

City of Waukesha, Wisconsin
Ordinance No. 2026 – _____

**An Ordinance Amending or Creating Certain Sections of the
Orderly Conduct Code of the City of Waukesha**

The Common Council of the City of Waukesha do ordain as follows:

Section 1. Section 11.01(4) of the Waukesha Municipal Code is hereby amended to include the following statutory references and offenses within the table of General Offenses:

11.940.60(1)	Battery
11.944.30	Prostitution
11.944.31	Patronizing prostitutes
11.944.32	Soliciting prostitutes
11.944.33	Pandering
11.944.34	Keeping place of prostitution
11.947.06	Unlawful assemblies and their suppression

Section 2. Section 11.01(10)(a) of the Waukesha Municipal Code is hereby amended to include the following entries corresponding to those described in Section 1 above within the table of Penalties:

11.940.60(1)	Battery	≥ \$50 and ≤ \$500
11.944.30	Prostitution	≥ \$50 and ≤ \$2500
11.944.31	Patronizing prostitutes	≥ \$50 and ≤ \$2500
11.944.32	Soliciting prostitutes	≥ \$50 and ≤ \$2500
11.944.33	Pandering	≥ \$50 and ≤ \$2500
11.944.34	Keeping place of prostitution	≥ \$50 and ≤ \$2500
11.947.06	Unlawful assemblies and their suppression	≥ \$50 and ≤ \$2500

Section 3. Section 11.01(10)(a) of the Waukesha Municipal Code is hereby amended as follows to increase the maximum penalty listed within the table of Penalties for the Possession of Controlled Substance:

§11.01(5)	Possession of Controlled Substance	≥ \$50 and ≤ <u>\$1500</u>
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Section 4. Section 11.081 of the Waukesha Municipal Code is hereby created to prohibit the practice of illegal dumping on public and private property, to read in its entirety as follows:

11.081 Dumping.

(1) Definitions.

- (a)** To Dump or Dumping means to deposit by any means Refuse Material of a weight greater than five pounds or in a volume greater than one cubic foot on, in, or along any public or private property without the express consent of the owner of the property.
- (b)** Refuse Material means any and all materials disposed of with no indication of an intent to remove or reclaim it, including but not limited to household garbage; plant material including yard waste, garden waste, clippings, leaves, branches, limbs, and trunks of trees; dirt, stone, gravel, concrete, and rocks; construction or demolition debris; metal, wood, glass, paper, cardboard, plastic, and composites; vehicles; lubricants, solvents, coolants, and hydraulic fluid; animal waste and carcasses; furniture and appliances; and electronics.
- (c)** Intent to remove or reclaim materials is evidenced by the totality of the circumstances, however, any Refuse Material Dumped and remaining in place for 24 hours or more is conclusive evidence of intent not to reclaim or recover.
- (d)** Express consent means an affirmative grant of permission by any means of communication, and includes designation by the City of waste collection sites and public waste receptacles.

(2) Prohibition. Dumping is prohibited in the City of Waukesha.

(3) Penalty. Any person who violates this section shall be subject to a forfeiture of not less than \$500.00 nor more than \$1,500.00.

(4) Restitution. In addition to any other penalty imposed by this ordinance, the owner of any property affected by illegal Dumping may request, and the court may grant, restitution in the amount of any actual costs incurred in the removal of illegally-dumped material and restoration of the property.

Section 5. Section 12.06(2) of the Waukesha Municipal Code is amended, to read in its entirety as follows:

- (2) Notice and Demand to Owner.** If the inspecting officer shall determine that a public nuisance exists on private property and that there is great and immediate danger to the public health, safety, peace, morals or decency, the Mayor may direct the Chief of Police to serve notice on the owner or, if the owner cannot be found, on the occupant or person causing, permitting or maintaining such nuisance and to post a copy of such notice on the premises. Such notice shall direct the owner, occupant or person

causing, permitting or maintaining such nuisance to abate or remove such nuisance within 24 hours and shall state that unless such nuisance is so abated, the City will cause the same to be abated and will charge the cost thereof to the owner, occupant or person causing, permitting or maintaining the same, as the case may be. It is not a defense to enforcement of this section that the nuisance exists as a result of the actions of one other than the owner or occupant of the property.

