

ORDINANCE NO. 3798

AN ORDINANCE AMENDING NUMEROUS CHAPTERS OF THE CODE OF THE CITY OF FOND DU LAC RELATED TO CITATION AUTHORITY, SEXTING, TRESPASS, DISORDERLY CONDUCT BY USE OF TELECOMMUNICATION DEVICE, AND CAMPING ON CITY PROPERTY

The City Council of the City of Fond du Lac do ordain as follows; deleted items are shown with strikethroughs and additions are underlined:

Section 1. That Chapter 1, General Provisions; Section 5, Citation method of enforcement.; is hereby amended to read as follows:

1) Issuance of uniform citations. Any law enforcement officer may issue citations authorized under this section. In addition, the following or their designees are hereby designated as City officials who may issue citations with respect to ordinances directly related to their official responsibilities:

Battalion Chiefs

Chief Inspector

City Engineer

Clearwater Inspector

Code Enforcement Officer

Director of Public Works

Director of Administration

Electrical Inspector

~~Fire Captains~~

Fire Chief

Fond du Lac Fire/Rescue Department Shift Commanders

Division Chief of Community Risk Reduction & Life Safety

Operations Superintendent

Parks and Forestry Superintendent

Plumbing Inspector

Principal Planner

Director of Community Development

Truancy Ordinance Enforcement Officer

Wastewater Superintendent

(2) Issuance of parking citations. Parking citations may be issued by any law enforcement officer or by those civilian employees of the police department that are authorized by the Chief of Police or his designee. In addition, the following or their designees are hereby designated as City officials who may issue parking citations as related to their official responsibilities:

Park Superintendent

Community Development Director

Section 2. That Chapter 500, Peace and Good Order; Section 1, Offenses against state law subject to forfeiture.; is hereby amended to read as follows:

The following statutes defining offenses against the peace and good order of the state are adopted by reference to define offenses against the peace and good order of the City, provided that the penalty for commission of such offenses hereunder shall be limited to a forfeiture imposed under § 1-4 of this Code:

§ 66.0409	Local regulation of weapons
§ 101.123	Smoking prohibited
§ 167.10	Regulation of fireworks
§ 167.31	Safe use and transportation of firearms and bows
§ 173.10	Investigation of cruelty complaints
§ 175.25	Storage of junked automobiles
§ 175.60(16)	License to carry a concealed weapon-prohibited activities
§ 252.25	Violation of law relating to health
§ 287.81(2)(a)	Littering, waste on public/private property
§ 287.81(2)(b)	Littering, waste thrown from vehicle
§ 287.81(2m)	Littering, large item along highway or public/private property
§ 939.05	Parties to crime
§ 939.22	Words and phrases defined
§ 941.12(2) and (3)	Interfering with firefighting
§ 941.13	False alarms
§ 941.20	Endangering safety by use of dangerous weapon

§ 941.21	Disarming a peace officer
§ 941.23	Carrying concealed weapon
§ 941.231	Carrying concealed knife
§ 941.235	Carrying firearm in public building
§ 941.295	Possession of electric weapon
§ 941.2965	Restrictions on use of facsimile firearms
§ 941.297	Sale or distribution of imitation firearms
<u>§ 942.08</u>	<u>Invasion of privacy</u>
<u>§ 942.09</u>	<u>Representations depicting nudity</u>
§ 943.01(1)	Damage to property (less than \$1,000)
§ 943.017	Graffiti
§ 943.13(1e)	Trespass to land –definitions
§ 943.13(1m)	Trespass to land - trespass (concealed carry weapons)
§ 943.13(2)(bm)	Trespass to land - notice requirement (concealed carry weapons)
§ 943.20	Theft (less than \$500)
§ 943.21	Fraud on hotel or restaurant keeper, recreational attraction, taxicab operator, or gas station
§ 943.50	Retail theft; theft of services
§ 945.03(1m)(e)	Gambling machines
§ 945.04	Permitting premises to be used for commercial gambling
§ 946.40	Refusing to aid officer
§ 946.41	Resisting or obstructing officer
§ 947.01	Disorderly conduct
§ 947.012	Unlawful use of telephone
§ 947.0125	Unlawful use of computerized communication systems
§ 947.013	Harassment
§ 948.45	Contributing to truancy
<u>§ 948.12</u>	<u>Possession of child pornography</u>
§§ 951.01 to 951.15	Crimes against animals
§ 961.573(1)	Possession of drug paraphernalia
§ 961.573(2)	Possession of drug paraphernalia by persons under the age of 17
§ 961.574(1)	Manufacture or delivery of drug paraphernalia
§ 961.574(2)	Manufacture or delivery of drug paraphernalia by persons under the age of 17
§ 961.575(1)	Delivery of drug paraphernalia to a minor
§ 961.575(2)	Delivery of drug paraphernalia to a minor by persons under the age of 17

