are displayed at or near the entrances indicating admission onto the breakwater as closed to all persons. Such warning devices shall consist of a red light, the sounding of a siren, or the posting of a sign at or near the entrances to the government breakwater. Nothing contained in this section shall be construed as to interfere with interstate commerce or with the federal government's paramount right to the use of said government breakwater.

2. PENALTY. Any person who violates the provisions of this section shall be punished by a fine of not less than \$10 nor more than \$50 or by imprisonment in the house of correction of Milwaukee county for not more than 30 days.

105-55. Soliciting of Magazines on Public Streets.

1. UNLAWFUL. It shall be unlawful to engage in the business of soliciting or taking subscriptions for any magazines or periodicals for future delivery in or upon any public street or alley, or sidewalk, or in any area or doorway or entranceway immediately abutting thereon.

2. PENALTY. Any person who shall violate any of the provisions of this section shall, upon conviction thereof, be punished by a fine not to exceed \$100, or, in default of payment thereof, be committed to the county jail or house of correction of Milwaukee county not to exceed 30 days or until such fine and costs shall have been paid.

2. RESPONSIBILITY OF PARENTS. No parent, guardian or other adult person having the care and custody of a person under the age of 18 years shall suffer or permit or by inefficient control to allow such persons to violate sub. 1.

3. PENALTY. Any person violating the provisions of this section shall, upon conviction, be subject to a forfeiture of not less than \$50 nor more than \$300, together with the costs of prosecution, and upon default of payment be imprisoned in the county jail or house of correction not less than 2 days nor more than 12 days.

105-78. Abandoned 911 Calls. 1. FINDINGS. The common council finds that abandoned, unintentional or phantom calls to the city's "911" emergency phone number, because they must be answered by police telecommunicators and require call-backs to the telephone or wireless device, consume and waste valuable police time that could otherwise be used to respond to intentional "911" calls, some of which involve actual life-threatening emergencies. The common council further finds that responding to abandoned, unintentional or phantom "911" calls drains city financial resources.

2. REPEATED CALLS PROHIBITED. No owner of a telephone or wireless device shall cause or permit to cause 3 or more abandoned, unintentional or phantom calls from the telephone or wireless device to the city's "911" emergency phone number within a calendar year.

3. PENALTIES. Any person violating sub. 2 shall be subject to a forfeiture of not less than \$50 nor more than \$100 for the 3rd abandoned, unintentional or phantom call to the "911" number in a calendar year. Subsequent calls within the same calendar year shall be subject to a forfeiture of not less than \$100 nor more than \$250 each.

4. TELEPHONE SERVICE CARRIER ASSISTANCE. The provider or carrier of the telephone service of the telephone or wireless device from which 3 or more abandoned, unintentional or phantom calls to the "911" number are transmitted in a calendar year shall, upon request, provide the police department with the name and mailing address of the owner of the telephone or wireless device. If the telephone service provider or carrier fails to provide this information to the police department within 72 hours of the request, the provider or carrier shall be subject to the penalties in sub. 3.

105-79. Legal Occupant Lists for Residential Real Properties. 1. LIST REQUIRED. The owner of any residential real property shall maintain a current list of all tenants, occupants, residents and sublessees authorized to occupy the building or buildings on such

property. Upon written request to the owner, this list shall be made available to public safety personnel within 24 hours.

2. PENALTIES. The penalties provided in s. 200-19, including the minimum penalties, shall apply to any person found to be in violation of this section.

105-80. Short-term rentals. 1. DEFINITION. "Short-term rental" means any tourist rooming house, lodging place, tourist cabin or cottage, other than a hotel or motel, in which sleeping accommodations are offered for pay to tourists or transients. It does not include private boarding or rooming houses not accommodating tourists or transients, or bed and breakfast establishments regulated under ch. ATCP 73, Wis. Adm. Code.

2. INCIDENT REPORTING. Any citation, order or police report issued for activity occurring at a property arising from its use as a short-term rental shall be reported by the issuing department to any platforms listing the property as a short-term rental within 30 days of issuance.

3. NOTICE. a. Within 30 days of receipt, the department of neighborhood services shall provide, by mail, written notice of any application for a tourist rooming house received by the department to the local council member and to all residences within a radius of 250 feet, centered on the property for which a tourist rooming house license is sought.

b. The department of neighborhood services shall maintain a list of all short-term rental properties within the city and make the list publicly available and accessible.

