

..Number

060658

..Version

PROPOSED SUBSTITUTE

..Reference

..Sponsor

ALD. BAUMAN, DONOVAN, WITKOWSKI, WADE, HAMILTION AND D'AMATO

..Title

A substitute ordinance relating to placement and construction of traffic calming installations and providing a process for petition and special assessments.

..Sections

115-1-17 cr

115-42.5 cr

115-43-2-a-4 rn

115-43-2-a-4 cr

115-43-2-a-5 rn

..Analysis

This ordinance establishes a petition process for owners of parcels in residential districts to seek placement of traffic calming installations in streets and alleys.

“Traffic calming installation” is defined to mean any device, object or material, other than a traffic sign, signal or other traffic control device as defined in s. 349.065, Wis. Stats., constructed or placed within a public way for the purpose of slowing traffic speeds or enhancing pedestrian safety. Examples are given.

Section s. 66.0703, Wis. Stats., and s. 115-42 of the code establish a process for initiating public works and for levying of special assessments. The commissioner of public works is responsible for submitting a preliminary resolution to the common council under s. 115-42-2 of the code. This ordinance directs the commissioner to file a preliminary resolution upon proper petition submitted by owners of parcels in zoned residential districts. Such petition must be signed by the owner or owners of a majority of the parcels affected and must conform to a sample petition prepared and approved by the commissioner. Upon adoption of a resolution directing the construction or placement of a traffic calming installation, a special assessment will be levied of 90% of costs on parcels abutting the affected street or having access to the affected alley.

The commissioner is also directed to prepare and submit a preliminary resolution upon the request of a property owner of a zoned residential district submitted in writing to the appropriate member of the common council and forwarded by the member to the commissioner with a supporting statement.

The report of the commissioner required in s. 115-42-2-c of the code shall, in the case of construction or placement of traffic calming installations, include relevant

information of the potential impact of the proposed installation upon fire, police, ambulance and snow removal operations.

Removal or removal and replacement of a traffic calming installation may also be initiated upon a petition signed by the owner or owners of a majority of the parcels abutting an affected street or accessing an affected alley. Upon adoption of a resulting resolution directing the removal or removal and replacement of any traffic calming installation, a special assessment will be levied of 90% of costs on parcels abutting the affected street or having access to the affected alley.

..Body

The Mayor and Common Council of the City of Milwaukee do ordain as follows:

Part 1. Section 115-1-17 of the code is created to read:

115-1. Definitions.

17. TRAFFIC CALMING INSTALLATION means any device, object or material, other than a traffic sign, signal or other traffic control device as defined in s. 349.065, Wis. Stats., constructed or placed within a public way for the purpose of slowing traffic speeds or enhancing pedestrian safety, including, but not limited to, speed tables, speed humps, rumble strips, curb extensions, median islands, mini-circles, chicanes and pavement treatments such as cobbles and bricks.

Part 2. Section 115-42.5 of the code is created to read:

115-42.5. Traffic Calming Installations. 1. PURPOSE. The purpose of this section is to provide residential property owners a process for initiating public works for the construction or placement of traffic calming installations within a public way of the city. It is the intent of the common council that this process supplement and not replace any other process for initiating public works including placement or construction of traffic calming installations.

2. PETITION. a. By Residential Property Owners. a-1. Upon submission to the commissioner of a petition signed by the owner or owners of a majority of parcels abutting any block of a street in a zoned residential district of the city or submitted by the owner or owners of a majority of parcels abutting and accessing an alley located between any 2 blocks in a zoned residential district of the city, the commissioner shall submit a preliminary resolution to the common council as provided in s. 115-42-2-a for the construction or placement of one or more traffic calming installations within the identified street or alley of the petitioners.

a-2. The petition submitted pursuant to this subsection shall substantially conform to a sample petition to be prepared and approved by the commissioner and shall include the name of the owner, the address of the parcel or parcels abutting the block or alley, address of the owner if different, date of signature, a clear

statement that a traffic calming installation is requested, and any other information the commissioner determines to be necessary or appropriate. The petition need not specify the type of traffic calming installation requested.

b. By Council Member. b-1. Upon the written request of one or more owners of a residential parcel, the member of the common council in whose district the parcel is located may forward to the commissioner a request for placement or construction of a traffic calming installation within a street abutting the parcel or within an alley accessed from the parcel together with a statement that the member has reason to believe that such installation may promote the health, safety or welfare of affected residents.

b-2. Requests received by the commissioner under par. b-1 shall be treated in the same manner as a petition under par. a.

3. COUNCIL APPROVAL. The procedures provided in s. 115-42 shall apply to the process for approval of the construction or placement of traffic calming installations. In addition to any other matters contained in the report of the commissioner required in s. 115-42-2-c, the commissioner shall include relevant information of the potential impact of the proposed installation upon fire, police, ambulance and snow removal operations.

4. SPECIAL ASSESSMENT. Upon adoption of a resolution by the common council directing the construction or placement of a traffic calming installation sought initially by petition to the commissioner under sub. 2, the recovery ratio provided in s. 115-43-2-a-4 shall be applied to those properties or parcels abutting the street or accessing the alley within which the installation is placed or constructed.

5. REMOVAL. a. Authority to Remove Installation. The commissioner may remove any traffic calming installation when required for street reconstruction or repair, when required to promote health and safety, or for any other necessary and appropriate purpose subject to the provisions of this chapter and notwithstanding the initial placement or construction of such installation in accordance with this section.

b. Upon Petition. b-1. Upon submission to the commissioner of a petition signed by the owner or owners of a majority of parcels abutting any block of a street in a zoned residential district of the city or submitted by the owner or owners of a majority of parcels abutting and accessing an alley located between any 2 blocks in a zoned residential district of the city, the commissioner shall submit a preliminary resolution to the common council as provided in s. 115-42-2-a for the removal of one or more traffic calming installations within the identified street or alley of the petitioners.

b-2. The petition submitted pursuant to this subsection shall substantially conform to the sample petition to be prepared and approved by the commissioner at sub. 2-a-2 except that the petition shall request removal or removal and replacement of the installation.

b-3. The procedures provided in s. 115-42 shall apply to the process for approval a resolution directing the removal or removal and replacement of traffic calming installations.

b-4. Upon adoption of a resulting resolution by the common council directing the removal or removal and replacement of a traffic calming installation, the recovery ratio provided in s. 115-43-2-a-4 shall be applied to those properties or parcels abutting the street or accessing the alley within which the installation is placed or constructed.

Part 3. Section 115-43-2-a-4 and a-5 of the code is renumbered 115-43-2-a-5 and a-6.

Part 4. Section 115-43-2-a-4 of the code is created to read:

115-43. Recovery Rates for Assessable Improvements.

2. RECOVERY RATES AND RATIOS.

a. New Construction.

a-4. Placement or Removal of Traffic Calming Installation-90%.

..LRB

APPROVED AS TO FORM

Legislative Reference Bureau

Date: _____

..Attorney

IT IS OUR OPINION THAT THE ORDINANCE
IS LEGAL AND ENFORCEABLE

Office of the City Attorney

Date: _____

..Requestor

..Drafter
LRB06453-3
RLW
10/27/2006