Section 3. That Chapter 500, Peace and Good Order; Section 9, Trespass., is hereby deleted in its entirety.

Section 4. That Chapter 500, Peace and Good Order; Section 9, Disorderly Conduct by Use of Telecommunication Device.; is hereby created to read as follows:

Section 500-9 Disorderly Conduct by Use of Telecommunication Device

(1) Definitions.

- A. “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.
- B. “Telecommunication message” means any transfer of signs, signals, writing, images, sounds, data or intelligence of any nature.

(2)It shall be unlawful for any person, with intent to harass, annoy or offend another, to send a telecommunication message to a telecommunication device and use any violent, abusive, indecent or profane language or image, or any other message which tends to cause or provoke a disturbance.

Section 5. That Chapter 500, Peace and Good Order; Section 16, Violations and penalties., is hereby renumbered as Section 17.

Section 6. That Chapter 500, Peace and Good Order; Section 16, Camping Prohibited on City Property.; is hereby created to read as follows:

Section 500-16 Camping Prohibited on City Property

(1) Definitions.

- A. “To Camp” means to maintain a campsite or take habitation in a single location on City property.

- B. "City Property" means all property, parks, rights of way, parking lots, easements or other land owned, leased, controlled, or managed by the City of Fond du Lac.
- (2) It shall be unlawful for any person to camp, lodge, to live in for a time, or to take habitation in any portion of City property within the City of Fond du Lac. Evidence of lodging shall include but not be limited to bedrolls, mattresses, blankets, cooking utensils, clothing, and other personal belongings.
- (3) The City will remove individuals, personal property, camping materials and campsites from City property after providing reasonable notice of the City's intent to clear the site. Notice may include, but is not limited to, posting the site or notice served pursuant to Wis. Stat. Sec. 801.11.
- (4) Disposition and Release of Personal Property
- a. Items in an unsanitary condition may be discarded by the City. Items in an unsanitary condition include, but are not limited to garbage, rubbish, and all refuse accumulations of animal, fruit or vegetable matter that attend the preparation, use, cooking, dealing in or storage of meat, fish, fowl, fruits or vegetables; and items constituting a health hazard or risk.
 - b. Weapons, drug paraphernalia, stolen items, contraband, and evidence of a crime may be retained as evidence by the Police Department until an alternate disposition is determined.
 - c. All personal property removed by the City which is not disposed of or held as evidence, as provided above, will be stored by the City for a minimum of 30 days, during which time it shall be made reasonably available for and released to an individual confirming ownership.

Section 7. Any person violating the provisions of this Ordinance shall be subject to the penalty as provided therein.

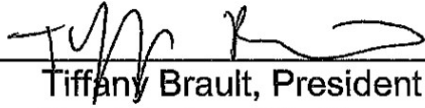
Section 8. The appropriate City officials are hereby authorized and directed to take such action as is necessary to effectuate the terms of this Ordinance.

Section 9. All other ordinances and resolutions inconsistent with the provisions of this Ordinance are hereby repealed.

Section 10. This Ordinance shall take effect and be in force upon its passage and publication as provided by law.

ADOPTED:

SEP 11 2024



Tiffany Brault, President
Fond du Lac City Council

Attest:



Margaret Heffer, City Clerk

City Attorney:

Reviewed 