

CITY OF MADISON, WISCONSIN

AN ORDINANCE _____

PRESENTED
REFERRED

June 7, 2011

Zoo Commission – Henry
Vilas

Creating new Sec. 8.19(3), renumbering current Sec. 8.19(3) to Sec. 8.19(4), repealing current Sec. 8.19(4), creating Sec. 8.24(1)(q), creating Sec. 8.30(2)(c), amending Sec. 8.31(4)(b), creating new Sec. 8.42(2), renumbering current Sec. 8.42(2) to Sec. 8.42(3), creating Sec. 23.05(4)(f), creating new Secs. 23.05(4)(e), 23.07(9) & (10), renumbering current Secs. 23.07(4) through (10), amending renumbered Sec. 23.07(12), creating Sec. 23.195, creating new Sec. 24.04(3)(c), renumbering current Sec. 24.04(3)(c) to (d) and Sec. 24.04(3)(d) to (e), respectively, creating Sec. 25.04, creating new Sec. 25.29(4), renumbering Secs. 25.29(4) & (5) to Secs. 25.29(5) & (6), respectively, and amending Sec. 1.08(3)(a) of the Madison General Ordinances to create ordinances that prohibit bringing animals, radio controlled toys, sound amplification devices and loaded firearms into the zoo. The ordinances prohibits harassing zoo animals, smoking, consuming alcohol, trespassing, feeding animals, bike riding, skateboarding, rollerblading and riding a scooter on zoo property. It establishes bail deposits for violations of the new ordinances.

Drafted by: Marci Paulsen

Date: May 31, 2011

SPONSOR: Alder Ellingson

DRAFTER'S ANALYSIS: Henry Vilas Zoo has had individuals creating disturbances within the zoo and attempting to harm or disturb the animals. This ordinance prohibits individuals from bringing animals into Henry Vilas Zoo and creates a bail deposit. It also prohibits the consumption of alcohol within Henry Vilas Zoo, unless the Zoo Director has granted permission. It prohibits the operation of remote controlled toys within Henry Vilas Zoo. This ordinance permits bike riding within the Zoo only if approved by the Zoo Director; previously bike riding had to be approved by the Zoo Commission. It prohibits the feeding of any animal within the Zoo, unless permission has been granted by the Zoo Director. This ordinance also prohibits smoking within the Zoo. It also creates a trespass violation if anyone enters the zoo when it is closed to the public or attempts to enter any area that is not designated for visitors, unless specific permission from the Zoo Director has been obtained. It creates an ordinance which prohibits individuals from harassing zoo animals and establishes a bail deposit. It creates an ordinance that prohibits the use of sound amplification devices within the zoo, unless the Zoo Director has authorized said use. It also creates an ordinance which prohibits the possession of firearms on zoo property, unless the firearm is

Approved as to form:

encased and unloaded and establishes a bail deposit. It also prohibits the use of skateboards, scooters and rollerblades on zoo property.

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

1. New Subsection (3) entitled "Animals Prohibited in Certain Areas" of Section 8.19 entitled "Animals Prohibited in Certain Areas" of the Madison General Ordinances is created to read as follows:

"(3) Certain Animals Prohibited on Zoo Property. No owner or keeper of any animal shall suffer, cause or permit said animal to enter or remain on Henry Vilas Zoo property unless specific permission has been granted by the Henry Vilas Zoo Director."

2. Current Subsection (3) of Section 8.19 entitled "Animals Prohibited in Certain Areas" of the Madison General Ordinances is renumbered to Section 8.19(4).

3. Current Subsection (4) of Section 8.19 entitled "Animals Prohibited in Certain Areas" of the Madison General Ordinances is hereby repealed.

4. Subdivision (q) of Subsection (1) entitled "Prohibition" of Section 8.24 entitled "Alcohol Beverage Control and Container Control on Certain Public Property" of the Madison General Ordinances is created to read as follows:

"(q) In any part of Henry Vilas Zoo property unless specific permission has been granted by the Henry Vilas Zoo Director."

5. Subdivision (c) of Subsection (2) entitled "Prohibitions/Restrictions" of Section 8.30 entitled "Radio-Controlled Toys Prohibited in Parks" is created to read as follows:

"(c) No person shall operate any radio controlled toy in any portion of the Henry Vilas Zoo property."

6. Subdivision (b) of Subsection (4) entitled "Prohibitions" of Section 8.31 entitled "Bicycles in Parks" of the Madison General Ordinances is amended to read as follows:

"(b) It shall be unlawful for any person to ride or operate any bicycle within ~~such~~ areas of the Henry Vilas Park Zoo as have been designated by order of the Henry Vilas Zoo Commission as areas in which bicycle riding is prohibited unless specific permission has been granted by the Henry Vilas Zoo Director."

7. New Subsection (2) of Section 8.42 entitled "Feeding Birds on Public Property Prohibited" of the Madison General Ordinances is created to read as follows:

"(2) It shall be unlawful for any person, unless specifically authorized by the Henry Vilas Zoo Director, to feed anything to any bird on Henry Vilas Zoo property."

8. Current Subsection (2) of Section 8.42 entitled "Feeding Birds on Public Property Prohibited" of the Madison General Ordinances is renumbered to Subsection (3).

9. Subdivision (f) of Subsection (4) entitled "Prohibition of Smoking in Outdoor Areas" of Section 23.05 entitled "Smoking Prohibited in Certain Areas" of the Madison General Ordinances is created to read as follows:

"(f) On Henry Vilas Zoo property, including all of the buildings."

10. New Subsections (9) and (10) of Section 23.07 entitled "Unlawful Trespass" of the Madison General Ordinances are created to read as follows:

"(9) It shall be unlawful for any unauthorized person to enter or remain on Henry Vilas Zoo property when the property is not open to the public."

