

CITY OF MADISON, WISCONSIN

AN ORDINANCE \_\_\_\_\_

PRESENTED  
REFERRED

January 21, 2014  
BOHMDC; PSRC  
\_\_\_\_\_

Creating Section 23.01 and amending Section 1.08(3)(a) of the Madison General Ordinances to create a buffer zone at the entrance of health care facilities to protect patients from protestors and creates a bail schedule for violation thereof.

Drafted by: Kevin Ramakrishna

Date: January 15, 2014

SPONSOR: Aids. Subeck, Ahrens, Bidar-Sielaff, Clausius, Clear, DeMarb Palm, Resnick, Rummel, Strasser, Weier, Verveer, Zellers

DRAFTER'S ANALYSIS: This ordinance creates a protective zone within 160 feet of health clinics for patients to be allowed entry and exit without obstruction. Additionally, this ordinance will prevent anyone from actively approaching, to within eight feet, people intending to use the health clinic's service in order to engage in oral protest, education, counseling, passing of leaflets or handbills, or displaying signs to the person. This ordinance also creates a bail schedule for this offense.

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

1. Section 23.01 entitled "Prohibition on Obstructing Entryways to Health Clinics" of the Madison General Ordinances is created to read as follows:

**"23.01 PROHIBITION ON OBSTRUCTING ENTRYWAYS TO HEALTH CLINICS.**

- (1) Restrictions. It shall be unlawful for any person to do any of the following:
  - (a) Intentionally obstruct, detain, hinder, impede, or block another person's entry to or exit from a health care facility.
  - (b) Intentionally approach another person to within eight (8) feet without consent for the purpose of doing any of the following on a public way or sidewalk area within a radius of one hundred sixty (160) feet from an entrance to a health care facility:
    - 1. Pass a leaflet or handbill to the person.
    - 2. Display a sign to the person.
    - 3. Engage in oral protest, education or counseling with the person.
- (2) Definitions. In this section a "health care facility" means a hospital, clinic or office that is used by a licensed physician. Where an office used by a health care facility is located in a multi-office building, the common areas of the entire building shall also be deemed a health care facility.
- (3) Penalty. Violators shall be subject to a forfeiture of not less than fifty dollars (\$50) nor more than one thousand dollars (\$1000)."

Approved as to form:

2. Subdivision (a) of Subsection (3) entitled "Schedule of Deposits" of Section 1.08 entitled "Issuance of Citations for Violations of Certain Ordinances and Providing a Schedule of Cash Deposits" of the Madison General Ordinances is amended by creating and amending therein the following:

<u>"Offense</u>	<u>Ord. No./Adopted Statute No.</u>	<u>Deposit</u>
Obstruct entrance to health care clinics for purpose of protesting.	23.01	\$300, 1st \$500, 2 <sup>nd</sup> \$750, 3 <sup>rd</sup>

EDITOR'S NOTE: New bail deposits must be approved by the Municipal Judge prior to adoption. This deposit has been so approved.