



Legislation Details (With Text)

File #: 981296 **Version:** 0

Type: Ordinance **Status:** Passed

File created: 12/18/1998 **In control:** JUDICIARY & LEGISLATION COMMITTEE

On agenda: **Final action:** 1/19/1999

Effective date:

Title: An ordinance relating to the sale, possession and use of laser pointers and providing a penalty.

Sponsors: ALD. PAWLINSKI, ALD. BUTLER, ALD. PRATT, ALD. SCHRAMM, ALD. BREIER, ALD. SCHERBERT, ALD. NARDELLI, ALD. RICHARDS, ALD. FRANK, ALD. HENNINGSEN, James N. Witkowiak

Indexes: CRIMES AND MISDEMEANORS, FINES AND PENALTIES, NUISANCES

Attachments:

Date	Ver.	Action By	Action	Result	Tally
12/18/1998	0	COMMON COUNCIL	ASSIGNED TO		
12/21/1998	0	PUBLIC SAFETY COMMITTEE	REFERRED TO		
12/23/1998	0	PUBLIC SAFETY COMMITTEE	HEARING NOTICES SENT		
1/5/1999	0	PUBLIC SAFETY COMMITTEE	HEARING NOTICES SENT		
1/6/1999	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		
1/7/1999	0	PUBLIC SAFETY COMMITTEE	RECOMMENDED FOR PASSAGE AND ASSIGNED	Pass	5:0
1/11/1999	0	JUDICIARY & LEGISLATION COMMITTEE	RECOMMENDED FOR PASSAGE	Pass	4:0
1/19/1999	0	COMMON COUNCIL	PASSED	Pass	14:1
1/22/1999	0	MAYOR	SIGNED		
2/4/1999	0	CITY CLERK	PUBLISHED		

981296
ORIGINAL

ALD. PAWLINSKI
An ordinance relating to the sale, possession and use of laser pointers and providing a penalty.
105-45 cr
- Analysis -

This ordinance regulates the sale, possession and use of laser pointers as follows:

1. Prohibits intentionally pointing a laser pointer beam at any part of the body of another individual.
2. Prohibits sale of laser pointers to minors under 18 years.
3. Prohibits possession of laser pointers by minors under 18 years.
4. Requires retail stores to locate laser pointers so they either are readily observable by cameras or personnel, or are inaccessible to customers without assistance.

The penalty for a minor possessing a laser pointer is \$200. The penalty for any other violation is a forfeiture of \$500 to \$5,000 or, upon default, imprisonment for not more than 90 days.

The Mayor and Common Council of the City of Milwaukee do ordain as follows:

Part 1. Sections 105-45 of the code is created to read:

105-45. Sale, Possession and Use of Laser Pointers. 1. DEFINITIONS. In this section:

a. "Laser pointer" means any hand-held device that emits light amplified by the stimulated emission of radiation which is visible to the human eye.

b. "Person" means an individual, firm, partnership, corporation or association.

2. PROHIBITED USE. No person may intentionally, and without good cause, direct a beam from a laser pointer at any part of the body of another individual.

3. SALES TO MINORS. No person, except a parent or legal guardian, employer, teacher or other person authorized to supervise minors, may sell or give away or in any way furnish a laser pointer to any person under the age of 18.

4. POSSESSION BY MINORS. No person under the age of 18 may possess a laser pointer in a public or private place, without the express permission of the owner or operator of the property.

5. RETAIL SALES REGULATIONS. Each person that owns, conducts, operates or manages a retail commercial establishment selling laser pointers shall:

a. Place a sign in the direct view of persons responsible for accepting customer payment for laser pointers stating:

SELLING LASER POINTERS TO PERSONS UNDER 18 YEARS OF AGE IS AGAINST THE LAW. VIOLATORS CAN BE FINED UP TO \$5,000 OR IMPRISONED UP TO 90 DAYS.

b. Display laser pointers in one of the following ways:

b-1. Display laser pointers in such a manner as to make them inaccessible to a customer present in the area allocated for customer use without assistance from an employee of the establishment.

b-2. Display laser pointers in such a manner that cameras or personnel can readily observe customers during all times the establishment is open to the public. Observation by personnel may be facilitated by mirrors.

6. PENALTIES. a. Any person convicted of violating sub. 4 shall forfeit \$200 per violation.

b. Any person convicted of violating any provision of this section except sub. 4 shall forfeit not less than \$500 nor more than \$5,000 per violation or, upon default of payment, be imprisoned for not more than 90 days.

APPROVED AS TO FORM

Legislative Reference Bureau

Date: _____

IT IS OUR OPINION THAT THE ORDINANCE
IS LEGAL AND ENFORCEABLE

Office of the City Attorney

Date: _____

98486-1
CW
12/12/98