

COMMON COUNCIL

CITY OF WAUPUN, WISCONSIN

ORDINANCE #2024-002

**AN ORDINANCE TO AMEND CHAPTER EIGHT OF THE MUNICIPAL CODE OF THE CITY OF WAUPUN
ENTITLED ORDERLY CONDUCT**

THE COMMON COUNCIL OF THE CITY OF WAUPUN, DO ORDAIN:

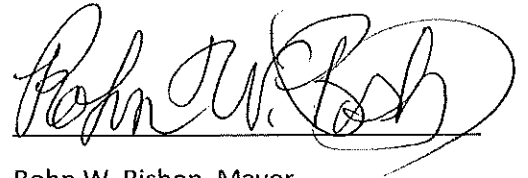
SECTION 1: Section 8.04(8) of the Municipal Code of the City of Waupun entitled TRESPASS TO DWELLINGS is amended to eliminate and add as follows:

(8) TRESPASS. A person commits a trespass when he or she unlawfully enters or remains in or on the premises identified below. It shall be unlawful for any person to trespass intentionally on the land or buildings of another and intentionally and without regard for the rights of the owner or lawful occupant to use or occupy such premises without authority to do so from the owner, lawful occupant, or agent of either. Consistent with this general prohibition, it shall be unlawful for any person:

- (a) To trespass intentionally on the land or buildings of another, and intentionally and without regard for the rights of the owner or lawful occupant to use, occupy or cross such premises without authority to do so from the owner, lawful occupant, or agent of either. There shall be a rebuttable presumption that entry on the land or buildings of another constitutes trespass when a sign or other device forbidding entry has been posted on such premises or when written notice forbidding entry has been given to one forbidden from such entry. A sign forbidding entry, for the purposes of this subsection shall be sufficient when the sign is legible, contains the words "no trespassing" or other express statement forbidding entry, and is posted in a place where it is plainly visible, and particularly when posted at the main entrance to the premises or at any other point of approach or entry.
- (b) To enter into or on any dwelling, mobile or manufactured home, accessory or other commercial or residential building, or vehicle, aircraft or watercraft, without the consent of the person having the right to possession or control thereof, or fail or refuse to leave after being so requested by a person having such right.
- (c) Being lawfully upon the land or buildings of another, intentionally or willfully and without regard for the rights of the owner or lawful occupant, to remain upon or refuse to leave such premises within a reasonable time after being requested to leave by the person having such right.
- (d) For the purpose of this ordinance, police officers, firefighters, code enforcement personnel, and other municipal employees or agents, when acting in the discharge of their official duties, shall be presumed to be lawfully on the premises of another, regardless of posted notice, provided that
 - (i) entry into a dwelling or other building is in direct response to an emergency call for assistance at the premises; or
 - (ii) such entry is confined to any open area on the premises, exclusive of entry into any building or structure.

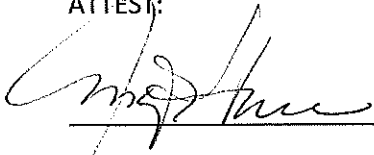
SECTION 2: This Ordinance shall be in full force and effect on its passage and publication as provided by law.

Adopted this 13th day of February, 2024.



Rohn W. Bishop, Mayor

ATTEST:



Angela J. Hull, City Clerk/Treasurer

