

Ordinance O-21-16

ORDINANCE CREATING SECTION 11.20.100 OF THE WAUWATOSA MUNICIPAL CODE REGULATING ENTERING OR STAYING UPON STREETS OR MEDIANS

The Common Council of the City of Wauwatosa do hereby ordain as follows:

PART I: Section 11.20.100 of the Wauwatosa Municipal Code of Ordinances is hereby created to read in its entirety as follows:

Section 11.20.100 - ENTERING OR STAYING UPON STREETS RESTRICTED.

- A. Purpose. Pedestrians are increasingly using streets in ways for which the roads were not designed. These uses include approaching vehicles when in use or staying upon medians for purposes other than crossing the street. These activities create safety hazards for pedestrians and distract drivers, making automobile crashes more likely. This ordinance is designed to decrease the safety hazards by restricting such activity. These safety concerns are most acute on the busiest streets within the City of Wauwatosa, identified by City of Wauwatosa Crash Data and State Department of Transportation Traffic Counts, and some streets intersecting with those streets. This ordinance applies to those "streets" identified in sub. G. herein.
- B. Definitions. As used in this Section:
 - 1. "Street" means those streets listed in sub. G., herein.
 - 2. A vehicle is "in operation" when it has an operator, as defined in Wis. Stat. § 340.01(41).
 - 3. A "median" is a paved or unpaved area dividing a street that separates lanes of traffic traveling in opposite directions, or in the case of left or right hand turn lanes, vehicles traveling in the same direction.
- C. No person, other than a person in or on a vehicle, shall be on a street listed in sub. G. and approach any vehicle in operation, except a vehicle that is legally parked at the curb or the shoulder.
- D. No person shall be upon a median of a street listed in sub. G. unless that person is in the process of crossing the highway in a safety zone or crosswalk. It is prima facie evidence of a violation of this section if a person stays on the median through two consecutive opportunities to cross the street in a legal manner under this Chapter and the state traffic laws adopted herein.

This may include a change in the traffic control signal or lack of traffic, as applicable. After such two consecutive opportunities, such person shall not be considered to be "using the safety zone or crosswalk to cross the street" for purposes of the exception in sub. G.2.
- E. No operator of a vehicle shall park, stop or leave standing a vehicle on a street listed in sub. G.

where prohibited or suddenly decrease the speed of said vehicle or deviate from a traffic lane for the purpose of responding to persons violating subs. C. or D.

F. Exceptions. This ordinance does not apply to:

1. Persons on the sidewalk,
2. Persons using the safety zone or crosswalk to cross the street,
3. Persons engaged in law enforcement or rescue activities, including providing assistance to an injured or disabled vehicle or person,
4. Persons entering a vehicle as an invited passenger where it is lawful to do so, including buses, rideshares and activity permitted under Wis. Stat. § 346.29(1) (taxis),
5. Persons engaged in repair or maintenance activities on the street or boulevard under the direction or authority of the City of Wauwatosa, Milwaukee County or the State of Wisconsin,
6. Crossing guards; or
7. Streets or portions thereof that have been closed pursuant to a street use permit or other express authorization from the City.

G. Streets. This ordinance applies only to the streets listed in subs. 1. and 2. below:

1. North Mayfair Road
West Blue Mound Road
West North Avenue
Watertown Plank Road
West Burleigh Street
West Capitol Drive
North 124th Street
North 68th Street
West State Street
Wauwatosa Avenue
North 92nd Street
Harwood Avenue
2. In addition to the streets designated above, this ordinance applies to any street containing a median that intersects with any of the listed streets, but only for the first two hundred (200) feet of the intersecting street from the listed street, as measured along the center line of the street from the point the intersecting street touches the right of way of the listed street.

H. Penalty. Any person violating this Section may be required to forfeit not less than twenty-five dollars (\$25) nor more than five hundred dollars (\$500).

PART II: Non-Codified Provision - 90-day review - 90 days following passage of this ordinance, the Wauwatosa Police Department and other appropriate City staff are directed to bring to the next meeting of the Community Affairs Committee a report and available data regarding the implementation, impact and effectiveness of the provisions of this ordinance for the Committee's review.

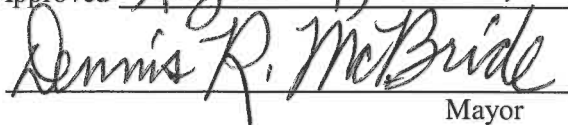
PART III: This ordinance shall become effective on and after its date of passage and publication.

Passed and Dated August 3, 2021



City Clerk

Approved August 4, 2021



Mayor

Introduced:

Referred to originating committee

Adopted: 08/03/2021