

## 130.07 Trespassing -- Public, Private, and School Property

### DEFINITIONS:

#### Property

"Property" includes real and personal property and includes, but is not limited to, boathouses, houseboats, motor vehicle dealership lots, ships or vessels, any building or dwelling, enclosed railroad cars, motor home or other motorized type of home or a trailer home, whether or not a person is living in such home.

#### Trespassing

It is unlawful for a person to knowingly trespass upon the property of another. As used in the ordinance, the term "property" includes any land, dwelling, building, conveyance, vehicle or other temporary or permanent structure whether publicly or privately owned. The term "trespass" means one of or more than the following acts:

- a) **Entering Property Without Permission.** Entering upon or in property without the express permission of the owner, lessee, or person in lawful possession with the intent to commit a public offense or to use, remove therefrom, alter, damage, harass, or place thereon or therein anything animate or inanimate.
  - b) **Entering or Remaining on Property.** Entering or remaining upon or in property without justification after being notified or requested to abstain from entering or to remove or vacate therefrom by the owner, lessee, or person in lawful possession, or by any police officer or public employee whose duty it is to supervise the use of or maintenance of the property.
  - c) **Interfering with Lawful Use of Property.** Entering upon or in private property for the purpose or with the effect of unduly interfering with the lawful use of the property by others.
  - d) **Using Property Without Permission.** Being upon or in property and wrongfully using, removing therefrom, altering, damaging, harassing, or placing thereon or therein anything animate or inanimate without the implied or actual permission of the owner, lessee, or person in lawful possession.
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None of the above shall be construed to prohibit entering upon the property of another for the sole purpose of retrieving personal property which has accidentally or inadvertently been thrown, fallen, strayed, or blown onto the property of others, provided the person(s) retrieving the property takes the most direct and accessible route to and from the property to be retrieved, quits the property as quickly as possible, and does not unduly interfere with the lawful use of the property.

**1. Public Building Unauthorized Entry**

No unauthorized person shall enter or remain in or upon any public building, premises or grounds in violation of any notice posted thereon or when said building, premises or grounds are closed and not open to the public. When open to the public, a failure to pay any required admission also constitutes an unauthorized entry.

**2. Trespass to Property**

- a. No person shall intentionally enter or remain upon the property, premises or within the enclosure of another, without the consent or permission of the owner, agent or possessor.
- b. No person shall intentionally enter or remain upon the property or premises of another after having been notified by the owner, agent or possessor of the property or premises not to enter or remain on the property or under circumstances tending to create or provoke a breach of the peace.
- c. A person has received notice from the owner or occupant within the meaning of this section if such person has been notified personally, either orally or in writing, or if the property is posted
- d. For purpose of this section, entry to a place during the time when it is open to the general public is with consent.

State law reference--Trespass, Wis. State Statute 943.14

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**3. Unauthorized Presence on School Property Prohibited**

- a. It shall be unlawful for any student who is under suspension, expulsion, exemption or other discipline excluding such student from attending school under the jurisdiction of the Alma Area Schools Board of Education, or for any person, not a student presently enrolled to attend school under the jurisdiction of the Alma Area School Board of Education or not an employee of said Alma Area School Board of Education or not a parent or guardian of a student so enrolled or not an otherwise "authorized person" to be present within any school building or upon any school grounds under the jurisdiction of said School Board without having first secured authorization to be there from the principal or other person in charge of said school building or school grounds for any purpose previously authorized by the Board of Education or its designee.
  
- b. Any person shall, upon request of the principal or other person in charge of any school building or upon any school grounds under the jurisdiction of said Alma Area Schools Board, or upon request of any police officer, display any written authorization to be present which such person may have, in their possession or otherwise explain such person's presence or status as such student, employee, parent or guardian, or "authorized person" referred to in subsection (a) of this section.
  
- c. All entrances to the school buildings referred to in subsection (a) of this section shall be posted with a notice stating, "Entry into School Building by Unauthorized Persons Prohibited. All school grounds referred to in subsection (a) of this section shall be posted with a notice stating, "Entry Upon School Grounds by Unauthorized Persons Prohibited."

**4. ENFORCEMENT**

This ordinance shall be enforced by any law enforcement officer authorized to enforce the laws of the State of Wisconsin and The City of Alma ordinance.

**5. PENALTIES**

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The penalties under ins. 23.33 (13) (a), Wis. Stats., or The City of Alma 10.99 and are adopted by reference.

**6. SEVERABILITY**

If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable.

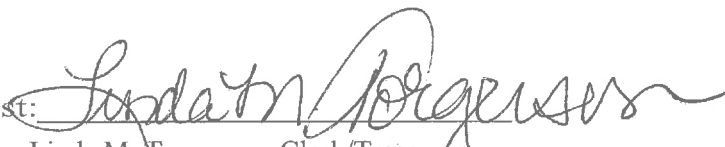
7. **Effective Date:** This Ordinance shall be effective immediately upon passage and publication as provided by law.

Passed by the Common Council of the City of Alma this 7<sup>th</sup> day of December, 2017.

6 aye 0 nay 1 absent: Hanson -

Adopted this 7<sup>th</sup> day of December, 2017.

  
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Jim Wilkie, Mayor

Attest:   
Linda M. Fergerson, Clerk/Treasurer

Published: 12-14-2017, 2017