105-81. Ultimate or Extreme Fighting Events Prohibited. 1. In this section, "ultimate or extreme fighting event" means a fighting bout or tournament that meets the following criteria:

a. A state license under ch. 444, Wis. Stats. has not been issued for the event.

b. Participants use any combination of boxing, kicking, wrestling, hitting, punching or other combative contact techniques, which combination of techniques is not specifically authorized by and conducted pursuant to ch. 444, Wis. Stats.

2. No person shall advertise, operate, maintain, attend, participate in, promote or assist in advertising, operating, maintaining, attending, participating in or promoting an ultimate or extreme fighting event held within Milwaukee.

3. A person who violates this section shall upon conviction be subject to a forfeiture of not less than \$500 nor more than \$5,000 together with the costs and disbursements of the prosecution, and in

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default of payment thereof, shall be imprisoned in the county jail or house of correction for not less than 20 nor more than 90 days.

105-91. Retail Establishment Security Measures.

1. FINDINGS. In order to promote safe and orderly public places such as retail establishments and to assist police investigations of crimes and ordinance violations, the common council finds that any retail establishment that has facilitated or been the location of 3 or more incidents of qualified activity within a one-year period may be required to install a security camera system to help ensure the safety and welfare of the people of the city of Milwaukee.

2. DEFINITIONS. In this section: a. "Other responsible party" means any individual or entity other than the owner of the premises that is licensed or subject to license in the operation of a retail establishment upon the premises.

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

c. "Qualified activity" means any of the following activities, behaviors or conduct whenever engaged in by any person associated with a premises:

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

c-2. Robbery as enumerated in s. 943.32, Wis. Stats.

c-3. Theft as defined in s. 110-16 of the code or s. 943.20, Wis. Stats.

c-4. Crimes involving illegal possession or use of firearms as defined in ch. 941 and s. 948.60, Wis. Stats.

c-5. Discharge of a firearm as defined in s. 105-35.

c-6. Disorderly conduct as defined in s. 106-1 of the code or s. 947.01, Wis. Stats.

c-7. Keeping a place of prostitution as defined in s. 106-3 of the code or s. 944.34, Wis. Stats., or leasing a building for the purposes of prostitution as defined in s. 106-4 of the code.

c-8. Possession, manufacture or delivery of a controlled substance or related offenses as defined in ch. 961, Wis. Stats.

c-9. Gambling as defined in ss. 107-1 and 2 of the code or s. 945.02, Wis. Stats.

c-10. Underage alcohol activities, as defined in s. 90-18.

c-11. The sale, offering for sale, bartering or giving away of any intoxicating liquors or fermented malt beverages without a license or to be in violation of the terms of such license as provided in s. 90-3-1 of the code or s. 125.04(1), Wis. Stats.

c-12. Any crime subject to an increased penalty for the use of a dangerous weapon as defined in s. 939.63, Wis. Stats.

c-13. Exceeding maximum authorized occupancy as defined in s. 85-23.

c-14. Conducting or operating public entertainment without a license as provided in s. 108-5.

d. "Retail establishment" means an establishment providing retail sale of new products to the public and rendering services incidental to the sale of such products, including, but not limited to, sale of: art supplies and picture frames, art works, auto parts, baked goods, bicycles, books, newspapers and magazines, collectibles, dry goods, notions and novelties, flowers and plants, food and beverages, furniture and floor coverings, hardware, hobbies, toys and games, household goods, jewelry, luggage, major appliances, music, records, compact discs and tapes, paint and wallpaper, pets, pharmaceutical products, photo equipment and processing, sewing apparatus, sporting goods, stationery, tobacco products and wearing apparel. This term includes, but is not limited to, a grocery store, specialty food store, antique store, licensed alcohol beverage establishment, butcher shop, delicatessen, portrait studio, furniture or appliance rental establishment or video rental or sales business, adult book store, lumber yard, building supply or home improvement center, garden center or secondhand store.

