

**STATE OF WISCONSIN  
MILWAUKEE AND OZAUKEE COUNTIES  
VILLAGE OF BAYSIDE**

**ORDINANCE NO: 23-746**

**An Ordinance to Repeal and Recreate Section 35-121 of the Municipal Code with Regard to  
Entering or Staying Upon Streets or Panhandling on Public Property or Rights-of-Way**

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The Village Board of the Village of Bayside, Milwaukee and Ozaukee Counties, Wisconsin does ordain as follows:

Section One: Section 35-121 of the Municipal code is hereby repealed and recreated to read as follows:

35-121 – Entering or staying upon streets or panhandling on public property or rights-of-way prohibited.

- (a) Purpose. Pedestrians are increasingly using streets in ways for which they 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. In addition, panhandling (as defined below) by those who enter or stay upon public property or rights-of-way can likewise result in such hazards as well as obstructions to lawful movement of persons. This section is designed to decrease these safety hazards by restricting such activities.
- (b) Definitions. As used in this section:
  - (1) “Street” means streets within the Village.
  - (2) A vehicle is “in operation” when it has an operator, as defined in Section 340.01(41), Wisconsin Statutes.
  - (3) 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.
  - (4) “Panhandle” means to beg, solicit or ask for any item of value; to attempt to sell or obtain compensation for an item or service or an item or service that is already offered or available to the general public; or to attempt to sell or obtain compensation for an item or service under circumstances that would lead a reasonable person to conclude that the payment is in substance a donation.
- (c) No person shall enter or stay upon any street, other than a safety zone, or panhandle on any public property or right-of-way, if such act interferes with the lawful movement of traffic.
- (d) Entering or staying upon streets restricted.
- (e) No person, other than a person in or on a vehicle, shall enter or stay upon any street within the Village and approach any vehicle in operation, except a vehicle that is legally parked at the curb or the shoulder.

- (f) No person shall enter or stay upon a median of a street unless that person is in the process of crossing the 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 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 not be considered to be “using the safety zone or crosswalk to cross the street”.

- (g) No operator of a vehicle shall 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 (e) or (f).

- (h) No person shall panhandle on public property or right-of-way.

- (i) Exceptions. The exceptions set forth below notwithstanding this section applies to all panhandling on public property or rights-of-way, regardless of circumstances. This section does not apply to:

(1) Persons on the sidewalk;

(2) Persons using the safety zone or crosswalk to cross the street;

(3) Persons engaged in law enforcement or rescue activities, including providing assistance to an injured or disabled vehicle or person;

(4) 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);

(5) Persons engaged in repair or maintenance activities on the street or boulevard under the direction or authority of the Village of Bayside, Milwaukee County or the state of Wisconsin;

(6) Crossing guards; or

(7) Streets or portions thereof that have been closed pursuant to a street use permit or other express authorization from the Village.

- (j) Penalty. Any person violating this section shall upon conviction be liable for the penalties specified in Section 1-13.

Section Two: Severability. In the event that any provision of this Ordinance is for any reason held to be invalid, unconstitutional, or unenforceable by any court of competent jurisdiction, such portions of this Ordinance shall be deemed separate, distinct and independent provisions of the Ordinance and all remaining portions of this Ordinance shall remain in full force and effect.

Section Three. All ordinances or parts of ordinances conflicting with the provisions of this ordinance are hereby to such extent repealed.

Section Four. This ordinance shall take effect and be in force after its passage and posting pursuant to law.

PASSED AND ADOPTED by the Village Board of Trustees of the Village of Bayside this fourteenth day of December, 2023.

**VILLAGE OF BAYSIDE**

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Eido M. Walny, Village President

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Rachel Safstrom, Administrative Services Director /  
Village Clerk