



# City of West Allis

## Legislation Text

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**File #:** O-2012-0038, **Version:** 1

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Ordinance to Create Section 6.09 of the City of West Allis Revised Municipal Code Regarding Trespass Offense for Previous Offenders in City Parks

The Common Council of the City of West Allis do ordain as follows:

PART I. Section 6.09 of the Revised Municipal Code is hereby created to read as follows:

Section 6.09 NO TRESPASS ORDERS FOR CITY PARKS.

(1) Definitions. As used in this section.

(a) "Parks" means all 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.

(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 or more of the following while in a park:

1. committed an assault on another person;
2. sold or consumed alcohol;
3. sold, possessed, or used illegal drugs;

4. brandished or used any weapon, excluding bats or other devices used during a sporting event in the context of a game;
5. caused damage, including graffiti, to any park property;
6. committed a sexual act;
7. 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 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.

1. 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.

2. 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 and 00/100 dollars (\$500.00), 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.

PART II. All ordinances or parts of ordinances contravening the provisions of this ordinance are hereby amended.

PART III. This ordinance shall take effect and be in force from and after its passage and publication.

ATTO-Create 6.09 TrespassOffenseParks