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4 **A RESOLUTION/ORDINANCE**

5
6 Amending Chapter 63 of the Milwaukee County Code of General Ordinances relating to
7 disorderly conduct concerning transit services in Milwaukee County.
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9 WHEREAS, certain individuals in the community have recently attempted to restrict
10 access by Milwaukee County transit buses in roadways and parking lots otherwise open to
11 the public or open to delivery vehicles; and
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13 WHEREAS, with more than 36 million revenue passengers in 2013, Milwaukee
14 County's transit system is the largest in the state, serving the state's largest urban area and
15 its residents, who rely heavily on mass transit, making mass transit and the safety and
16 wellbeing of mass transit users in Milwaukee County a matter of local concern; and
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18 WHEREAS, the ability of the county and state governments to impose traffic control
19 and other restrictions upon private parking lots or roadways held out for use of the general
20 public, in order to promote safety and wellbeing, is well established; and
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22 WHEREAS, for example, pursuant to Sections 1 and 18 of Appendix C of the
23 Milwaukee County General Ordinances, all County traffic ordinances and all state statutory
24 traffic provisions in Chs. 340 through 348, Wis. Stats., "shall be applicable on any public
25 parking lot or ramp and on any private parking lot or ramp held out for use of the general
26 public for parking or vehicular travel"; and
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28 WHEREAS, by further example, the State of Wisconsin in Sec. 346.61, Stats., has
29 deemed it advisable to make such roads and lots subject to certain traffic laws promoting
30 health and safety, for example, Secs. 346.62 to 346.64, Wis. Stats., prohibiting drunken
31 driving and reckless driving; and
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33 WHEREAS, by further example, Milwaukee County has numerous ordinances
34 promoting safety and wellbeing that apply on private as well as public property in the
35 County, including ordinances requiring owners of private parking to provide parking
36 spaces for the handicapped, *see* MCGO 69.05 and Sec. 346.503, Wis. Stats., and
37 prohibiting disorderly conduct; and
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39 WHEREAS, safety and health for Milwaukee County transit passengers is enhanced
40 when bus stops are located closer to passengers' destination or origin points and when the
41 location of bus stop avoids or reduces the need for passengers to cross roadways, parking
42 lots or other traffic ways in order to reach the bus stop or the destination; and

43 WHEREAS, privately owned access roads and parking lots at shopping centers and
44 large retail outlets in Milwaukee County are routinely held out to the public for use of their
45 motor vehicles, and it is the intent of owners that these roads and lots be available to the
46 public; and

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48 WHEREAS, the owners of shopping centers and large retail outlets in Milwaukee
49 routinely allow large trucks and delivery vehicles to access their properties; now, therefore,
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52 BE IT RESOLVED, that the Milwaukee County Board of Supervisors hereby amends
53 Chapter 63 of the Milwaukee County Code of General Ordinances by adopting the
54 following:

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55 AN ORDINANCE

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57 The Milwaukee County Board of Supervisors ordains the following:

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59 SECTION 1. Chapter 63 of the Milwaukee County Code of General Ordinances, up to and
60 including _____, is hereby amended as follows:

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62 63.01. Disorderly Conduct

63

64 (1) No person shall engage in violent, abusive, indecent, profane, boisterous,
65 unreasonably loud, or otherwise disorderly conduct under circumstances in which such
66 conduct tends to cause or provoke a disturbance within the county.

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68 (a) Disorderly conduct includes interfering with the operation of any Milwaukee
69 County transit bus, including pickup or discharge of passengers, on any
70 roadway or parking lot held out for use of the general public for parking or
71 vehicular travel or on any roadway or parking lot made available to delivery
72 vehicles of more than 20,000 pounds maximum gross weight.

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74 (2) Any person violating the provision of this section of the Code shall, for each offense,
75 forfeit a penalty not to exceed two hundred fifty dollars (\$250.00); the cash deposit thereof
76 shall be one hundred dollars (\$100.00) and the penalty assessment shall be fifteen dollars
77 (\$15.00), and in default of payments thereof, shall be imprisoned in the county jail or the
78 house of correction of the county for a period not to exceed ninety (90) days in the
79 discretion of the court.

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81 SECTION 2. The provisions of this ordinance shall be effective upon passage and
82 publication.