



Legislation Text

File #: 200176, **Version:** 1

200176
SUBSTITUTE 1
200310
ALD. JOHNSON

A substitute ordinance relating to the regulation of extraordinary events.

This ordinance amends Common Council File Number 200310, the ordinance establishing regulations and permit-issuance procedures for the use of city streets and public property during the extraordinary event of the 2020 Democratic National Convention scheduled to take place in Milwaukee in August, 2020. The amendments include:

1. An enumeration of items that are prohibited within the security footprint during the convention period.
2. Prohibitions on obstruction of public right-of-way, abandonment of certain items, and camping within the security footprint during the convention period.

Whereas, On July 7, 2020, the Common Council passed File Number 200310, an ordinance relating to the extraordinary event of the Democratic National Convention; and

Whereas, The Common Council finds that, in order to protect the public health, safety and general welfare during this extraordinary event, it is necessary to prohibit the possession of certain items, the obstruction of public right-of-way, the abandonment of certain items, and camping within the security footprint during the convention period; now, therefore

The Mayor and Common Council of the City of Milwaukee do ordain as follows:

Part 1. Section 1 of File Number 200310 is amended by adding the following:

u. "Public access areas" means any spaces in the security footprint that are open to access by the general public, including streets, sidewalks and public grounds.

Part 2. File Number 200310 is amended by adding the following sections:

13. Prohibition of Possession of Certain Items in the Security Footprint during the Convention Period. a. Within all public access areas, the following items are prohibited during the

convention period:

- a-1. Lumber larger than 2 inches in width and 0.25 inches thick, including supports for signs.
- a-2. Metal, plastic, or other hard material larger than 0.75 inches thick and 0.0125 inches in wall thickness, including pipe and tubing.
- a-3. Any air rifle, air pistol, paintball gun, blasting cap, switchblade or automatic knife, knife having a blade 2.5 inches in length or longer, cestus or other combat glove, billy club, blackjack, sword, saber, hatchet, axe, slingshot, BB gun, pellet gun, wrist shot or wrist rocket, metal knuckles, nunchucks, iron buckle, axe handle, shovel, or other instrument potentially used to cause damage to persons or property.
- a-4. Any dangerous ordnance, weapon, or firearm that is prohibited by the laws of the state of Wisconsin under ss. 941.26, 941.28 and 941.298, Wis. Stats.
- a-5. Any explosive, explosive device or incendiary device.
- a-6. Any firework or rocket.
- a-7. Any drones or other unmanned aircraft system or device.
- a-8. Any containers of bodily fluid.
- a-9. Any aerosol can.
- a-10. Mace, pepper spray, OC spray or other chemical irritant.
- a-11. Any umbrella with a metal tip.
- a-12. Any projectile launcher, such as a slingshot, wrist rockets, water gun or water cannon.
- a-13. Any rope, chain, cable, strapping, wire, string, line, tape or similar material, in a length greater than 6 inches.
- a-14. Any glass bottle, ornament, light bulb, ceramic vessel or other frangible or brittle container, regardless of whether the container holds any substance.
- a-15. Any lock, including, without limitation, any padlock, bicycle locking device, chain lock or similar device, but not including:

a-15-a. Any integral component of a conveyance or structure.

a-15-b. Any lock when utilized by the owner of private real property to secure temporary or permanent fencing.

a-15-c. Any lock attached to a bicycle.

a-16. Any gas mask or similar device designed to filter all air breathed by the wearer in an attempt to protect the respiratory tract or face against irritating or noxious gasses or other materials. This prohibition shall not apply to law enforcement and emergency personnel acting in their official capacities, any person wearing a medical oxygen mask that fits over the person's nose and mouth to provide oxygen from an oxygen tank to that person, or any cloth mask used as personal protection equipment to avoid transmission of viral infection.

a-17. Any tent or other shelter, sleeping bag, sleeping pad, mattress, cot, hammock, bivy sack or stove.

a-18. Any cooler or ice chest.

a-19. Any backpack or bag exceeding the dimensions of 18 inches by 13 inches by 7 inches.

a-20. Any laser.

a-21. Any non-plastic container, bottle, can or thermos.

a-22. Any ladder.

a-23. Any grappling hook, sledgehammer, hammer, crowbar or prybars.

a-24. Canned goods.

a-25. Tennis balls.

a-26. Any other item determined by the chief to be a clear and present danger to the safety of others.

b. The prohibitions of par. a shall not be applicable to:

b-1. Any person possessing an item listed in par. a when both of the following are true:

b-1-a. The person or the person's employer maintains a place of employment within the security footprint.

b-1-b. The possession of the item is in the normal course of the person's licensed business or employment and to be used within that business or place of employment.

b-2. Any person possessing an item listed in par. a when both of the following are true:

b-2-a. The person resides within the security footprint.

b-2-b. The item is kept and used within the person's residence.

b-3. Any law enforcement personnel or other local, state or federal government employee possessing a prohibited item in the course of that person's authorized duties.

b-4. Any licensed medical professional in the performance of that professional's medical duties.

14. Possession of Obstruction Devices; Abandoning Objects and Camping in the Security Footprint Prohibited.

a. It is unlawful for any person within the security footprint, with the intent to obstruct the public's ability to freely move about on rights-of-way, sidewalks or other areas to which the public has access, to possess or place any tool, object, instrument, or any combination thereof, that is adapted, designed, or intended to be used for obstructing the public's ability to freely move about on rights-of-way, sidewalks or other areas to which the public has access. This shall include, but is not limited to, the maneuver commonly referred to as the "Sleeping Dragon," tripods, bipods, poles, any sections of pipe or containers filled with or wrapped in weighted material, such as concrete, or containing handcuffs, chains, carabiners, padlocks, road stars, or other locking devices.

b. It is unlawful for any person, other than law enforcement, or an individual properly authorized and credentialed by law enforcement, to inhibit, for any reason, the movement of other persons on streets, rights-of-way or sidewalks.

c. It is unlawful for any person to place any instrument, tripod, bipod, or other pole or object with the intent to obstruct the public's ability to freely move about on rights-of-way, sidewalks, entrances and exits to private property, or any other areas to which the public has access.

d. It is unlawful for any person to attach themselves to another person, building, vehicle, or fixture with the intent to obstruct the public's ability to freely move about on rights-of-way, sidewalks, entrances and exits to private property, or any other areas to which the public has access.

e. It is unlawful for any person to abandon or place any container or object on the rights-of-way, sidewalks, entrances and exits to private property, or any other areas to which the public has access, and remove themselves from immediate proximity of the container or object. Any container or object so abandoned or placed shall be subject to immediate search, removal or disposal.

f. It is unlawful to camp in the security footprint during the convention period.

g. Any government employees performing the employee's official duties shall be exempt from this section.

APPROVED AS TO FORM

Legislative Reference Bureau

Date: _____

IT IS OUR OPINION THAT THE ORDINANCE
IS LEGAL AND ENFORCEABLE

Office of the City Attorney

Date: _____

City Attorney

LRB176084-1

Jeff Osterman

07/21/2020