

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.

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.

(12) 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 **(12)** 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(<u>45</u>), (<u>6</u>)	\$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.