

LEGISTAR #44204 - Body

DRAFTER'S ANALYSIS: This is a public safety measure that limits persons from entering a highway and approaching a vehicle that is in operation. It also limits a person from staying upon the median of any highway. The ordinance provides exceptions for crossing at crosswalks, getting into or out of a vehicle, highway maintenance and others.

Chapter 12, MGO, adopts the definitions in the State traffic laws. In those laws, "Highway" is defined as "all public ways and thoroughfares and bridges on the same. It includes the entire width between the boundary lines of every way open to the use of the public as a matter of right for the purposes of vehicular travel. It includes those roads or driveways in the state, county or municipal parks and in state forests which have been opened to the use of the public for the purpose of vehicular travel and roads or driveways upon the grounds of public schools, as defined in s. 115.01 (1), and institutions under the jurisdiction of the county board of supervisors, but does not include private roads or driveways as defined in sub. (46)." Wis. Stats. § 340.01(22).

Mayor Soglin was the sponsor of another ordinance, Legistar ID #42503, which should be placed on file and this proposal considered in its place.

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

1. Section 12.325 entitled "Solicitation on Highway Prohibited" of the Madison General Ordinances is repealed and recreated to read as follows:

"12.325 ENTERING OR STAYING UPON HIGHWAYS RESTRICTED.

- (1) Purpose. Pedestrians are increasingly using highways 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 highway. 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.
- (2) As used in this ordinance, a vehicle is "in operation" when it has an operator, as defined in Wis. Stat. § 340.01(41).
- (3) No person, other than a person in or on a vehicle, shall be upon or go upon a highway and approach any vehicle in operation.
- (4) No person shall be upon a median of a highway unless that person is in the process of crossing the highway in a safety zone. 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 highway 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 to cross the highway" for purposes of the exception in sub. (6)(b).
- (5) No operator of a vehicle shall park, stop or leave standing a vehicle on a highway where prohibited or suddenly decrease the speed of said vehicle or deviate from a traffic lane for the purpose or responding to persons violating subs. (3) or (4).
- (6) Exceptions. This ordinance does not apply to (a) persons on the sidewalk, (b) persons using the safety zone to cross the highway, (c) persons engaged in law enforcement or rescue activities, including providing assistance to an injured or disabled vehicle or person, (d) persons entering a vehicle as an invited passenger where it is lawful to do so, including activity permitted under Wis. Stat. §346.29(1) (taxis), or (e) persons engaged in repair or maintenance activities on the highway under the direction or authority of the City of Madison .
- (7) Any person violating this ordinance may be required to forfeit not less than thirty dollars (\$30) nor more than three hundred dollars (\$300)."

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 amending therein the following:

<u>"Offense</u>	<u>Ord. No./Adopted Statute No.</u>	<u>Deposit</u>
Solicitation <u>Entering or staying upon highway prohibited.</u> yr"	12.325	\$50, 1st \$100, 2nd w/in 1 yr \$200, 3rd/more w/in 1

EDITOR'S NOTE:

Section 12.325 currently reads as follows:

"12.325 SOLICITATION ON HIGHWAY PROHIBITED.

- (1) No person shall be upon or go upon a highway for the purpose of soliciting employment, business or charitable or other contributions of any kind from the occupant of any vehicle, unless such person shall have obtained a Street Use Permit pursuant to Sec. 10.056, MGO, or other authorization under these ordinances.
- (2) No operator of a vehicle shall park, stop or leave standing a vehicle on a highway where prohibited or suddenly decrease the speed of said vehicle or deviate from a traffic lane for the purpose of responding to an individual engaging in activities prohibited in subsection (1).
- (3) This section is not intended to prohibit conduct permitted under Sec. 346.29(1), Wis. Stats.
- (4) Any person violating subsections (1) or (2) may be required to forfeit not less than thirty dollars (\$30) nor more than three hundred dollars (\$300)."