



Legislation Details (With Text)

**File #:** 32827      **Version:** 2      **Name:** Buffer zone  
**Type:** Ordinance      **Status:** Passed  
**File created:** 1/15/2014      **In control:** COMMON COUNCIL  
**On agenda:** 3/18/2014      **Final action:** 3/18/2014  
**Enactment date:** 3/27/2014      **Enactment #:** ORD-14-00046

**Title:** SUBSTITUTE 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 and creates a bail schedule for violation thereof.

**Sponsors:** Lisa Subeck, David Ahrens, Shiva Bidar, Joseph R. Clausius, Mark Clear, Denise DeMarb, Larry Palm, Scott J. Resnick, Marsha A. Rummel, John Strasser, Michael E. Verveer, Anita Weier, Ledell Zellers, Lauren Cnare, Sue Ellingson

**Indexes:**

**Code sections:**

**Attachments:** 1. Buffer zone ord handout.pdf, 2. E mail registrants.2 13.14.pdf, 3. Gwen Finnegan testimony.pdf, 4. Registrations 2 13 14.pdf, 5. Support e mails.pdf, 6. Support e mails.II.pdf, 7. Version 1, 8. Report of the City Attorney

| Date      | Ver. | Action By                                   | Action  | Result |
|-----------|------|---|---|--------|
| 3/18/2014 | 2    | COMMON COUNCIL                              | Reconsider  | Pass   |
| 3/18/2014 | 2    | COMMON COUNCIL                              | Adopt Substitute                                    | Pass   |
| 3/4/2014  | 1    | COMMON COUNCIL                              | Reconsider  | Pass   |
| 3/4/2014  | 1    | COMMON COUNCIL                              | Refer to a future Meeting to Adopt                  | Pass   |
| 2/25/2014 | 1    | COMMON COUNCIL                              | Adopt   | Pass   |
| 2/13/2014 | 1    | BOARD OF HEALTH FOR MADISON AND DANE COUNTY | RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER   | Pass   |
| 2/11/2014 | 1    | PUBLIC SAFETY REVIEW COMMITTEE              | Return to Lead with the Recommendation for Approval | Pass   |
| 1/21/2014 | 1    | BOARD OF HEALTH FOR MADISON AND DANE COUNTY | Referred  |        |
| 1/21/2014 | 1    | COMMON COUNCIL                              | Referred  |        |
| 1/15/2014 | 1    | Attorney's Office/Approval Group            | Referred for Introduction                           |        |

**Fiscal Note**

There may be a small increase in General Fund revenues derived from forfeitures.

**Title**

SUBSTITUTE 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 and creates a bail schedule for violation thereof.

**Body**

DRAFTER'S ANALYSIS: This substitute ordinance creates a protective zone within 100 feet of the entrance to health clinics and 30 feet of the driveway entrance for a health clinic for patients to be allowed entry and exit without obstruction. Within these zones, it is unlawful to intentionally approach a person without their consent, within eight feet, in order to engage in oral protest, education, counseling, pass leaflets or handbills, or display signs to the person. This ordinance also prohibits, generally, anyone from physically and intentionally

hindering a person’s entrance or exit from a health care facility. This ordinance also creates a bail schedule for these offenses.

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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) Purpose and Findings. The Common Council recognizes that access to health care facilities for the purpose of obtaining medical counseling and treatment without interference is important to the residents of the City, and that the exercise of a person's right to speak for or against such counseling and treatment, including the right to protest or counsel against certain medical procedures, must be balanced against another person's right to obtain medical counseling or treatment in an unobstructed manner. Therefore, the Common Council finds that this ordinance is necessary to further the City’s significant governmental interests in protecting citizens’ rights to come and go from a health care facility.
- (2) Restrictions. It shall be unlawful for any person to do any of the following:
  - (a) Physically and 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 either of the zones listed in sub. (c):
    - 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.
  - (c) Zones.
    - 1. A radius of one hundred (100) feet from an entrance to a health care facility.
    - 2. A radius of thirty (30) feet from the point where the right-of-way intersects with the curbcut of any private driveway for the property upon which the health care facility is located, if any such point falls outside the zone in sub. (c)1.
- (3) Definitions. In this section:
  - (a) “Health care facility” means a place used by a licensed physician or nurse practitioner to routinely provide medical treatment.
  - (b) “Entrance” means a location of ingress and egress to a building. Where a health care facility is located in a multi-use or multi-office building and does not have a separate entrance, then the zone in (2)(c)1. applies to all entrances to the building.
- (4) Penalty. Any person violating any provision of this ordinance shall be subject to a forfeiture of not less than fifty dollars (\$50) nor more than one thousand dollars (\$1000).”

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 therein the following:

| <u>“Offense</u>   | <u>Ord. No./Adopted Statute No.</u> | <u>Deposit</u>   |
|---|-------------------------------------|--|
| Prohibition on obstructing entryways to health clinics. | 23.01                               | \$300, 1st<br>\$500, 2 <sup>nd</sup><br>\$750, 3 <sup>rd</sup> & sub.” |

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