



City of Milwaukee

200 E. Wells Street
Milwaukee, Wisconsin
53202

Meeting Minutes

ZONING CODE TECHNICAL COMMITTEE

TEODROS MEDHIN, CHAIR

Julie Wilson, Ed Richardson, and Michael Mannan

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Tuesday, July 17, 2018

2:30 PM

Room 303, Third Floor, City Hall

Meeting convened at 2:34 p.m.

Individual also present:

1. [180115](#) A substitute ordinance relating to the parking of all-terrain and utility terrain vehicles on unpaved surfaces.

Sponsors: Ald. Perez

Chair Medhin said the committee should consider Proposed Substitute A version.

Mr. Osterman commented. The measure is intended to discourage people from driving and owning all-terrain vehicles (ATV) in the City. Ald. Jose Perez has a problem with ATVs and people driving them on the streets and disturbing peace in his district. The request was to prohibit ATVs to be parked on the grass and unpaved surfaces. The provision would be put into the building and zoning codes. The Department of Neighborhood Services (DNS) had indicated that the current code already contains this prohibition, but Ald. Perez had expressed DNS having enforcement issues.

Member Richardson, according to his interpretation, said that the definition of motor vehicle, under s. 201-385, includes ATVs. If accurate, the code currently allows the ability to enforce without changing anything. Alternatively, utility terrain vehicle should be added to the definition for motor vehicle instead in s. 295-403.

Member Mannan commented. ATVs, in his interpretation, are already included in the definition of light motor vehicle. If not, all-terrain, utility, and recreation vehicles should be added to the definition of light motor vehicle.

Atty. Wilson commented. Although inclined to agree, she will have to do further research to confirm if the current code includes all-terrain vehicle as part of the definition of motor vehicle. A better approach is to not create definitions for different vehicles if an enforcement mechanism already exists.

Maribel Murillo, 12th Ald. Dist. Legislative Assistant, appeared and commented. There is other legislation being proposed to address policing of ATVs on the streets. The police currently cannot take away ATVs. The issue is out of control. ATVs are being driven on the streets, oncoming traffic, sidewalks, alleys, and yards. Special enforcement inspectors have written orders for ATVs parking on unpaved surfaces. In

some cases, the ATVs are then moved and parked on porches.

Member Mannan said that the code does not presently prohibit the parking of vehicles on porches and that the proposed ordinance would not solve that issue.

The meeting recessed at 2:47 a.m. to allow Ald. Jose Perez to appear in front of the committee.

Meeting reconvened at 2:59 p.m.

Ald. Jose Perez, 12th Ald. Dist., appeared and commented. His district is one plagued with illegal and unregistered ATVs on the streets and properties with reckless drivers. The hope is that the proposed ordinance will be one tool to help DNS and the police enforce proper parking and storage of ATVs. He was told further strengthening of the code was needed for DNS to enforce ATVs parked on unpaved surfaces. Despite the issue of ATVs being present for over two years on the streets, the police failed to inform him until this year of their inability to ticket ATVs. They recently gained the ability to ticket ATVs after the state statute on ATVs was adopted by the City. An ATV can operate legally on streets in the winter if it is functioning as a snow plow with snow plow equipment and when traveling between job sites; otherwise, operating an ATV on the street is illegal.

Member Richardson commented. The committee's preliminary review, subject to further research, found that an ATV is included in the definition of light motor vehicle, that the current code already prohibits parking of an ATV on unpaved surfaces, and that there is no need to change s. 295-403 of the zoning code. The porch issue is undefined. The inclusion of utility terrain vehicle may not be necessary.

Atty. Wilson said that she will further research the inclusion of ATV under the definition of light motor vehicle and s. 252-74, which requires concrete and permeable paving, to see if it also provides parking enforcement for ATVs.

Member Mannan commented. Motor vehicle definitions, including light motor vehicle, in the City's code of ordinances should match the state's definitions. The bigger concern is the absence or uncertainty of porches being included under s. 252-74. There is no prohibition for ATV storage inside a basement similar to other motor equipment, like a lawn mower, so long as the gas tank is emptied.

Member Richardson moved that Proposed Substitute A of the proposed ordinance does not meet the standards of legality and enforceability, consistency with the format of the zoning code, and administrative efficiency based on knowledge that current law already achieves what is desired by the proposed ordinance; however, further confirmation is needed by the City Attorney's Office, and the possibility should remain open for further substitution of the file should current law be found to not achieve what is desired by the proposed ordinance. Seconded by member Mannan. There were no objections.

Meeting adjourned at 3:15 p.m.

**Chris Lee, Staff Assistant
Council Records Section
City Clerk's Office**

