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(ITEM ) A resolution/ordinance by Supervisors Jursik, Mayo, Sr., Borkowski, Dimitrijevic, Broderick, and Haas amending Chapter 63 of the Milwaukee County Code of General Ordinances relating to disorderly conduct concerning transit services in Milwaukee County, by recommending adoption of the following:

**A RESOLUTION/ORDINANCE**

WHEREAS, certain individuals in the community have recently attempted to restrict access by Milwaukee County transit buses in roadways and parking lots otherwise open to the public or open to delivery vehicles; and

WHEREAS, with more than 36 million revenue passengers in 2013, Milwaukee County’s transit system is the largest in the State, serving the State’s largest urban area and its residents, who rely heavily on mass transit, making mass transit and the safety and wellbeing of mass transit users in Milwaukee County a matter of local concern; and

WHEREAS, the ability of the County and State governments to impose traffic control and other restrictions upon private parking lots or roadways held out for use of the general public, in order to promote safety and wellbeing, is well established; and

WHEREAS, for example, pursuant to Sections 1 and 18 of Appendix C of the Milwaukee County Code of General Ordinances (MCGO), all County traffic ordinances and all state statutory traffic provisions in Chapters 340 through 348, Wis. Stats., “shall be applicable on any public parking lot or ramp and on any private parking lot or ramp held out for use of the general public for parking or vehicular travel”; and

WHEREAS, by further example, the State of Wisconsin in Sec. 346.61, Wis. Stats., has deemed it advisable to make such roads and lots subject to certain traffic laws promoting health and safety, for example, Secs. 346.62 to 346.64, Wis. Stats., prohibiting drunken driving and reckless driving; and

WHEREAS, by further example, Milwaukee County has numerous ordinances promoting safety and wellbeing that apply on private as well as public property in the County, including ordinances requiring owners of private parking to provide parking spaces for the handicapped, see MCGO 69.05 and Sec. 346.503, Wis. Stats., and prohibiting disorderly conduct; and

WHEREAS, safety and health for Milwaukee County transit passengers is enhanced when bus stops are located closer to passengers’ destination or origin points and when the location of bus stops avoids or reduces the need for passengers to cross roadways, parking lots or other traffic ways in order to reach the bus stop or the destination; and

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

49  
50 WHEREAS, the owners of shopping centers and large retail outlets in Milwaukee  
51 routinely allow large trucks and delivery vehicles to access their properties; now,  
52 therefore,

53  
54 BE IT RESOLVED, that the Milwaukee County Board of Supervisors hereby  
55 amends Chapter 63 of the Milwaukee County Code of General Ordinances by adopting  
56 the following:

57  
58 **AN ORDINANCE**

59  
60 The Milwaukee County Board of Supervisors ordains the following:

61  
62 **SECTION 1.** Chapter 63 of the Milwaukee County Code of General Ordinances, up to  
63 and including \_\_\_\_\_, is hereby amended as follows:

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65 **63.01. Disorderly Conduct**

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

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

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

84  
85 **SECTION 2.** The provisions of this ordinance shall be effective upon passage and  
86 publication.

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89 srb  
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91 \\Fi01wpchc\comclerk\$\Committees\2014\Oct\TPWT\Resolutions\14-443 Resolution.Ordinance Jursik disorderly  
92 conduct and transit.docx