

ORDINANCE NO. 15,770

AN ORDINANCE to amend the Municipal Code of the City of Des Moines, Iowa, 2000, adopted by Ordinance No. 13,827, passed June 5, 2000, as heretofore amended, by repealing Sections 114-328 and 114-328.01, and adding and enacting new Sections 114-328 and 114-328.01 relating to pedestrian safety and use of medians.

Be It Ordained by the City Council of the City of Des Moines, Iowa:

Section 1. That the Municipal Code of the City of Des Moines, Iowa, 2000, adopted by Ordinance No. 13,827, passed June 5, 2000, as heretofore amended, is hereby amended by amending Sections 114-328 and 114-328.01, and adding and enacting new Sections 114-328 and 114-328.01 relating to pedestrian safety and use of medians, as follows:

Sec. 114-328. Pedestrian Safety, Yielding.

- (a) Every pedestrian crossing a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right-of-way to all vehicles upon the roadway.
- (b) No pedestrian shall cross a roadway with a speed limit of 30 miles per hour or higher or in any business or school district other than in a crosswalk.

Sec. 114-328.01. Pedestrian Safety, Use of Medians.

- (a) The city council makes the following findings and adopts the following statement of purposes of this section:
 - (1) Pedestrian fatalities increased in the United States by 46% from 2009 to 2016, with the largest increases in urban arterial streets, according to the Insurance Institute for Highway Safety.
 - (2) Fifty percent of pedestrians who are struck by a vehicle travelling at 30 miles per hour are killed; as speed increases, a higher percentage of people struck are killed, according to the U. S. Department of Transportation, *Literature Review on Vehicle Travel Speeds and Pedestrian Injuries* (2000).
 - (3) The National Association of City Transportation Officials Urban Street Design Guide (2011) states that a median or island should be at least six feet wide where pedestrians are present. This is consistent with the Public Rights of Way Accessibility Guidelines promulgated by the United States Access Board which specify that a pedestrian refuge in a street must have a top surface width of six feet, excluding curbs.

- (4) The city engineer has determined based on city GIS maps and/or, where appropriate, site visits that the intersections listed in subsection (b) of this ordinance do not have medians or islands of adequate width for pedestrian refuge; therefore, pedestrians should be prohibited from standing, sitting or staying in the medians at these intersections for any purpose other than to cross the street.
- (b) For streets with a speed limit of 30 miles per hour or higher, pedestrians are prohibited from standing, sitting or staying on a median for any purpose other than to cross the street unless the width of the top surface of the median, excluding the curbs is at least 6 feet wide. This prohibits pedestrians from standing, sitting or staying on a median at the following intersections in the city:

E 9th St and E University Ave
E Park Ave and SE 14th St
McKinley Ave and Fleur Dr
McKinley Ave and Indianola Ave
McKinley Ave and SE 14th St
McKinley Ave and SW 9th St
Park Ave and Fleur Dr
Park Ave and SW 9th St
S Union St and Army Post/E Army Post Rd
SE 1st St and Indianola Ave
SE 5th St and E Army Post Rd
SW 14th St and Army Post Rd
SW 2nd/Indianola Ave and SE 2nd/Jackson Ave
SW 9th St and Bell Ave
SW 9th St and Boulder Ave
SW 9th St and Herold Ave
Thornton Ave and SW 63rd/SE 1st St
Watrous Ave and Fleur Dr
Watrous Ave and SE 14th St
Watrous Ave and SW 9th St
63rd St and Ashworth Rd
63rd St and Grand Ave
63rd St and University Ave
63rd St and Vine St
Army Post Rd and HWY 28
Army Post Rd and SW 14th St
Army Post Rd and SW 42nd St
Army Post Rd and SW 7th St
Bell Ave and Fleur Dr
Douglas Ave and 57th St
Douglas Ave and 59th St
Douglas Ave and 61st St
Douglas Ave and 62nd St
Douglas Ave and Beaver Ave
Douglas Ave and Lower Beaver/Euclid Ave