3. PROCEDURE. a. Whenever the chief of police determines 3 or more separate incidents of qualified activity have occurred at a retail establishment within a one-year period, the chief of police may notify the premises owner or other responsible party in writing that the premises owner or other responsible party is required to install a security camera system and comply with all regulations set forth in sub. 4. The premises owner or other responsible party shall have 60 days from the date of notification to install and maintain for 2 years a security camera pursuant to sub. 4. This notice shall be deemed to be properly delivered if sent either by first-class mail to the premises owner's or other responsible party's last known address or if delivered in person to the premises owner or other responsible party. If the premises owner or other responsible party cannot be located, the notice shall be deemed to be properly delivered if a copy of it is left at the premises owner's or other responsible party's usual place of abode in the presence of some competent member of the family at least 14 years of age or a competent adult currently residing there and who shall be informed of the contents of the notice. If a current address cannot be located, it shall be deemed sufficient if a copy of the notice is sent by first-class

mail to the last known address of the owner or other responsible party as identified by records of the commissioner of assessments. For purposes of this section, each separate and distinct incident shall constitute a qualified activity, and 2 or more separate and distinct incidents occurring on the same day shall be counted separately. This notice shall contain:

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

a-2 A description of the qualified activity that has occurred at the premises.

a-3. A notice of the premises owner's or other responsible party's right to appeal pursuant to sub. 5.

b. Failure of a licensee to comply with the regulations of this paragraph shall constitute grounds for non-renewal, suspension or revocation of a license.

4. SECURITY CAMERA REQUIREMENTS. a. Any premises owner or other responsible party subject to sub. 3 shall comply with the following regulations:

a-1. Security cameras shall be installed and maintained in proper working order and operate during all hours the retail establishment is open to customers. Each security camera shall display an accurate date and time stamp on each image and produce retrievable images suitable for permanent police records.

a-2. Security cameras shall be installed so as to provide clear images of the entire premises, including areas as specified on the license as well as the public right-of-way abutting the premises and any off-street parking lot used expressly for patron parking. In addition, at least one security camera shall provide an overall view of each counter and register area, and at least one security camera shall be positioned to provide a clear, identifiable, full-frame image of the face of each person entering and leaving the retail establishment. Security camera views shall not be obstructed by premises fixtures or displays. The police may encourage retail establishments to position and use additional security cameras to bolster overall crime-prevention efforts.

a-3. If a time-lapse digital video recorder is operated, recorded images shall not be recorded at a slower speed than 24 hours.

a-4. All digital video records shall be stored and maintained in good viewing order for 30 days after recording.

a-5. All digital video shall be made available upon request to the licensing committee and law enforcement officers. Digital video recordings shall be dated and time-stamped, and all copies of video recordings shall be marked with the accurate

date the media was recorded. At least one blank copy per security camera shall be available during all hours the retail establishment is open to customers to replace copies provided to the licensing committee or law enforcement officers, or to replace video recording media that fail.

a-6. Security camera systems shall be capable of copying all images in an accessible form while maintaining the native format. Digital video recordings recorded by security camera systems on a disk storage format, such as CDs or DVDs, shall be copied onto a disk storage format whenever the system's video recording media reaches capacity, but not less frequently than once every 30 days. All security camera system recorded images requested by the licensing committee and law enforcement officers shall be provided on a disk storage format, such as CDRs or DVD-Rs. Security camera system playback software needed to view recorded images shall be copied onto each disk storage format used to store recorded video images.

a-7. On-duty retail establishment employees shall provide a copy of recorded digital images to law enforcement officers immediately upon request.

a-8. The surveillance security cameras shall be maintained in proper working order for a period of 2 years from the date of delivery of the notice in sub. 3.

5. APPEAL. Appeal of the determination of the chief of police pursuant to sub. 3 may be submitted to the administrative review appeals board as provided in s. 320-11. The administrative review appeals board may extend the installation period beyond 60 days in the case of a financial hardship.

6. PENALTIES. Any premises owner or other responsible party who violates any of the provisions of this section, shall upon conviction, forfeit not less than \$500 nor more than \$1,000, and in default of payment thereof, be imprisoned as provided by law.

105-93. Motor Vehicle Rental. 1. KEY SECURITY. All keys to motor vehicles offered for rent at a car rental agency located within the city shall be placed in a secure lockbox inside the rental agency's building at all times when the agency is not open for business.

