

Madison General Ordinances (excerpts)

38.07 (ALCOHOL BEVERAGES REGULATED) GENERAL RESTRICTIONS.

(1) **Public Place** . No owner, lessee or person in charge of a public place may permit the consumption of alcohol beverages on the premises of the public place, unless the person has an appropriate retail license or permit. This subsection does not apply to municipalities, buildings and parks owned by counties, regularly established athletic fields and stadiums, school buildings, churches, premises in a state fair park or clubs.

24.12 MENACING OR AGGRESSIVE PANHANDLING PROHIBITED.

[NB: Note Especially 5, 6, 7]

(1) **Purpose** . The purpose of this ordinance is to ensure unimpeded pedestrian traffic flow, to maintain and protect the physical safety and well-being of pedestrians and to otherwise foster a safe and harassment-free climate in public places in the City of Madison.

(2) **Definitions** . As used in this section:

(a) “Intersection” has the meaning designated in Section 340.01(25), Wis. Stats.

(b) “Public place” or “Place open to the public” is an area generally visible to public view and includes streets, sidewalks, bridges, alleys, plazas, parks, driveways, parking lots, automobiles (whether moving or not), and buildings open to the general public including those which serve food or drink, or provide entertainment, and the doorways or entrances in buildings or dwellings and the grounds enclosing them;

(c) “Known panhandler” means a person who within one year previous to the date of arrest for violation of this section has been convicted in a court of competent jurisdiction of any civil or criminal offense involving panhandling.

(d) A conversation or gesture or both shall be construed as “threatening” if a reasonably prudent individual would perceive such conduct as intending to result in the procurement of money or goods by threat or coercion.

(e) Behavior shall be construed as “aggressive” or “intimidating” if a reasonably prudent individual could be deterred from passing through or remaining in or near any thoroughfare, or place open to the public because of fear, concern or apprehension.

(Am. by ORD-05-00116, 6-28-05)

(3) In or near any thoroughfare or place open to the public, no person either individually or as part of a group shall procure or attempt to procure a handout from another in a manner or under circumstances manifesting an express or implied threat or coercion. Among the circumstances which may be considered in determining whether such purpose or behavior is manifested are the following: that such person is a known panhandler; that such person repeatedly and in a threatening fashion, beckons to, stops, or attempts to stop passer(s)-by; that such person engages passer(s)-by in threatening conversation; or that such person utilizes threatening bodily gestures. The violator’s conduct must be such as to demonstrate a specific intent to induce, solicit, or procure from another goods or money by threat or coercion. No arrest shall be made for a violation of this subsection unless the arresting officer first affords such person an opportunity to explain such conduct, and no one shall be convicted of violating this subsection if it appears at trial that the explanation given was true and disclosed a lawful purpose.

(4) In or near any thoroughfare or place open to the public, no person either individually or as part of a group shall procure or attempt to procure a handout from another in an aggressive or intimidating manner. Among the circumstances which may be considered in determining whether such purpose or

behavior is manifested are the following: that such person is a known panhandler; that such person continues to beckon to, accost or follow or ask passer(s)-by for a handout after the passer(s)-by has failed to respond or has told the person "no"; that such person engages in a course of conduct or commits any act which harasses or intimidates the passer(s)-by; or that such person utilizes or attempts to utilize bodily gestures or physical contact to impede the path of any passer(s)-by, including but not limited to unwanted touching or blocking the path or impeding the free movement of the passer(s)-by. The violator's conduct must be such as to demonstrate a specific intent to induce, solicit, or procure from another goods or money by aggressive or intimidating behavior. No arrest shall be made for a violation of this subsection unless the arresting officer first affords such person an opportunity to explain such conduct, and no one shall be convicted of violating this subsection if it appears at trial that the explanation given was true and disclosed a lawful purpose.

(5) It shall be unlawful for any person to procure or attempt to procure a handout within fifty (50) feet of an automatic teller machine (ATM) or within twenty-five (25) feet of any open sidewalk cafe. (Am. by ORD-05-00116, 6-28-05)

(6) It shall be unlawful for any person, after having been warned that such activity is prohibited, to procure or attempt to procure a handout within twenty-five (25) feet of an intersection or within twelve (12) feet of any building that contains nonresidential uses or within twenty (20) feet of any building entrance that contains nonresidential uses. (Am. by ORD-05-00116, 6-28-05)

(7) It shall be unlawful for any person to sit or recline on a public sidewalk with an intent to procure or attempt to procure a handout.

(8) Penalty . Any person violating this section shall be subject to a forfeiture of not less than \$10 nor more than \$200, notwithstanding any provision of this chapter setting a different penalty.

