

**CITY OF MADISON
OFFICE OF THE CITY ATTORNEY
Room 401, CCB
266-4511**

Date: January 20, 2017

MEMORANDUM

TO: Mayor Paul Soglin
All Alders

FROM: Michael P. May
City Attorney

RE: Median Protection Ordinance, Legistar No. 44204: Fourth Substitute

Attached to this memorandum is a red-lined version of the 4th substitute, showing the changes from the last version. This memo and the red-lined version will go into Legistar as an attachment. A clean copy will go into Legistar as the version before the Council on February 7.

Here are the changes:

1. The ordinance requires a report from the Police Chief on implementation, including who was cited, persons listed as no permanent address (NPA), and any other matters relevant to the implementation of the ordinance. The report is to be prepared after 6 months of implementation, and will be filed with the Council.
2. The ordinance has a delayed effective date, and requires that Police Chief, Traffic Engineer, and City Attorney file an education plan with the Council, to include pamphlets/brochures.
3. The ordinance encourages officers to provide a warning for first time violators. For the reasons I outlined in my previous memo, I do not think a warning requirement is workable. The MPD can issue formal "warning citations" on traffic violations, but not on other ordinances such as this one.
4. The ordinance excludes from the "approaching a car" violation any vehicle that is legally parked. This means that persons could use the terrace (or the road, for that matter) to approach a stopped vehicle at the side of the road in an area where parking is legal. I think this is the best way to ease the problem identified with approaching a vehicle on the terrace, without opening up the terrace for advertising, Filling the Boots, or other activities where parking is prohibited and the traffic is driving by.
5. The ordinance makes no change in the covered streets. After discussions with the Traffic Engineer, we both believe the existing arterial streets definition is the

best to use. It is an accepted classification, related to safety issues. We did not think alternatives would work.

CC: Chief Mike Koval
Captain Brian Ackeret
David Dryer
Gloria Reyes
Lara Mainella
Marci Paulsen
Adriana Peguero