(10) It shall be unlawful for any person to enter or remain in any area of the Henry Vilas Zoo which is not designated for visitors, unless specific permission has been granted by the Henry Vilas Zoo Director.”

11. Current Subsection (4) of Section 23.07 entitled “Unlawful Trespass” of the Madison General Ordinances is renumbered to Subsection (11).

12. Current Subsection (5) of Section 23.07 entitled “Unlawful Trespass” of the Madison General Ordinances is renumbered to Subsection (4).

13. Current Subsection (6) of Section 23.07 entitled “Unlawful Trespass” of the Madison General Ordinances is renumbered to Subsection (5).

14. Current Subsection (7) of Section 23.07 entitled “Unlawful Trespass” of the Madison General Ordinances is renumbered to Subsection (6).

15. Current Subsection (8) of Section 23.07 entitled “Unlawful Trespass” of the Madison General Ordinances is renumbered to Subsection (7).

16. Current Subsection (9) of Section 23.07 entitled “Unlawful Trespass” of the Madison General Ordinances is renumbered to Subsection (8).

17. Current Subsection (10) of Section 23.07 entitled “Unlawful Trespass” of the Madison General Ordinances is renumbered to Subsection (12) and amended to read as follows:

“(4012) Any person violating any of the provisions of Subsections (1) or (2) of this section shall be subject to a forfeiture of not less than fifty dollars (\$50) nor more than five hundred dollars (\$500); any person violating any provision of Subsection (3), (9) or (10) of this section shall be subject to a forfeiture of not less than five hundred dollars (\$500) nor more than one thousand dollars (\$1000); any person violating any provision of Subsection (~~54~~) or (~~98~~) of this section shall be subject to a forfeiture of not less than twenty-five dollars (\$25) nor more than two hundred dollars (\$200); and any person violating any of the provisions of Subsections (~~65~~) or (~~76~~) or (~~87~~) of this section shall be subject to a forfeiture of not more than three hundred dollars (\$300).”

18. Section 23.195 entitled “Harassment of Zoo Animals” of the Madison General Ordinances is created to read as follows:

“23.195 HARASSMENT OF ZOO ANIMALS.

- (1) It shall be unlawful for any person to frighten, intimidate, abuse, harass, strike, disturb or tease any animal located within Henry Vilas Zoo property.
- (2) It shall be unlawful for any unauthorized person to throw or place any object inside any animal exhibit space located within Henry Vilas Zoo property.
- (3) It shall be unlawful for any person to attempt to feed any animal located within Henry Vilas Zoo property unless authorized by the Henry Vilas Zoo Director.
- (4) Violators shall be subject to a forfeiture of not less than fifty dollars (\$50) nor more than one thousand dollars (\$1000).”

19. New Subdivision (c) of Subsection (3) entitled “Sound Amplification” of Section 24.04 of the Madison General Ordinances is created to read as follows:

“(c) It shall be unlawful for any person to use or operate, or cause to be used or operated in or upon any area within the Henry Vilas Zoo property, any device, apparatus or instrument for the amplification of the human voice or any sound or noise or other sound-making or sound reproducing device except as specifically authorized by the Henry Vilas Zoo Director.”

20. Current Subdivisions (c) and (d) of Subsection (3) entitled “Sound Amplification” of Section 24.04 of the Madison General Ordinances are renumbered to Subdivisions (d) and (e), respectively.

21. Section 25.04 entitled "Possession of Firearms Prohibited" of the Madison General Ordinances is created to read as follows:

"25.04 POSSESSION OF FIREARMS PROHIBITED.

It shall be unlawful to possess a firearm, as defined by Wis. Stat. § 167.31(1)(c), on Henry Vilas Zoo property, unless the firearm is unloaded and enclosed within a carrying case."

22. New Subsection (4) of Section 25.29 entitled "Skateboards" of the Madison General Ordinances is created to read as follows:

"(4) No person shall operate a skateboard, scooter or rollerblades on Henry Vilas Zoo property."

23. Current Subsections (4) and (5) of Section 25.29 entitled "Skateboards" of the Madison General Ordinances are renumbered to Subsections (5) and (6), respectively.

24. Subdivision (a) of Subsection (3) entitled "Schedule of Deposits" of Section 1.08 entitled "Issuance of Citations for Violations of Certain Ordinances and Providing a Schedule of Cash Deposits" of the Madison General Ordinances is amended by creating and amending therein the following:

<u>"Offense</u>	<u>Ord. No./Adopted Statute No.</u>	<u>Deposit</u>
<u>Animals prohibited on zoo property.</u>	<u>8.19(3)</u>	<u>\$50, 1st</u> <u>\$100, 2nd & sub</u>
Permitting animal to trespass.	23.07(54)	\$50
Possess/consume alcohol beverages on private property prohibited.	23.07(65)	\$200
Sleeping on private property without permission prohibited.	23.07(76)	\$200
Trespassing on railroad right-of-way.	23.07(87)(a)	\$25
Trespass to street end of N. Paterson St.	23.07(98)	\$25, 1 st ; \$50, 2 nd
Unlawful trespass.	23.07(1), (2), <u>(9) & (10)</u>	\$300, 1 st within 12 mos \$400, 2 nd within 12 mos \$500, 3 rd , more w/in 12 mos
<u>Harassment of zoo animals.</u>	<u>23.195</u>	<u>\$500</u>
<u>Unlawful possession of firearm on zoo property.</u>	<u>25.04</u>	<u>\$300"</u>

EDITOR'S NOTE:

1. New bail deposits must be approved by the Municipal Judge prior to adoption. This deposit has been so approved.

2. Current Sec. 8.19(4) reads as follows:

"(4) These amendments to Section 8.19, Madison General Ordinances, shall be effective May 15, 1996."