



## Legislation Details (With Text)

**File #:** 190279 **Version:** 0  
**Type:** Ordinance **Status:** Passed  
**File created:** 5/29/2019 **In control:** COMMON COUNCIL  
**On agenda:** **Final action:** 6/18/2019  
**Effective date:**

**Title:** An ordinance relating to trespassing upon lands, buildings, premises, streetcars, vehicles or railroad trains.  
**Sponsors:** THE CHAIR  
**Indexes:** CRIME AND CRIMINALS, CRIMES AND MISDEMEANORS  
**Attachments:** 1. Proof of Publication

Date	Ver.	Action By	Action	Result	Tally
5/29/2019	0	COMMON COUNCIL	ASSIGNED TO		
6/6/2019	0	PUBLIC SAFETY AND HEALTH COMMITTEE	RECOMMENDED FOR PASSAGE	Pass	4:0
6/18/2019	0	COMMON COUNCIL	PASSED	Pass	14:0
6/28/2019	0	MAYOR	SIGNED		
7/3/2019	0	CITY CLERK	PUBLISHED		

190279

ORIGINAL

THE CHAIR

An ordinance relating to trespassing upon lands, buildings, premises, streetcars, vehicles or railroad trains.

110-10-0 am  
110-10-1 rc  
110-10-3 rn  
110-10-3 cr

This ordinance revises provisions of the code relating to trespassing to extend those provisions to the Milwaukee streetcar, private and public vehicles, and railroad trains. It also updates the type of notice that can be given to exclude a person from another person's land, building or premises.

Whereas, The City of Milwaukee has an interest in providing the utmost protection available to its residents, visitors and businesses and their property; and

Whereas, The City and its residents, visitors and businesses have a desire to exclude others from

going into or remaining in vehicles or railroad trains of another, including vehicles of The Milwaukee Streetcar, without permission of the owner or operator; and

Whereas, The City and its residents, visitors and businesses wish to have the ability to exclude others from entering their lands, buildings, or premises at certain times of the day by the posting of signs indicating hours that entry is not permitted; now, therefore

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

Part 1. Section 110-10-0 of the code is amended to read:

**110-10. Trespassing Upon >>Lands<< Buildings or Premises; Signs.**

Part 2. Section 110-10-1 of the code is repealed and recreated to read:

**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 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.

Part 3. Section 110-10-3 of the code is renumbered 110-10-4.

Part 4. Section 110-10-3 of the code is created to read:

**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.

APPROVED AS TO FORM

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Legislative Reference Bureau

Date: \_\_\_\_\_

IT IS OUR OPINION THAT THE ORDINANCE  
IS LEGAL AND ENFORCEABLE

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Office of the City Attorney

Date: \_\_\_\_\_

Department of Public Works

LRB174116-1

Greg Kruse/Jeff Osterman

04/17/2019