

**CITY OF WEST ALLIS
ORDINANCE O-2022-0165**

**ORDINANCE AUTHORIZING THE USE OF NO-TRESPASS ORDERS AT ALL
CITY PARKS**

AMENDING SECTION 6.09

WHEREAS, the common council seeks to update WAMC 6.09 to reflect the locations treated as parks for the purpose of the law authorizing no-trespass orders;

NOW THEREFORE, the common council of the City of West Allis do ordain as follows:

SECTION 1: **AMENDMENT** “6.09 No Trespass Orders For City Parks” of the City Of West Allis Municipal Code is hereby *amended* as follows:

A M E N D M E N T

6.09 No Trespass Orders For City Parks

1. Definitions. As used in this section.

- a. "Parks" means any and all the following locations:~~lands that are designated as City parks or playgrounds within the City of West Allis, including Garfield School, Honey Creek, Klentz, Kopperud, Liberty Heights, North Greenfield Railroad Station Park, Joyce Radtke, Reservoir, Rogers and Veterans' Housing and Memorial Parks; and McKinley Park, Rogers, and Washington playgrounds.~~

- i. Arnold Klentz Park (2601 South 72 Street)
- ii. Burnham Pointe Park (6031 West Burnham Street)
- iii. Honey Creek Park (1999 South 84 Street)
- iv. Joyce Radtke Skate Park (8320 West National Avenue)
- v. Kopperud Park (South 76 Street and West Pierce Street)
- vi. Liberty Heights Park (1540 South 62 Street)
- vii. Mini Park (South 58 Street and West Beloit Road)
- viii. Mini Park (South 60 Street and West National Avenue)
- ix. Railroad Park (West National Avenue and South 82 Street)
- x. Reservoir Park (9621 West Lapham Street)
- xi. Rogers Park '(2023 South 75 Street)
- xii. Rogers Playground (2014 South 56 Street)
- xiii. Roosevelt Park (938 South 58 Street)
- xiv. Veterans Memorial Park (West National Avenue and South 70 Street)
- xv. West Allis Dog Park (11200 West Hayes Avenue)
- xvi.

West Allis Farmer's Market (6501 West National Avenue)

- b. "Assault" means any intentional act to harmfully or offensively contact another person, including attempts or threats.
 - c. "Sexual act" means any act of masturbation, sexual gratification, sexual intercourse, physical contact with or exposure of a person's genital or pubic area, buttocks, or, if the person is a female, breast (excluding a mother breast-feeding a child).
- 2. Authority. The Police Department has the authority to issue and serve no trespass orders informing the recipient that he or she is prohibited from entering or remaining in or upon any or all City parks.
- 3. An officer may issue an order to a person if:
 - a. Said person has received a municipal citation for an incident that occurred in a park; or
 - b. A police officer has probable cause to believe said person has done one (1) or more of the following while in a park:
 - i. Committed an assault on another person;
 - ii. Sold or consumed alcohol;
 - iii. Sold, possessed, or used illegal drugs;
 - iv. Brandished or used any weapon, excluding bats or other devices used during a sporting event in the context of a game;
 - v. Caused damage, including graffiti, to any park property;
 - vi. Committed a sexual act;
 - vii. Acted in a violent, indecent, profane, abusive, unreasonably loud, or otherwise disorderly manner.
- 4. Order must be in writing. All orders shall be in writing and contain the following elements:
 - a. The name of the prohibited person;
 - b. The signature of the issuing police officer;
 - c. The date of issuance;
 - d. The reason for issuance;
 - e. The duration of the order, up to one (1) year;
 - f. A list of the prohibited park(s);
 - g. Notice of the penalties for an act in violation of the order; and
 - h. Notice of the right to appeal the order's issuance.
- 5. Appeal. A recipient of a no trespass order may appeal issuance or terms of the order by submitting a written appeal to the City Clerk.
 - a. Such appeal shall be in writing, and shall be filed with the City Clerk within ten (10) calendar days of issuance of the no trespass order.
 - b. Hearing. The Public Works Committee shall hold a hearing to make a final determination of the validity of the no trespass order.
 - i. The City Clerk shall notify the appellant and the City Attorney of the hearing date, time, and location, and shall schedule the hearing no more than thirty (30) days after the appeal is filed.
 - ii. Proof of a conviction in municipal or circuit court from the incident that led to the issuance of the no trespass order shall be sufficient

cause to uphold the issuance of the no trespass order.

6. Penalty. Any person who violates any provision in this section shall, upon conviction, pay a forfeiture not to exceed five hundred dollars (\$500.), together with the costs of prosecution, and upon default of payment thereof, shall be imprisoned in the House of Correction until such forfeiture and costs are paid, but not more than the number of days set forth in Wis. Stats. § 800.095(4). Each and every day of violation constitutes a separate offense.

[Ord. O-2012-0038, 9/18/2012]

SECTION 2: **EFFECTIVE DATE** This Ordinance shall be in full force and effect on and after the required approval and publication according to law.

PASSED AND ADOPTED BY THE CITY OF WEST ALLIS COUNCIL

_____.

	AYE	NAY	ABSENT	ABSTAIN
Ald. Vince Vitale	_____	_____	_____	_____
Ald. Tracy Stefanski	_____	_____	_____	_____
Ald. Marty Weigel	_____	_____	_____	_____
Ald. Suzzette Grisham	_____	_____	_____	_____
Ald. Danna Kuehn	_____	_____	_____	_____
Ald. Thomas Lajsic	_____	_____	_____	_____
Ald. Dan Roadt	_____	_____	_____	_____
Ald. Rosalie Reinke	_____	_____	_____	_____
Ald. Kevin Haass	_____	_____	_____	_____

Attest

Presiding Officer

Rebecca Grill, City Clerk, City Of
West Allis

Dan Devine, Mayor, City Of West
Allis