2. EXEMPTIONS. The following shall be exempt from the requirement provided in sub. 1.

a. Any car rental agency which has a security officer present on the premises when the rental agency is not open for business.

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b. Any car rental agency which has installed a theft-deterrent system, commonly known as a "crash barrier" or "plate barrier" at each entrance or exit.

3. PENALTY. a. Any person violating this section shall, upon conviction for a first offense, forfeit not less than \$150 nor more than \$1,000, together with the costs of prosecution and, in default of payment, may be imprisoned as provided by law.

b. Any person violating this section shall, upon conviction for a second or subsequent offense, forfeit not less than \$500 nor more than \$2,000, together with the costs of prosecution, and, in default of payment, may be imprisoned as provided by law.

105-122. Seized Firearms or Ammunition, etc.

1. ABANDONED OR UNCLAIMED PROPERTY. a. Dangerous Materials. The chief of police may, by any lawful means, safely dispose of abandoned or unclaimed flammable, explosive or incendiary substances, materials or devices in his custody posing a danger to life or property in their storage, transportation or use immediately after taking possession of such substances, materials or devices.

b. In Custody of Chief of Police. The chief of police may dispose of firearms or ammunition in the custody of the chief of police which have been abandoned or remain unclaimed for a period of 12 months after the taking of possession of such property by the chief of police, by return to the rightful owner, destruction or transfer to the state crime laboratory under s. 165.75, Wis. Stats., the division of law enforcement services of the Department of Justice, the Federal Bureau of Investigation or the Alcohol, Tobacco and Firearms Bureau of the U.S. Department of the Treasury.

c. Other Personal Property. Except for abandoned motor vehicles and trailers, the chief of police may dispose of all other personal property in the chief's custody which has been abandoned or remains unclaimed for a period of 30 days after acquisition by the chief by using an Internet auction service contracting with the department of administration. The proceeds of such sales shall be paid to the city treasurer. The chief of police may dispose of abandoned or unclaimed property by other means set forth in s. 310-29 only with prior authorization of the department of administration and in accordance with the requirements of s. 310-29-2 to 4. Property delivered to the department of administration for disposition shall be disposed of by the department of administration in accordance with s. 310-29. Abandoned motor vehicles and trailers shall be disposed of in accordance with s. 105-65.

2. DISPOSITION OF SEIZED FIREARMS OR AMMUNITION. a. Seized Firearms or Ammunition Posing a Danger to Life or Property or Constituting Contraband. If firearms or ammunition seized by the chief of police are not required for evidence or further investigation but pose a danger to life or property in their storage, transportation or use or constitute contraband, the chief of police may safely dispose of such firearms or ammunition by any lawful means.

b. Seized Firearms or Ammunition Which Do Not Pose a Danger to Life or Property or Constitute Contraband. If firearms or ammunition seized by the chief of police are not required for evidence or further investigation or do not appear to be or are not reported stolen, and have not been disposed of pursuant to court order at the completion of a criminal action or proceeding or in accordance with par. a, and the rightful owner has not requested their return within 12 months after the taking of possession of such firearms or ammunition by the chief of police, such firearms or ammunition may be shipped by the chief of police to the state crime laboratory for disposition under s. 968.20(3)(a), Wis. Stats.

c. Seized Firearms or Ammunition Which Appear to be or are Reported Stolen. If firearms or ammunition seized by the chief of police appear to be or are reported stolen but are not required for evidence or further investigation and have not been disposed of pursuant to court order at the completion of a criminal action or proceeding or in accordance with par. a, and the rightful owner has not requested their return within 12 months after the taking of possession of such firearms or ammunition by the chief of police, the chief of police may ship such firearms or ammunition to the state crime laboratory for disposition under s. 968.20(3)(a), Wis. Stats., after the chief of police shall have made a reasonable effort to notify the rightful owner, and the rightful owner shall not have requested their return within 30 days following receipt of such notification. If after a reasonable effort the chief of police is unable to notify the rightful owner, the chief of police may ship such firearms or ammunition to the state crime laboratory for disposition under s. 968.20(3)(a), Wis. Stats., provided not less than 15 months shall have elapsed since the taking of possession of such firearms or ammunition by the chief of police.

