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Memorandum

To: Ordinance and License Committee
From: Anne Iselin
Re: Request to Allow Chief of Police to Prohibit, Limit or Restrict Parking

The Waukesha Police Department has been informed that the residents located behind West High School have been having difficulty receiving their mail because the high school students have been parking on the city streets in front of the residents' mailboxes, rather than paying to park in the school's parking lot. Residents have been notified by their postal carrier that mail will not be delivered to their mailboxes if vehicles are parked in front of them, thus blocking access to those boxes.

Section 7.07(4) of the Waukesha Municipal Code of Ordinances currently authorizes the Chief of Police to make and enforce temporary traffic regulations covering special conditions during times of emergency. However, the current ordinance does not authorize the Chief to make such traffic regulations when there is no emergency.

The above situation does not present an "emergency" as defined by Section 323.11 of the Wisconsin State Statutes. Wis.Stat.Sec. 323.11 indicates that an "emergency" exists ". . . whenever conditions arise by reason of a riot or civil commotion, a disaster, or an imminent threat of a disaster, that impairs transportation, food or fuel supplies, medical care, fire, health or police protection, or other critical systems of the local unit of government."

Given the fact that the delivery of mail cannot be said to be an "emergency," the present ordinance does not authorize the Chief of Police to restrict parking in the area or otherwise address the residents' concerns. The residents must now await a resolution of their mail issue by the Common Council. The proposed amendment would however allow the Chief of Police or his designee to temporarily prohibit, limit or otherwise restrict parking in such a situation and thus promptly address the residents' concerns while the issue can be permanently resolved by the Common Council by way of an enactment of an ordinance.

One would anticipate that authorizing the Chief of Police to temporarily prohibit or restrict parking may alleviate other traffic issues as well, particularly where the traffic issue is related to an unanticipated situation, such as a traffic accident. Allowing the Chief to restrict parking in such situation may thus aid in the free flow of traffic.

In addition to granting the Chief certain authority during non-emergency situations, the proposal would also limit the traffic regulations he or she could make. The current law does not specify what type of traffic regulations the Chief can make. However, pursuant to Wis.Stat.Sec. 349.06 all traffic regulations must be in conformity with Wisconsin state law. This proposed draft limits the traffic regulations to “prohibiting, limiting the time of, or otherwise restricting the stopping, standing or parking of vehicles on City streets.” Such language comports with state law (Wis.Stat.Sec. 349.13(1e)(c)).

Section 7.07(4) currently reads as follows:

(4) EMERGENCY TRAFFIC REGULATIONS. (Am. #9-09) In case of emergency, the Chief of Police may make and enforce temporary emergency traffic regulations to cover special conditions. During street, alley or other right of way construction, the Director of Public Works may authorize temporary traffic regulations as conditions may necessitate. The Director shall inform the Chief of Police of the temporary regulations and the anticipated time the temporary regulations shall be in effect.

Proposed changes are as follows:

- (4) Temporary Traffic Regulations. ~~EMERGENCY TRAFFIC REGULATIONS. (Am. #9-09) In case of~~
- (a) Where emergency, or other special circumstance that requires action in the public interest, exists, the Chief of Police or his or her designee may make and enforce temporary ~~emergency~~ traffic regulations ~~to cover special conditions. prohibiting, limiting the time of, or otherwise restricting the stopping, standing or parking of vehicles on City streets.~~
- (b) During street, alley or other right-of-way construction, the Director of Public Works may authorize temporary traffic regulations as conditions ~~may~~ necessitate. The Director shall inform the Chief of Police of the temporary regulations and the anticipated time the temporary regulations shall be in effect.