

**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:

220797 A substitute ordinance relating to the protection of poll workers.

<u>Section Affected</u>	<u>Action</u>	<u>File Number</u>	<u>Effective Date</u>	<u>Remove Pages</u>	<u>Add Pages</u>
Remove <u>old</u> MEMO (Suppl. #419)					
Ch. 105 Table				i-ii	i-ii
105-139	cr	220797	10/29/22	v-vi	v-vi
Index				581-582	581-582
				610c-610d	610c-610d
				1551-1552	1551-1552

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

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

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 cr=created rc=recreated rp=repealed

Revised 10/11/2022
Suppl. #420

CITY OFFICIALS

2020 to 2024

Mayor
Cavalier Johnson

Council President
Jose G. Perez

The Common Council
(By Aldermanic District)

1. VACANT
2. VACANT
3. VACANT
4. Robert J. Bauman
5. Nikiya Dodd
6. Milele A. Coggs
7. Khalif Rainey
8. JoCasta Zamarripa

9. VACANT
10. Michael Murphy
11. Mark A. Borkowski
12. Jose G. Perez
13. Scott P. Spiker
14. Marina Dimitrijevic
15. Russell W. Stamper, II

City Clerk: Jim Owczarski
Deputy: Dana Zelazny

City Attorney
Tearman Spencer

City Comptroller
Aycha Sawa

City Treasurer
Spencer Coggs

Municipal Judges

Branch 1
Valarie Hill

Branch 2
Derek Mosley

Branch 3
Phil Chavez

FORWARD

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

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

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

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

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

Keith Broadnax, Manager
Legislative Reference Bureau
October 2022

MEMO

If all supplements have been properly inserted, this book contains all actions of the Common Council through October 11, 2022.

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**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.

property damage may likely be done unless immediately arrested. He may lawfully make an arrest acting under a warrant even though the officer does not have the warrant in his possession at the time of the arrest, but, if the person arrested so requests, the warrant shall be shown to him as soon as practicable. He may lawfully arrest when advised by any other peace officer in the state that a warrant has been issued for the individual.

105-133. Warrant for Assault Upon Officer. No member of the police force shall be permitted to apply for warrant for an assault upon himself without first reporting the case to the chief of police and obtaining from him or from the mayor permission in writing to make such application.

105-137. Assistance to Officers By Citizens. It shall be the duty of all persons in the city, when called upon by any police officer or patrolman to promptly aid and assist him in the execution of his duties. Whoever shall neglect or refuse to give such aid and assistance shall forfeit a penalty of not exceeding \$100 in the discretion of the court or magistrate convicting. And if the person offending be a licensed hackman, cabman or drawman, or the driver of any hackney coach, cab, omnibus, dray or wagon or other vehicle, the court or magistrate convicting shall be authorized to give judgment that the license of the said person or of the owner of such vehicle be cancelled and revoked.

105-138. Resisting or Obstructing Officer.

1. DEFINITIONS. In this section:
 - a. "Obstructs" includes without limitation knowingly giving false information to an officer or knowingly placing physical evidence with the intent to mislead an officer in the performance of the officer's duty, including the service of any summons or civil process.
 - b. "Officer" means a peace officer or other public officer or public employee having the authority by virtue of the officer's position or employment to take another into custody.
2. PROHIBITION. No person shall knowingly resist or obstruct an officer while the officer is doing any act in an official capacity and with lawful authority.
3. PENALTY. Any person violating this section shall upon conviction forfeit not less than \$100 nor more than \$500, together with the costs of prosecution and in default of payment shall be

imprisoned in the county jail or house of correction for a period not to exceed 20 days, or until the forfeiture and costs are paid; and for violations occurring between the hours of 8:00 p.m. and 5:00 a.m. upon a street designated as a cruising area under s. 101-20.5, including the land within the street lines whether or not improved, shall upon conviction forfeit not less than \$200 nor more than \$1,000, together with the costs of prosecution and in default of payment shall be imprisoned in the county jail for a period not to exceed 40 days, or until the forfeiture and costs are paid.

105-139. Protection of Election Officials.

1. FINDINGS. The common council finds election officials are bullied and threatened, and polling places are disrupted by behaviors that undermine free and fair elections.
2. DEFINITIONS. For purposes of this section:
 - a. "Election official" means an individual who is charged with any duties related to the conduct of an election.
 - b. "Polling place" means any facility where votes are cast in a primary or general election under the provisions of this chapter, including any hall, passageway, sidewalk or approach providing immediate access to the facility where votes are cast.
 - c. "Polling times" means the hours of operation of a polling place, including any time an election official is preparing to open a polling place to voters, or processing votes and supporting documents after the polling place is closed to voters.
 - d. "Telecommunication device" means any instrument, equipment, machine or other device that facilitates telecommunication, including but not limited to, a computer, computer network, computer chip, computer circuit, scanner, telephone, cellular telephone, pager, personal communications device, radio, transponder, receiver, modem or device that enables the use of a modem.
 - e. "Telecommunication message" means any transfer of signs, signals, writing, images, sounds, data or intelligence of any nature transmitted with a telecommunications device.
3. PROHIBITIONS. No person, while at a polling place during polling times, shall:
 - a. Engage in violent, abusive, indecent, profane, boisterous, unreasonably loud or otherwise disorderly conduct which is likely to cause or provoke a civil disturbance.

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b. Send a telecommunication message to a telecommunication device that contains any violent, abusive, indecent or profane language, or an image, or any other message intended to harass, annoy or offend, which is likely to cause or provoke a civil disturbance.

4. EXCEPTION. No provision of this section shall be construed to restrict the lawful possession of a firearm.

5. PENALTY. Any person violating this section shall, upon conviction, be subject to a forfeiture of \$1,000, together with the costs of prosecution, and in default of payment of the forfeiture and costs, shall be imprisoned as provided by law.

For legislative history of chapter 105, contact the Municipal Research Library.