3. OTHER SEIZED PROPERTY. If property other than firearms or ammunition is seized by the chief of police and is not requested for evidence or investigation, and such property poses a danger to life or property in its storage, transportation or use or constitutes contraband, the chief of police may safely dispose of such property by any lawful means.

c. That the sale was made in good faith, in reasonable reliance on the identification card and appearance of the purchaser and in the belief that the purchaser had attained the age of 18.

5. PENALTIES. a. Any person convicted of violating this section, except sub. 3-a, shall be subject to the following forfeitures:

a-1. Not more than \$500 if the person has not committed a previous violation within 12 months of the violation.

a-2. Not less than \$200 nor more than \$500 if the person has committed a previous violation within 12 months of the violation.

b. Any person convicted of violating sub. 3-a shall forfeit not more than \$25.

106-30.5. Purchase and Possession of Cigarettes and Tobacco Products by Persons Under the Age of 18.

1. FALSE REPRESENTATION ILLEGAL. No person under 18 years of age may falsely represent his or her age for the purpose of receiving any cigarette, nicotine product, or tobacco product.

2. EXCEPTION. No person under 18 years of age may purchase or possess cigarette, nicotine product, or tobacco product except as follows:

a. A person under 18 years of age may purchase or possess cigarettes, nicotine products, or tobacco products for the sole purpose of resale in the course of employment during his or her working hours if employed by a retailer.

b. A person under 18 years of age, but not under 15 years of age, may purchase, attempt to purchase or possess cigarettes, nicotine products, or tobacco products in the course of his or her participation in an investigation under s. 254.916, Wis. Stats., that is conducted in accordance with s. 254.916(3), Wis. Stats.

2.5. STRAW PURCHASE ILLEGAL. No person may purchase cigarettes, tobacco products, or nicotine products on behalf of, or to provide to, any person who is under 18 years of age. Any person who violates this subsection may be:

a. Required to forfeit not more than \$500 if the person has not committed a previous violation within 30 months of the violation.

b. Fined not more than \$500 or imprisoned for not more than 30 days or both if the person has committed a previous violation within 30 months of the violation.

c. Fined not more than \$1,000 or imprisoned for not more than 90 days or both if the person has committed 2 previous violations within 30 months of the violation.

d. Fined not more than \$10,000 or imprisoned for not more than 9 months or both if the person has committed 3 or more previous violations within 30 months of the violation.

3. INVESTIGATION EXCEPTION. With the permission of his or her parent or guardian, a person under the age of 18 years, but not under 15 years of age may buy, attempt to buy or possess any cigarette or tobacco product if all of the following are true:

a. The person commits the act for the purpose of conducting an investigation under s. 254.916, Wis. Stats.

b. The person is directly supervised during the conducting of the investigation by an adult employee of a governmental regulatory authority.

c. The person has prior written authorization to commit the act from a governmental regulatory authority or a district attorney or from an authorized agent of a governmental regulatory authority or a district attorney.

4. SEIZURE. A police officer shall seize any cigarette or tobacco product that has been sold to and is in the possession of a person under 18 years of age.

5. PENALTY. Any person convicted of violating this section, shall be subject to a forfeiture not to exceed \$50.

106-31 Morals and Welfare

106-31. Loitering or Prowling. The activities of loitering or prowling set forth in subs. 1 to 9 are unlawful within the limits of the city.

1. LOITERING. Loiters or prowls in a place, at a time, or in a manner not usual for law-abiding individuals under circumstances that warrant alarm for the safety of persons or property in the vicinity. Among the circumstances which may be considered in determining whether such alarm is warranted is the fact that the actor takes flight upon appearance of a peace officer, refuses to identify himself or manifestly endeavors to conceal himself or any object. Unless flight by the actor or other circumstances makes it impracticable, a peace officer shall prior to any arrest for an offense under this section, afford the actor an opportunity to dispel any alarm which would otherwise be warranted, by requesting him to identify himself and explain his presence and conduct. No person shall be convicted of an offense under this section if the peace officer did not comply with the preceding sentence, or if it appears at trial that the explanation given by the actor was true and, if believed by the peace officer at the time, would have dispelled the alarm.

2. DWELLING AREAS, ETC. Hides, waits or otherwise loiters in the vicinity of any private dwelling house, apartment building or