



Legislation Details (With Text)

File #: 060658 **Version:** 3

Type: Ordinance **Status:** Passed

File created: 9/6/2006 **In control:** PUBLIC WORKS COMMITTEE

On agenda: **Final action:** 12/12/2006

Effective date:

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

Sponsors: ALD. BAUMAN, ALD. DONOVAN, ALD. WITKOWSKI, ALD. WADE, ALD. HAMILTON, ALD. D'AMATO, ALD. ZIELINSKI, ALD. MCGEE JR., ALD. MURPHY, ALD. BOHL, ALD. HINES JR.

Indexes: SPECIAL ASSESSMENTS, TRAFFIC CONTROL REGULATIONS

Attachments: 1. E-mails and letters to Ald. Bauman and pictures, 2. 9//11/06 E-mail to Ald. Bauman, 3. Fiscal Note, 4. 10/2/06 E-mail to Ald. Bauman, 5. Proposed substitute A, 6. City Attorney's opinion, 7. 12/8/06 Ald. Bauman news release, 8. Notice Published on 1-3-07.PDF

Date	Ver.	Action By	Action	Result	Tally
9/6/2006	0	COMMON COUNCIL	ASSIGNED TO		
9/26/2006	1	CITY CLERK	DRAFT SUBMITTED		
9/28/2006	1	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
9/28/2006	1	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
10/2/2006	1	CITY CLERK	Sponsor added		
10/3/2006	1	CITY CLERK	Sponsor added		
10/4/2006	1	PUBLIC WORKS COMMITTEE	HELD IN COMMITTEE	Pass	5:0
10/26/2006	1	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
10/31/2006	1	PUBLIC WORKS COMMITTEE	HELD TO CALL OF THE CHAIR	Pass	4:0
11/15/2006	1	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
11/21/2006	1	PUBLIC WORKS COMMITTEE	SUBSTITUTED	Pass	5:0
11/21/2006	2	PUBLIC WORKS COMMITTEE	HELD IN COMMITTEE	Pass	5:0
11/22/2006	1	CITY CLERK	Sponsor added		
12/4/2006	2	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
12/12/2006	2	PUBLIC WORKS COMMITTEE	HELD TO CALL OF THE CHAIR	Fail	1:2
12/12/2006	3	PUBLIC WORKS COMMITTEE	RECOMMENDED FOR PASSAGE	Pass	2:1
12/12/2006	2	PUBLIC WORKS COMMITTEE	SUBSTITUTED	Pass	2:1
12/12/2006	3	COMMON COUNCIL	PASSED	Pass	14:1
12/18/2006	3	MAYOR	SIGNED		
1/3/2007	3	CITY CLERK	PUBLISHED		

060658
 SUBSTITUTE 3
 ALDS. BAUMAN, DONOVAN, WITKOWSKI, WADE, HAMILTON, D'AMATO, ZIELINSKI, MCGEE,

MURPHY, BOHL AND HINES

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

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

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 encouraging slower traffic or enhancing pedestrian safety.

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. This ordinance directs the commissioner to file a preliminary resolution upon proper petition submitted by owners of parcels. Such petition 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 of 90% will be levied to parcels abutting the affected street or alley.

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 encouraging slower traffic or enhancing pedestrian safety.

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

115-42.5. Traffic Calming Installations. 1. PURPOSE. It is the purpose of the common council to establish a traffic calming program in the city that incorporates traffic calming installations within new construction and repair projects where appropriate and effective, and to otherwise promote public health, safety and the peaceful enjoyment of neighborhoods and residential areas by encouraging the initiation of traffic calming installations. It is furthermore the purpose of this section to provide property owners a process for initiating public works for the construction or placement of traffic calming installations. It is the intent of the common council that this process supplement and not replace other processes for initiating public works.

2. PETITION. a. By Property Owners. a-1. Upon submission to the commissioner of a petition of support for traffic calming signed by at least 50% of the owners of parcels in the affected area as determined by the commissioner, a preliminary resolution shall be prepared and submitted as provided in s. 115-42-2.

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.

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.

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 alley within which the installation is placed or constructed, as determined by the commissioner.

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 of Traffic Calming Installation - 90%.

APPROVED AS TO FORM

Legislative Reference Bureau
Date: _____

IT IS OUR OPINION THAT THE ORDINANCE
IS LEGAL AND ENFORCEABLE

Office of the City Attorney
Date: _____

LRB060658-5
RLW
12/05/2006