

  
Gen. Ord. No. 8 - 22 - 23. By Alderpersons Ackley, Dekker, and Perrella.  
August 1, 2022.

AN ORDINANCE expanding the Disorderly Conduct ordinance so as to prohibit harassment of an individual on the basis of their status as an election official and requiring an increased forfeiture for violations of this nature, and clarifying that disorderly conduct may include harassment by the use of telecommunication devices.

THE COMMON COUNCIL OF THE CITY OF SHEBOYGAN DO ORDAIN AS FOLLOWS:

Section 1. Section 70-151 of the Municipal Code entitled "Disorderly Conduct" is hereby repealed and recreated to read as follows:

"Sec. 70-151. - Disorderly conduct.

- (a) No person shall in a public or private place, engage 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.
- (b) No person shall, with intent to harass, annoy, or offend another, send a telecommunication message to a telecommunication device and use any violent, abusive, indecent, profane, or otherwise disorderly language or image, or any other message which tends to cause or provoke a disturbance.
- (c) No person shall engage in any of the behavior outlined in subsections (a) or (b) of this section directed at an individual working in their capacity as an election official or based on their position as an election official.
- (d) Definitions.
  - (1) *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.
  - (2) *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.

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- (3) *Telecommunication message* means any transfer of signs, signals, writing, images, sounds, data or intelligence of any nature."

Section 2. Section 70-5 of the Municipal Code entitled "Penalties for certain enumerated sections of this chapter" is hereby amended in subsection (3) thereof to read as follows:

"Sec. 70-5. - Penalties for certain enumerated sections of this chapter.

. . .

- (3) A forfeiture of not less than \$75.00 or more than \$500.00, together with the costs of prosecution, and in default of payment thereof, to imprisonment in the county jail until such forfeiture and costs are paid, but not to exceed 60 days for a violation of any of the following sections: 70-42, 70-151(a), 70-151(b), 70-183, 70-251 - 253, and 70-256 - 70-258.

. . ."

Section 3. Section 70-5 of the Municipal Code entitled "Penalties for certain enumerated sections of this chapter" is hereby amended so as to add a new subsection (6) thereof to read as follows:

"Sec. 70-5. - Penalties for certain enumerated sections of this chapter.

. . .

- (6) A forfeiture of not less than \$300.00 or more than \$1,000.00, together with the costs of prosecution, and in default of payment thereof, to imprisonment in the county jail until such forfeiture and costs are paid, but not to exceed 90 days for a violation of any of section 70-151(c)."

Section 4. The Bond Schedule adopted by the City of Sheboygan shall be modified so as to provide that the bond amount for a violation of section 70-151 (a) and (b) shall remain as previously provided: \$150.00 plus costs (totaling \$250.00) except in aggravated circumstances where it shall be \$250.00 plus costs (totaling \$376.00).

Section 5. The Bond Schedule adopted by the City of Sheboygan shall be modified so as to provide that the bond amount for a violation of section 70-151 (c) shall be \$500.00 plus costs (totaling \$691.00).

Section 6. All ordinances or parts thereof in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict, and this ordinance shall be in effect from and after its passage and publication.

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I HEREBY CERTIFY that the foregoing Ordinance was duly passed by the Common Council of the City of Sheboygan, Wisconsin, on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Dated \_\_\_\_\_ 20\_\_\_\_. \_\_\_\_\_, City Clerk

Approved \_\_\_\_\_ 20\_\_\_\_. \_\_\_\_\_, Mayor