



Legislation Details (With Text)

File #: 160627 **Version:** 2

Type: Ordinance **Status:** Passed

File created: 9/1/2016 **In control:** COMMON COUNCIL

On agenda: **Final action:** 10/11/2016

Effective date:

Title: A substitute ordinance relating to loitering or standing upon medians in designated roadways or highways.

Sponsors: ALD. DONOVAN

Indexes: HIGHWAYS, STREETS

Attachments: 1. A Policy on Geometric Design & Highways & Streets, 2. Manual on Uniform Traffic Control Devices, 3. Notice Published on 10-27-16

Date	Ver.	Action By	Action	Result	Tally
9/1/2016	0	COMMON COUNCIL	ASSIGNED TO		
9/2/2016	1	CITY CLERK	DRAFT SUBMITTED		
9/8/2016	0	PUBLIC SAFETY COMMITTEE	HELD TO CALL OF THE CHAIR	Pass	4:0
9/29/2016	1	PUBLIC SAFETY COMMITTEE	SUBSTITUTED	Pass	4:0
9/29/2016	2	PUBLIC SAFETY COMMITTEE	RECOMMENDED FOR PASSAGE	Pass	5:0
10/11/2016	2	COMMON COUNCIL	PASSED	Pass	15:0
10/19/2016	2	MAYOR	SIGNED		
10/27/2016	2	CITY CLERK	PUBLISHED		

160627
SUBSTITUTE 2

ALD. DONOVAN

A substitute ordinance relating to loitering or standing upon medians in designated roadways or highways.

101-9.5 cr

This ordinance prohibits any person from loitering or standing upon any median less than 5 feet wide, or any median in a designated roadway or highway that is considered a safety hazard for pedestrians.

Whereas, The Common Council finds that there are street medians in certain roadways or highways within the city which are safety hazards for pedestrians to loiter or stand upon, due to the number of reported traffic accidents occurring at these locations; and

Whereas, The Common Council has considered evidence presented by the Department of Public Works and the Milwaukee Police Department, which demonstrates a level of concern for the safety of any person loitering or standing upon the street medians in these roadways or highways; now, therefore

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

Part 1. Section 101-9.5 of the code is created to read:

101-9.5. Designation of Locations Where Loitering or Standing is Prohibited upon Street Medians.

1. DEFINITION. In this section:

a. "Median" means a paved or unpaved area dividing a street or highway that separates lanes of traffic traveling in opposite directions.

b. "Safety zone" means the area or space defined in s. 340.01(55), Wis. Stats.

2. LOITERING PROHIBITED. No person shall stand, sit or stay upon any median less than 5 feet wide, or any median in a designated roadway or highway that is considered a safety hazard for pedestrians. This provision shall not apply to:

a. Persons using a crosswalk or safety zone to cross a street.

b. Law enforcement officers or public employes acting within the scope of their duties.

c. Fire or emergency employes providing emergency assistance.

d. Street or utility construction and maintenance workers performing authorized construction or maintenance work.

3. LOCATIONS; INSTALLATION OF SIGNS. Specific locations to which this section applies are to be found in the common council proceedings; the official record on file in the city clerk's office; and the code on file in the legislative reference bureau. The commissioner of public works shall install appropriate signs to indicate the prohibition of sub. 2 applies to these specific locations.

4. PENALTY. Any person found violating this section shall upon conviction be punished by a forfeiture not less than \$50 nor more than \$200, together with the cost of prosecution, and in default thereof shall be imprisoned as provided by law.

APPROVED AS TO FORM

Legislative Reference Bureau

Date: _____

IT IS OUR OPINION THAT THE ORDINANCE
IS LEGAL AND ENFOCEABLE

Office of the City Attorney

Date: _____

La-Wanda G. Fletcher
LRB165998-2
08/26/2016