

STATE OF WISCONSIN VILLAGE OF OCONOMOWOC LAKE WAUKESHA COUNTY

ORDINANCE NO. 121

AN ORDINANCE TO PROHIBIT
CIVIL TRESPASSING
IN THE VILLAGE OF OCONOMOWOC LAKE

PREAMBLE

WHEREAS, the Village of Oconomowoc Lake in recent years has been experiencing a large number of persons who have been going onto property owned by another without an invitation for sport, sight-seeing or recreation activities; and

WHEREAS, both the Village of Oconomowoc Lake Board and Police Department have received numerous complaints from the citizens of the Village of Oconomowoc Lake asking them to control such activities; and

WHEREAS, the present ordinance in the Village of Oconomowoc Lake does not comprehensively regulate the civil trespass of land; and

WHEREAS, the Wisconsin Statutes deal only with the criminal aspects of trespassing;

THE VILLAGE BOARD OF THE VILLAGE OF OCONOMOWOC LAKE,
WAUKESHA COUNTY, WISCONSIN, DO ORDAIN AS FOLLOWS:

Section 1: An Ordinance to Prohibit Civil Trespassing in the Village of Oconomowoc Lake is hereby created to read as follows:

CIVIL TRESPASSING PROHIBITED

No person shall go upon the premises owned, occupied, or possessed by another, without an invitation, express or implied, extended by such owner, occupant, or possessor, and solely for his own or another's pleasure, advantage or purpose.

DEFINITIONS

For the purposes of this section:

- A. Trespasser is one who goes upon premises owned, occupied or possessed by another without an invitation, express or implied, extended by such owner, occupant or possessor, and

solely for his own or another's pleasure, advantage or purpose.

- B. An invitation to be on the premises of another may be by express or implied consent. There is an implied consent when the possessor, by his conduct or his words, or both, by implication consents to such other persons being on the premises.

PENALTIES

Any person over the age of 17 years violating the provisions of this ordinance shall be subject to a forfeiture of not less than \$10.00 nor more than \$200.00 plus costs per each offense. Failure to pay any forfeiture hereunder shall subject any violator over the age of 17 years to be sentenced to the County Jail until such forfeiture is paid, but not to exceed ninety (90) days.

Any person between the ages of 14 and 17 shall be subject to a forfeiture of not less than \$10.00 nor more than \$25.00 plus costs per each offense or referred to the proper authorities as provided in Chapter 48, Wisconsin Statutes. Failure to pay any forfeiture hereunder shall subject the violator to the provisions of Section 48.17(2), Wisconsin Statutes.

Any person under the age of 14 years shall be referred to the proper authorities as provided in Chapter 48, Wisconsin Statutes.

Section 2: SEVERABILITY.

The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and shall not affect the validity of any other provisions, sections or portions thereof of the ordinance. The remainder of the ordinance shall remain in full force and effect. Any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

SECTION 3: EFFECTIVE DATE.

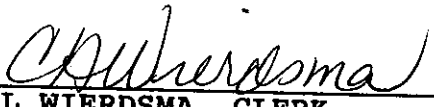
This ordinance shall take effect immediately upon passage and posting or publication as provided by law.

This ordinance passed this 18th day of May, 1992.

BY THE VILLAGE BOARD OF
THE VILLAGE OF OCONOMOWOC LAKE:


EDMUND O. TEMPLETON, PRESIDENT

ATTEST:


CHERYL WIERDSMA, CLERK

Published or posted on the 22 day of May, 1992.

STATE OF WISCONSIN }
COUNTY OF WAUKESHA } SS

AFFIDAVIT OF POSTING
ORDINANCE #121
5/22 CIVIL Trespassing

The undersigned, being first duly sworn, on oath deposes and states that on 22 May, 1992, at the direction of the Clerk of the Village of Oconomowoc Lake, he posted copies of the above ordinance in the following public places in said Village, to-wit:

- (1) Opposite the entrance to the Oconomowoc Lake Club on the northern side of the road in front of the Club;
- (2) At the entrance to the Village Hall on West Pabst Road;
- (3) At the northeast corner of the junction of County Trunk Highway "P" (West Beach Road) and the private drive (South Beach Road) leading into the Ibach, LaBelle, McNellis, et al properties.

A. G. G. G.

Subscribed and sworn to before me this

27th day of May, 1992

Cheryl A. Dierdsma
Notary Public, Waukesha County, Wisconsin

My Commission expires 11-19-95