

# CITY OF MILWAUKEE

Form CA-43

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July 20, 2005

To the Honorable  
Common Council of the  
City of Milwaukee  
Room 205 - City Hall

Attention: Ronald D. Leonhardt, City Clerk


Re: CCFN 041093: Quiet Zone - W. Layton Ave. and W. Holt Ave./S. 6<sup>th</sup> St.

Dear Council Members:

You will recall that by correspondence dated June 28, 2005, this office advised you that the ordinance proposed by File Number 041093 could not be deemed as legal and enforceable as a result of certain portions of that proposed ordinance being in conflict with provisions of the Federal Railway Administration Rules. As we explained at that time, the problem arises as a result of the preemption of the proposed sections in the ordinance delineated as § 4 (Enforcement) and § 5 (Penalty). Please be advised that it would be the opinion of this office that the ordinance would be legal and enforceable if §§ 4 and 5 were removed from the final draft of the ordinance, thereby leaving any enforcement for violation of the ordinance with the Federal Railway Administration.

Very truly yours,

  
GRANT F. LANGLEY  
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