

ORDINANCE NO.

SPONSOR: ALDERPERSON DAVID F. BOGDALA
CO-SPONSOR: ALDERPERSON DOMINIC RUFFALO
ALDERPERSON RUTH DYSON
ALDERPERSON CURT WILSON

TO REPEAL AND RECREATE SECTION 11.035
“~~DESIGNATION OF LOCATIONS WHERE LOITERING~~
~~OR STANDING IS PROHIBITED UPON STREET MEDIANS~~ENTERING OR
STAYING ON STREETS RESTRICTED”

The Common Council of the City of Kenosha, Wisconsin, do ordain as follows:

Section One: Section 11.035 of the Code of General Ordinances for the City of

Kenosha is hereby recreated and repealed as follows:

11.035. - ~~DESIGNATION OF LOCATIONS WHERE LOITERING OR STANDING IS PROHIBITED~~
~~UPON STREET MEDIANS~~ENTERING OR STAYING ON 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 section is designed to decrease the safety hazards by restricting such activity.

B. **Definitions.** As used in this section:

A vehicle is "in operation" when it has an operator, as defined in Section 340.01(41), Wisconsin Statutes.

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. **~~Loitering~~ Prohibited Conduct.**

1. No person, other than a person in or on a vehicle, ~~shall~~is permitted to be on a street and approach any vehicle in operation, except a vehicle that is legally parked at the curb or the shoulder.
2. No person ~~shall~~is permitted to be upon a median unless that person is in the process of crossing the ~~highway street~~ 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 section~~ 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~~will not be considered to be "using the safety zone or crosswalk to cross the street".

3. No operator of a vehicle ~~shall~~ can park, stop or leave standing a vehicle on a street where prohibited or suddenly decrease the speed of said vehicle or deviate from a traffic lane for the purpose of responding to persons violating subsections C.1. or C.2.

D. **Exceptions.** This section does not apply to:

1. Persons using a crosswalk to cross a street;
2. Law enforcement officers or public employees acting within the scope of their duties;
3. Fire or emergency employees providing emergency assistance;
4. Street or utility construction and maintenance workers performing authorized construction or maintenance work;
5. Persons on the sidewalks; and
- 4.6. Persons entering a vehicle as an invited passenger where it is lawful to do so, including buses, rideshares and activity permitted under Section 346.29(1), Wisconsin Statutes (taxis).

H. **Penalty.** Any person found violating this section shall upon conviction be punished by a forfeiture not less than fifty dollars (\$50.00) or more than two hundred dollars (\$200.00), together with the cost of prosecution and all applicable fees and surcharges, and in default thereof shall be imprisoned as provided by law.

Section Two: This Ordinance becomes effective upon passage and publication.

ATTEST: _____ City Clerk
MICHELLE L. NELSON

APPROVED: _____ Mayor Date: _____
JOHN M. ANTARAMIAN

Passed:

Published:

Drafted By:

MATTHEW A. KNIGHT
Deputy City Attorney