

LEGISTAR #40427 - Body

DRAFTER'S ANALYSIS: This amendment clarifies the definition of law enforcement officer used in this section. It also provides a non-exclusive list of law enforcement agencies that commonly conduct business inside the City of Madison. The amendment also creates a bail deposit schedule for violations of this ordinance.

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

1. Section 23.16 entitled "Regulating and Controlling Uniforms of Private Police, Security Guards, Couriers and Other Similarly Uniformed Persons" of the Madison General Ordinances is amended to read as follows:

"23.16 REGULATING AND CONTROLLING UNIFORMS OF PRIVATE POLICE, SECURITY GUARDS, COURIERS AND OTHER SIMILARLY UNIFORMED PERSONS.

(1) Purpose. The purpose of this ordinance is to regulate and control the uniforms and paraphernalia worn by private police and other quasi-police personnel under private employment so as to reduce or eliminate the possibility that the public would reasonably construe these private employees to be commissioned ~~City of Madison police~~ law enforcement officers and to therefore rely on that notion. Such purpose is deemed to be for the benefit of the health, safety, and welfare of the citizens of the City of Madison.

(2) In this section, "law enforcement officer" means any person employed by the federal or state government or by a city, village, town or county for the purpose of detecting and preventing crime and enforcing laws or ordinances, who is authorized to make arrests for violations of the laws or ordinances which he or she is employed to enforce. These agencies include, but are not limited to the following:

- Cottage Grove Police Department
- Dane County Sheriff
- DeForest Police Department
- Fitchburg Police Department
- McFarland Police Department
- Middleton Police Department
- Monona Police Department
- Sun Prairie Police Department
- University of Wisconsin-Madison Police
- Verona Police Department
- Wisconsin Capitol Police
- Wisconsin Department of Natural Resources Conservation Wardens
- Wisconsin State Patrol

(23) No person, firm, or corporation which routinely conducts its business within the City of Madison shall wear or cause its employees or agents to wear a uniform, insignia, badge, pants, shirt, jacket and any other combination of clothing articles and paraphernalia which by their color, style, design and other characteristics would lead a reasonably prudent person to conclude that such person so garbed is a commissioned ~~City of Madison police~~ law enforcement officer. It is the intent of this proviso to prohibit garb and paraphernalia which in its totality would create the impression in a reasonably prudent person that the one so clothed is a commissioned law enforcement officer.

(34) Exceptions. This ordinance is not applicable to any official governmental body or subdivision thereof or to such body's employees or agents so long as such employees or agents are so attired in the regular course of such employment. Further, this ordinance is not applicable to theatrical productions.

- (4) ~~Severability. If any part or parts of this ordinance are for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The Common Council hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause, and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases might be declared invalid.~~
- (5) Penalty. Any person, firm, or corporation which violates any provision of this ordinance shall be subject to a forfeiture of not less than twenty dollars (\$20) nor more than two hundred dollars (\$200) for each violation.
- (6) Effective Date. This ordinance shall be in full force and effect six months after adoption and publication.”

2. 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>Impersonating a law enforcement officer.”</u>	<u>23.16(3)</u>	<u>\$125</u>