Section 6. Section 11.09(1) of the Waukesha Municipal Code is hereby amended as follows to include the use of electronic vaping devices in the definition of smoking:

(1) Definitions. In this Section:

- (a) “Cigarette” has the meaning given in Wis. Stat. §139.30(1m).
- (b) “Law Enforcement Officer” has the meaning given in Wis. Stat. §30.50(4s).
- (c) “Tobacco Product” means any form of tobacco prepared in a manner suitable for smoking but not including a cigarette. Wis. Stat. §101.123(1)(io).
- (d) “Smoking” means burning or holding, or inhaling or exhaling smoke, aerosol, or vapor from any of the following items ~~containing tobacco~~:
 - (i) A lighted cigar.
 - (ii) A lighted cigarette.
 - (iii) A lighted pipe.
 - (iv) Any other lighted smoking equipment.
 - (v) Electronic vaping device as defined in Wis. Stat. §134.65(1a)(b).
- (e) “Substantial Wall” means all space between a floor and ceiling that is comprised of permanent or temporary walls or windows (exclusive of doorways) which covers at least 25% of the surface area of the wall.
- (f) In addition to the above definitions, the definitions of words and phrases set forth in Wis. Stat. §101.123(1)(ab)-(i) and §101.123(im)-(j) are adopted by reference, together with any subsequent amendments, and made part of this chapter as if fully set forth herein.

Section 7. Section 11.09(2)(b)(7) of the Waukesha Municipal Code is hereby created as follows to prohibit smoking on the grounds of Waukesha School District property:

- (7) On any School District of Waukesha property that is posted as no smoking.

Section 8. Section 11.096 of the Waukesha Municipal Code is hereby created to prohibit the purchase and possession of Electronic Vaping Devices not otherwise regulated by Wis. Stat. §254.92, to read in its entirety as follows:

11.096 Restrictions on Purchase or Possession of Electronic Vaping Devices.

- (1) “Electronic Vaping Device” has the meaning given in Wis. Stat. §134.65(1a)(b).
- (2) No person under 21 years of age may falsely represent his or her age for the purpose of receiving any Electronic Vaping Device.
- (3) No person under 21 years of age may purchase, attempt to purchase, or possess any Electronic Vaping Device except as follows:
 - (a) A person under 21 years of age may purchase or possess Electronic Vaping Device for the sole purpose of resale in the course of employment during his or her working hours if employed by a retailer.
 - (b) A person under 21 years of age, but not under 15 years of age, may purchase, attempt to purchase or possess Electronic Vaping Devices in the course of his or her participation in an investigation substantially similar to those performed pursuant to Wis. Stat. §254.916.
- (4) No person may purchase an Electronic Vaping Device on behalf of, or to provide to, any person who is under 21 years of age.
- (5) A law enforcement officer shall seize any Electronic Vaping Device that is in the possession of a person under 21 years of age.
- (6) This ordinance does not apply to Electronic Vaping Devices regulated by Wis. Stat. §254.92.

Section 9. Section 11.45 of the Waukesha Municipal Code is hereby created to prohibit the misuse of the 911 Emergency Telephone Number System, to read in its entirety as follows:

11.45 Unlawful Use of the 911 Emergency Telephone Number System.

- (1) No person shall utilize the 911 Emergency Telephone Number System by means of a telephone call originating within, or received within, the City of Waukesha, for any of the following purposes:
 - (a) Any purpose other than to report an emergency, or
 - (b) To report a claimed emergency while knowing the fact situation being reported does not exist.
- (2) For the purposes of this section, an emergency exists when a condition exists or imminently will exist that is a threat to public safety, a threat of personal illness, injury or death, or a threat of property damage, which requires an immediate response by public safety personnel.
- (3) No person shall knowingly permit any telephone under his or her control to be used for any purpose prohibited by this ordinance.

Section 10. This ordinance shall take effect the day after its publication.

Passed the ____ day of _____, 2026.

Alicia Halvensleben, Mayor

Attest: Katie Panella, City Clerk

Publication date: _____