



Legislation Text

File #: 020308, Version: 1

020308
SUBSTITUTE 1

ALD. DONOVAN, CAMERON, BOHL, HERRON AND RICHARDS

A substitute ordinance relating to the creation of temporary no cruising zones.

101-20.5-4 rn

101-20.5-4 cr

Current code provisions prohibit motorists in designated areas from travelling 3 or more times in a 2-hour period past a set traffic control point between 8 p.m. and 5 a.m. These "designated areas" are established by code. This ordinance permits the chief of police or his or her designee at or above the rank of sergeant to establish a temporary designated area based on specific criteria provided a written plan, approved by the chief of police, is filed with the appropriate district's commander, including the following information:

1. The location of the designated area.
2. The date(s) and times during which the designated area will be in effect.
3. A statement outlining the problem or problems that require the creation of the designated area. The person preparing the plan must be able to demonstrate that one or more of the conditions attendant to cruising enumerated in the code exist or are reasonably anticipated in the area to be designated.
4. Any instructions given to enforcement officers concerning the designated area.
5. The location of signs indicating the presence of the designated area. The temporary designated area must also be posted with sufficient signs to provide notice of the prohibition against cruising. A copy of the plan is also to be provided to the common council within 14 days of the date on which the designated area takes effect.

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

Part 1. Section 101-20.5-4 of the code is renumbered 101-20.5-5.

Part 2. Section 101-20.5-4 of the code is created to read:

101-20.5 Cruising Prohibited.

4. TEMPORARY DESIGNATED AREAS. a. The chief of police or his or her designee at or above the rank of sergeant may establish temporary designated areas where cruising is prohibited where one or more of the following conditions exist or are reasonably anticipated at these locations:

- a-1. Dangerous and continuous traffic congestion during evening and night hours.
 - a-2. Excessive levels of noise or air pollution caused by traffic congestion.
 - a-3. Potential obstruction of streets, sidewalks or access to parking lots caused by vehicular traffic.
 - a-4. Interference with the use of property or conduct of business by vehicular traffic.
 - a-5. Obstruction of access to and through the public way for emergency vehicles by vehicular traffic.
 - a-6. Loud, disruptive or unruly behavior directly related to vehicular traffic.
- b. Prior to establishing a temporary designated area, the chief of police or his or her designee shall file a written plan, approved by the chief of police, with the district commander responsible for the area in which the designated area is to be located. A copy of the plan shall also be provided to the common council within 14 days of the date on which the designated area takes effect. The plan shall contain the following information:
- b-1. The location of the designated area.
 - b-2. The date(s) and times during which the designated area will be in effect.
 - b-3. A statement enumerating the problem or problems listed in par. a that require the creation of the designated area.
 - b-4. Any instructions given to enforcement officers concerning the designated area.
 - b-5. The location of the signs posted pursuant to par. c.
- c. Every temporary designated area shall be posted with sufficient signs to provide notice of the prohibition against cruising. These signs shall be of such size and shape as shall be deemed appropriate by the commissioner of public works.

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: _____

LRB02223-2.1

jro

07/03/02