

## Legistar File No. 87838 Body

DRAFTER'S ANALYSIS: This ordinance creates a definition of a city transit operator. It further creates a subsection and penalty for any individual that directs any disorderly conduct behavior at a city transit operator.

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The Common Council of the City of Madison do hereby ordain as follows:

1. Section 24.02 entitled "Disorderly Conduct" of the Madison General Ordinances is amended as follows:

### **"24.02 DISORDERLY CONDUCT"**

Whoever does any of the following within the limits of the City of Madison shall be subject to a forfeiture as outlined in subsection (78).

#### **(51) Definitions.**

- (a)** "City transit operator" means an individual who is employed by Madison Metro and who operates a city transit vehicle.
- (ab)** "Election official" has the same definition provided in Wis. Stat. § 5.02(4e), meaning an individual who is charged with any duties related to the conduct of an election.
- (bc)** "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.
- (ed)** "Telecommunication message" means any transfer of signs, signals, writing, images, sounds, data or intelligence of any nature.

**(42)** In a public or private place, engages in violent, abusive, indecent, profane, boisterous, unreasonably loud or otherwise disorderly conduct under circumstances in which such conduct tends to cause or provoke a disturbance; or

**(23)** With intent to harass, annoy, or offend another, sends a telecommunication message to a telecommunication device and uses any violent, abusive, indecent, or profane language or image, or any other message which tends to cause or provoke a disturbance; or

**(34)** While under the influence of alcohol, in a public place, engages in violent, abusive, indecent, profane, boisterous, unreasonably loud or otherwise disorderly conduct under circumstances in which such conduct tends to cause or provoke a disturbance; or

**(45)** Engages in any of the behavior outlined in numbered paragraphs **(42)** and **(23)** of this subsection directed at an individual working in their capacity as an election official or based on their position as an election official.

**(6)** Whoever engages in any of the behavior outlined in numbered paragraphs (2) and (3) of this subsection directed at an individual working in their capacity as a city transit operator.

**(67)** Exception. It is not a violation of this section if the only behavior observed is the loading, carrying or going armed with a firearm, regardless as to whether the firearm is loaded or concealed or openly carried. This exception does not apply if there are facts and circumstances that indicate a criminal or malicious intent on the part of the individual with the firearm.

(78) Penalties. Whoever violates subsection (45) or (6) of this ordinance shall be subject to a forfeiture of not less than three hundred (\$300) nor more than one thousand dollars (\$1,000).”

2. Subsection (3) entitled “Schedule of Deposits” of Section 1.08 entitled “Issuance of Citations and Complaints for Violations of Certain Ordinances and Providing a Schedule of Cash Deposits” of the Madison General Ordinances is amended by amending therein the following:

<u>“Offense</u>	<u>Ord. No./Adopted Statute No.</u>	<u>Deposit *</u>
Unlawful use of 911.	24.01	\$300, 1st \$500, 2nd \$750, 3rd & sub.
Disorderly conduct.	24.02(12)	\$300
Annoying/harassing telecommunication.	24.02(23)	\$300
Disorderly conduct while under the influence of alcohol.	24.02(34)	\$300
Disorderly conduct directed at an election official <u>or</u> <u>city transit operator.</u>	24.02(45), (6)	\$500
Prohibition of noises disturbing the public peace.	24.04	\$100”

Editor's note – New bail deposits must be approved by the Municipal Judge prior to adoption. This deposit has been so approved.