

TOWN OF GRAND CHUTE
ORDINANCE O-05-17, SERIES OF 2017

AN ORDINANCE AMENDING CHAPTER 515 OF THE CODE OF GENERAL ORDINANCES FOR THE TOWN OF GRAND CHUTE, OUTAGAMIE COUNTY, WISCONSIN, WHICH ENHANCES PEDESTRIAN SAFETY IN THE TOWN OF GRAND CHUTE.

WHEREAS, the greatest potential for conflict between motor vehicle traffic and pedestrians exists when pedestrians are engaged in crossing streets; and,

WHEREAS, the majority of street crossings occur at intersections; and,

WHEREAS, over the past three years, from 2014 through 2016, 1,280 of 2,506, or 51%, of the motor vehicle accidents occurring in the Town of Grand Chute have been at intersections; and,

WHEREAS, 48 of those accidents involved striking fixed objects located on corners or medians that could be occupied by pedestrians waiting to cross a street, and 14 actually involved pedestrians or bicyclists; and,

WHEREAS, the presence of pedestrians lawfully crossing the street imposes additional obligations on drivers, especially at intersections, and requires an increased level of awareness as both drivers and pedestrians traverse the intersection; and,

WHEREAS, 613 of 2,506 motor vehicle accidents between 2014 and 2016 involve rear-end collisions often caused by an abrupt stop by the lead vehicle in response to changing conditions at an intersection, such as a change in a traffic signal or movement of a pedestrian into traffic; and,

WHEREAS, the safety of pedestrians would be enhanced and the number of rear-end collisions reduced by the expeditious movement of pedestrians crossing Town streets;

NOW THEREFORE BE IT ORDAINED by the Board of Supervisors of the Town of Grand Chute, Outagamie County, Wisconsin, that Chapter 515 of the Grand Chute Municipal Code is hereby amended and § 515-16, Pedestrian safety, adopted as follows:

§ 515-16. Pedestrian safety.

A. Definitions. For the purpose of this section, unless otherwise expressly stated, the following words and phrases shall have the meanings respectively ascribed to them as follows:

- 1. Highway:** As defined in §340.01(22), Wis. Stats., means all public ways and thoroughfares and bridges on the same. It includes the entire width between the boundary lines of every way open to the use of the public as a matter of right for the purposes of vehicular travel. It includes those roads or driveways in the state, county or municipal parks and in state forests which have been opened to the use of the public for the purpose of vehicular travel and roads or driveways upon the grounds of public schools, as defined in §115.01(1), Wis. Stats., and institutions under the jurisdiction of the county board of supervisors, but does not include private roads or driveways as defined in §340.01(46), Wis. Stats.

2. **Median:** Means an area dividing opposing lanes of traffic, excluding turn lanes. They can be comprised of raised islands or surface level pavement marking and may also encompass pedestrian safety zones.
3. **Pedestrian:** As defined in §340.01(43), Wis. Stats., means any person afoot or any person in a wheelchair, either manually or mechanically propelled, or other low-powered, mechanically propelled vehicle designed specifically for use by a physically disabled person, but does not include any person using an electric personal assistive mobility device.
4. **Pedestrian Safety Zone:** Means a raised island or median that divides a highway at an intersection or pedestrian crosswalk, usually separating opposing lanes of traffic, and offering refuge to pedestrians attempting to cross the highway, thereby allowing them to identify adequate gaps in a single direction of traffic before completing a crossing. Pedestrian safety zones are typically constructed at locations where speed and/or volume of traffic make crossing hazardous or the number of traffic lanes increases a pedestrian's exposure to traffic.
5. **Roadway:** As defined in §340.01(54), Wis. Stats., means that portion of a highway between the regularly established curb lines or that portion which is improved, designed or ordinarily used for vehicular travel, excluding the berm or shoulder. In a divided highway the term "roadway" refers to each roadway separately but not to all such roadways collectively.

B. State traffic laws adopted.

1. Except as otherwise specifically provided in this section, the statutory provisions of Ch. 346, Wis. Stats., describing and defining regulations and responsibilities with respect to presence of pedestrians on highways, excluding penalties to be imposed, are hereby adopted and by reference made a part of this section as if fully stated herein. Any future amendments, revisions, or modifications of the statutes incorporated herein are intended to be made part of this section.

C. To minimize the potential for conflict arising from a driver's obligation to yield to a pedestrian lawfully crossing a highway, which includes reducing speed, or stopping if necessary, to avoid endangering, colliding with or interfering in any way with pedestrian travel, no pedestrian shall loiter or be dilatory in crossing the highway once traffic has yielded the right of way.

1. Pedestrians may pause at a pedestrian safety zone located at an intersection or crosswalk, or a median being utilized for the same purpose, but must be expeditious in continuing across the remaining roadway once they have secured the right of way and an adequate gap exists to complete the crossing.
2. It shall be deemed a violation of this section if a pedestrian fails to complete a crossing and remains in a pedestrian safety zone or on a median through two traffic control signal cycles or adequate gaps in traffic.

D. Penalty for violation of this section.

1. Any person who shall violate any provision of this section shall, upon conviction thereof, forfeit an amount as prescribed in the Uniform Forfeiture and Bond Schedule, together with the cost of prosecution.
2. No person shall forfeit an amount in excess of the maximum fine or forfeiture allowed in the Wisconsin Statutes for the same offense.

END OF AMENDMENT

ADOPTION OF FORFEITURE (for inclusion in the Uniform Forfeiture and Bond Schedule)

Penalty for violation of § 515-16 - \$86.20 (First offense)
- \$111.40 (Second and subsequent offense within one year)

If any provision of this ordinance is invalid or unconstitutional, or the application of this ordinance to any person or circumstance is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the above provisions or applications of this ordinance, which can be given effect without the invalid or unconstitutional provision, or its application.

Approved and adopted this 20 day of June, 2017

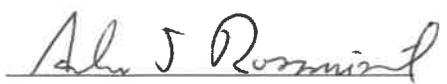
VOTED FOR: 5
 VOTED AGAINST: 0

TOWN OF GRAND CHUTE


David Schowalter, Town Chairman


 Karen L. Weinschrott, Town Clerk

Approved as to Form



for Charles Koehler, Attorney
 Herring Clark Law Offices
 800 N. Lynndale Drive
 Grand Chute, WI 54914