(9) Severability . The provisions of this section are severable. If any provision of this section is held to be invalid or unconstitutional or if the application of any provision of this section to any person or circumstance is held to be invalid or unconstitutional, such holding shall not affect the other provisions or applications of this section which can be given effect without the invalid or unconstitutional provisions or applications. It is hereby declared to be the intent of the Common Council that this section would have been adopted had any invalid or unconstitutional provision or applications not been included herein.

(Sec. 24.12 Am. by Ord. 10,769, 11-1-93)

11.03 MOTOR BUS SHELTER - LAWFUL USE.

(1) No person shall enter or remain in a bus shelter or at a transfer point except while actually waiting for the arrival of the next scheduled bus routed to the person's destination or except while having business to attend to in connection with waiting for a bus. (Am. by ORD-05-00119, 7-12-05)

(2) No citation may be issued for a violation of this subsection unless the area has been posted with an official sign which notifies the person not to enter or remain on the premises. (Am. by ORD-05-00119, 7-12-05)

(3) This section does not prohibit any person from entering or remaining in a bus shelter in an emergency situation or for a brief period of time to seek protection from the elements.

(4) Any person violating this section shall be subject to a forfeiture of not less than twenty-five dollars (\$25) nor more than two hundred dollars (\$200) for each offense.

(Sec. 11.03 Cr. by Ord. 11,357, 9-29-95)

[NOTE: It is also illegal to smoke in a bus shelter.]

8.265 LODGING IN PARKS PROHIBITED.

(1) It shall be unlawful for any person to lodge, to live in for a time, or to take habitation in any portion of a public park within the City of Madison. Evidence of lodging shall include but not be limited to bedrolls, mattresses, blankets, cooking utensils, clothing, and other personal belongings.

(2) Penalty. Any person who violates this section shall be subject to a forfeiture of not less than twenty-five dollars (\$25) nor more than two hundred dollars (\$200). Each and every day during which a violation continues shall be deemed to be a separate violation.

(Sec. 8.265 Cr. by Ord. 10,849, 2-28-94)

7.32 DEPOSIT OF RUBBISH AND REFUSE ON STREETS, PUBLIC GROUNDS, OR IN LAKES OR IN ANY MANNER TO CREATE ANY STENCH OR NUISANCE.

(1) No person shall deposit or cause to be deposited in Lake Mendota, Lake Monona, Lake Wingra or the Yahara River, or in or upon any public street, water or grounds in the City of Madison, or in any other place in said City, any dead animal, rubbish, refuse, filth, offal or any other substance that will contaminate or tend to contaminate the said waters, or that will obstruct any sidewalk, gutter, street or alley, or that will in any manner create any bad or noisome stench or nuisance, or that will endanger or tend to endanger public health; and the Director of Public Health or Health Inspectors, are hereby empowered to summarily remove or cause to be removed any such dead animal, rubbish, refuse, filth, offal, or other substance so deposited contrary to the provisions of this section.

(2) Any person who shall violate any provision of this section shall be subject to a fine of not exceeding five hundred dollars (\$500) and shall also be liable for the expense of the removal of any matter deposited contrary to the provision of this section. (Am. by Ord. 5043, 6-6-75)

7.321 DEPOSITING HUMAN WASTE PRODUCTS REGULATED. No person shall deposit human waste products upon nor urinate or defecate upon any public or private property other than into a toilet or other device designed and intended to be used to ultimately deposit such human waste products into a septic or sanitary sewer system. (Cr. by Ord. 8247, 2-20-84)

10.23 OBSTRUCTION OF STREETS AND SIDEWALKS.

(1) Any person unnecessarily obstructing or causing to be obstructed any street, alley, crosswalk, terrace or sidewalk so as to interfere with public traffic or access shall be subject to a fine of not less than fifty dollars (\$50) nor more than two hundred (\$200).

(Sec. 10.23 Am. by Ord. 11,313, 8-4-95)

10.26 PERSONS NOT TO CONGREGATE ON OR SELL MERCHANDISE ON STREETS OR SIDEWALKS. No persons shall congregate on any public sidewalk or any part of a public street or street corner so as to obstruct the same, nor shall any person or persons use any sidewalks or any part of a street as a place for vending, selling or dealing in merchandise, except as provided in Section 9.13 of these ordinances, under the penalty of not less than fifty dollars (\$50) nor more than two hundred dollars (\$200) for each offense. (Am. by Ord. 11,312, 8-4-95)

23.24 BREAKING OR INJURING TREES, SHRUBS.

(1) No person shall break or injure any tree planted in any highway in the City of Madison, nor shall he pour salt water on any such public highway in such places as to injure any tree or shrub planted or growing therein.

(2) No person shall occupy any flower bed or area of plantings nor shall any person injure, destroy or damage in any way any tree, shrub, flower or planting in any public park or public place within the city of Madison. For purposes of this subsection, public place means a place which is in public ownership or a place to which the public has access, distinguished from a private place. (Am. by Ord. 11,938, 9-26-97)