



Legislation Text

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File #: 061340, Version: 1

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061340  
SUBSTITUTE 1

ALD. WITKOWIAK

A substitute ordinance regulating encroachments and projections on sidewalks.

74-1-7.5-a-3 rc  
115-32.6-6 rn  
115-32.6-6 cr  
115-32.6-7 rn  
115-32.6-8 rn  
245-12-3-d rn  
245-12-3-d cr  
245-12-3-e rn  
245-12-3-f rn

In the Code of Federal Regulation, ADA Standards for Accessible Design, the U.S. Department of Justice specifies 5 feet as the minimum clearance needed for 2 wheelchairs to pass one another and for one wheelchair to make a 180-degree turn in clear space.

Current code provisions do not require a minimum clearance width on sidewalks when permission for encroachments and projections is granted. This ordinance requires a 5-foot minimum clearance requirement on all sidewalks for encroachments and projections for which a and special privilege is issued under ch. 245 and food peddlers under ch. 74.

Sidewalk dining facilities currently are regulated by guidelines adopted by the common council, which set forth minimum sidewalk clearance width requirements. This ordinance codifies a uniform citywide policy, which requires a 5-foot minimum clearance for a sidewalk area dining facility.

Whereas, The Common Council finds that the preeminent purpose of the city's sidewalks is to provide for the safe, efficient and unfettered mobility of all pedestrians; and

Whereas, The Common Council also finds that it is its obligation to exercise its authority to provide for the equitable and orderly use of sidewalks by establishing clear standards with respect to sidewalk clearance widths; and

Whereas, By establishing standards, the Common Council will conserve the physical capacity of the public rights-of way held in trust by the city, and ensure that all pedestrians have equal and unfettered mobility along the city's sidewalks; and

Whereas, Moreover, there are many types of pedestrians, and accommodation must be made to provide for accessibility and mobility of each pedestrian group, including those who travel in wheelchairs; and

Whereas, In the Code of Federal Regulation, ADA Standards for Accessible Design, the U.S. Department of Justice specifies 5 feet as the minimum clearance needed for 2 wheelchairs to pass one another and for one wheelchair to make a 180-degree turn in clear space; now, therefore

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

Part 1. Section 74-1-7.5-a-3 of the code is repealed and recreated to read:

**74-1. Vehicular Food Peddler.**

**7.5 PROHIBITED AND REQUIRED ACTS.**

a-3. Occupy any sidewalk so as not to permit any pedestrian at any time to have a minimum 5-foot clearance.

Part 2. Section 115-32.6-6 to 8 of the code is renumbered 115-32.6-7 to 9.

Part 3. Section 115-32.6-6 of the code is created to read:

**115-32.6. Sidewalk Area Dining Facilities; Permits.**

**6. MINIMUM SIDEWALK CLEARANCE.** All sidewalk area dining facilities shall maintain a minimum sidewalk clearance of 5 feet, and the minimum clearance shall be kept clear of all obstructions, as specified in the guidelines provided by the commissioner under sub. 7.

Part 4. Section 245-12-3-d to f of the code is renumbered 245-12-3-e to g.

Part 5. Section 245-12-3-d of the code is created to read:

**245-12. Special Privileges.**

**3. PROVISIONS.**

d. Maintain a minimum sidewalk clearance of 5 feet, which shall be kept clear of all obstructions.

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: \_\_\_\_\_

LRB07046-2

LCS

2/21/07