



# City of Madison

City of Madison  
Madison, WI 53703  
www.cityofmadison.com

## Master

**File Number: 87838**

**File ID:** 87838

**File Type:** Ordinance

**Status:** Council New Business

**Version:** 1

**Reference:**

**Controlling Body:** Attorney's Office

**File Created Date :** 04/08/2025

**File Name:** Disorderly Conduct Towards Transit Operator

**Final Action:**

**Title:** Amending Sections 24.02 and 1.08 of the Madison General Ordinances to add Disorderly Conduct directed at a city transit operator.

**Notes:** 6950DisorderlyTransit

**Sponsors:** Satya V. Rhodes-Conway

**Effective Date:**

**Attachments:** 87838 Body

**Enactment Number:**

**Author:** Marci Kurtz

**Hearing Date:**

**Entered by:** mglaeser@cityofmadison.com

**Published Date:**

### History of Legislative File

| Ver-<br>sion: | Acting Body:   | Date:      | Action:                   | Sent To: | Due Date: | Return<br>Date: | Result: |
|---------------|--|------------|---------------------------|----------|-----------|-----------------|---------|
| 1             | Attorney's Office  | 04/08/2025 | Referred for Introduction |          |           |                 |         |
|               | <b>Action Text:</b> This Ordinance was Referred for Introduction           |            |                           |          |           |                 |         |
|               | <b>Notes:</b> Transportation Commission (4/23/25), Common Council (5/6/25) |            |                           |          |           |                 |         |

### Text of Legislative File 87838

#### Fiscal Note

[Enter Fiscal Note Here]

#### Title

Amending Sections 24.02 and 1.08 of the Madison General Ordinances to add Disorderly Conduct directed at a city transit operator.

#### Body

DRAFTER'S ANALYSIS: This ordinance creates a definition of a city transit operator. It further creates a subsection and penalty for any individual that directs any disorderly conduct behavior at a city transit operator.

\*\*\*\*\*

**Please see Legistar File No. 87838 Body in Attachments.**

**CITY OF MADISON, WISCONSIN**

AN ORDINANCE \_\_\_\_\_

PRESENTED  
REFERRAL(S)

April 15, 2025  
Transportation Commission  
(4/23/25), Common Council  
(5/6/25)

Amending Sections 24.02 and 1.08 of the Madison General Ordinances to add Disorderly Conduct directed at a city transit operator.

**DRAFT**

Drafted by: Marci Kurtz  
Date: May 14, 2025  
SPONSOR(S): Mayor Rhods Conway,  
Alders Field, O'Brien,  
Tishler

DRAFTER'S ANALYSIS: This ordinance creates a definition of a city transit operator. It further creates a subsection and penalty for any individual that directs any disorderly conduct behavior at a city transit operator.

\*\*\*\*\*

The Common Council of the City of Madison do hereby ordain as follows:

1. Section 24.02 entitled "Disorderly Conduct" of the Madison General Ordinances is amended as follows:

**"24.02 DISORDERLY CONDUCT**

Whoever does any of the following within the limits of the City of Madison shall be subject to a forfeiture as outlined in subsection (78).

(51) Definitions.

- (a) "City transit operator" means an individual who is employed by Madison Metro and who operates a city transit vehicle.
- (ab) "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.
- (bc) "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.
- (ed) "Telecommunication message" means any transfer of signs, signals, writing, images, sounds, data or intelligence of any nature.

(42) In a public or private place, engages 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; or

**Approved as to form:**

- (~~23~~) With intent to harass, annoy, or offend another, sends a telecommunication message to a telecommunication device and uses any violent, abusive, indecent, or profane language or image, or any other message which tends to cause or provoke a disturbance; or
- (~~34~~) While under the influence of alcohol, in a public place, engages 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; or
- (45) Engages in any of the behavior outlined in numbered paragraphs (~~42~~) and (~~23~~) of this subsection directed at an individual working in their capacity as an election official or based on their position as an election official.
- (6) Whoever engages in any of the behavior outlined in numbered paragraphs (2) and (3) of this subsection directed at an individual working in their capacity as a city transit operator.
- (~~67~~) Exception. It is not a violation of this section if the only behavior observed is the loading, carrying or going armed with a firearm, regardless as to whether the firearm is loaded or concealed or openly carried. This exception does not apply if there are facts and circumstances that indicate a criminal or malicious intent on the part of the individual with the firearm.
- (~~78~~) Penalties. Whoever violates subsection (45) or (6) of this ordinance shall be subject to a forfeiture of not less than three hundred (\$300) nor more than one thousand dollars (\$1,000).”

2. Subsection (3) entitled “Schedule of Deposits” of Section 1.08 entitled “Issuance of Citations and Complaints for Violations of Certain Ordinances and Providing a Schedule of Cash Deposits” of the Madison General Ordinances is amended by amending therein the following:

| <u>“Offense</u>  | <u>Ord. No./Adopted Statute No.</u> | <u>Deposit *</u>                              |
|--|-------------------------------------|---|
| Unlawful use of 911.   | 24.01                               | \$300, 1st<br>\$500, 2nd<br>\$750, 3rd & sub. |
| Disorderly conduct.  | 24.02( <del>42</del> )              | \$300   |
| Annoying/harassing telecommunication.  | 24.02( <del>23</del> )              | \$300   |
| Disorderly conduct while under the influence of alcohol.                             | 24.02( <del>34</del> )              | \$300   |
| Disorderly conduct directed at an election official <u>or city transit operator.</u> | 24.02(45), (6)                      | \$500   |
| Prohibition of noises disturbing the public peace.                                   | 24.04                               | \$100”  |

Editor's note – New bail deposits must be approved by the Municipal Judge prior to adoption. This deposit has been so approved.