E 14th St and E Court Ave
E 14th St and Andy Williams Ave
E 14th St and E Douglas Ave
E 14th St and E Euclid Ave
E 14th St and E Oak Park Ave
E 14th St and E Seneca Ave
E 14th St and E University Ave
E 14th St and Fremont St
E 14th St and Guthrie Ave
E 14th St and Hull Ave
E 14th St and NE Aurora Ave
E 15th St and Johnson Ct
E Army Post Rd and S Union St
E Army Post Rd and Southeast Wubbzy St
E Army Post Rd and SE 14th St
E Army Post Rd and SE Widget Rd
E Euclid Ave and Delaware Ave
E Euclid Ave and Dixon St
E Euclid Ave and E 25th St
E Euclid Ave and E 26th St - East
E Euclid Ave and E 26th St - West
E Euclid Ave and E 28th St
E Euclid Ave and E 29th St
E Euclid Ave and E 30th St
E Euclid Ave and E 31st St
E Euclid Ave and E 32nd St
E Euclid Ave and E 33rd St
E Euclid Ave and I 235 Ramp - East
E University Ave and E 22nd Ct
E University Ave and E 22nd St
E University Ave and E 23rd Ct
E University Ave and E 23rd St
E University Ave and E 24th St
E University Ave and E 25th Ct
E University Ave and E 25th St
E University Ave and E 26th St
E University Ave and E 27th St
E University Ave and E 28th Ct
E University Ave and E 29th St
E University Ave and E 30th St
E University Ave and E 32nd St
E University Ave and E 33rd Ct
E University Ave and E 33rd St
E University Ave and E 8th St
E University Ave and E 9th St
E University Ave and Hubbell Ave

E University Ave and Pennsylvania Ave
E University Ave and Williams St
Echo Valley Dr and SW 42nd St
Euclid Ave and Martin Luther King Jr Pkwy
Euclid Ave and Polk County Offices
Fleur Dr and Cowles/Highview Dr
Fleur Dr and Cowles/Porter Ave
Fleur Dr and Crossroad Pl
Fleur Dr and Echo Valley Dr/County Line Rd
Fleur Dr and Gannett Ave
Fleur Dr and George Flagg Pkwy
Fleur Dr and Grays Lake/John R Grubb Ln
Fleur Dr and Hackley Ave
Fleur Dr and HWY 5 Ramp - North
Fleur Dr and HWY 5 Ramp - South
Fleur Dr and Kenyon Ave
Fleur Dr and Leland Ave
Fleur Dr and McKinley Ave
Fleur Dr and Park Ave
Fleur Dr and Payton Ave
Fleur Dr and Rittenhouse St
Fleur Dr and Southlawn Dr
Fleur Dr and Stanton Ave
Fleur Dr and Wakonda View Dr
Fleur Dr and Watrous Ave
Fleur Dr and Willowmere Dr
Guthrie Ave and Delaware Ave
Guthrie Ave and I 235 Ramps
Guthrie Ave and Tichenor St
Hickman Rd and 18th St
Hickman Rd and 59th St
Hickman Rd and 62nd St
Hickman Rd and 63rd St
Hickman Rd and Merle Hay Rd
Hickman Rd and Westover Blvd
Hickman Rd and 30th St
Hubbell Ave and E 29th St
Hubbell Ave and E 37th St
Hubbell Ave and E Broadway Ave
Hubbell Ave and E Euclid Ave
HWY 28 and Pine Ave
HWY 28 and SW Leland Ave
HWY 28 and Willow Creek Ave
Indianola Ave and Dunham Ave
Indianola Ave and E Porter Ave
Indianola Ave and Easter Lake Dr

Indianola Ave and Ewing Trace Blvd
Indianola Ave and Hart Ave
Indianola Ave and McKinley Ave
Indianola Ave and SE 1st/Indianola RD
Indianola Ave and SE 60th Ave
Indianola/SW 2nd St and Jackson/SE 2nd St
Johnson Ct and E Court Ave
Johnson Ct and Walker St
Keo Way and 10th St
Keo Way and 11th St
Keo Way and 12th St
Keo Way/19th St and Carpenter Ave
Keo Way and Crocker/Oakridge Dr
Keo Way and I 235 Ramps
Martin Luther King Jr Pkwy and Hickman Rd
Martin Luther King Jr Pkwy and Ingersoll Ave
Martin Luther King Jr Pkwy and Post St
Martin Luther King Jr Pkwy and Urbandale Ave
Martin Luther King Jr Pkwy and Woodland Ave
Merle Hay Rd and Aurora Ave
Merle Hay Rd and Boston Ave
Merle Hay Rd and Douglas Ave
Merle Hay Rd and Madison Ave
Merle Hay Rd and Meredith Dr
Merle Hay Rd and Merle Hay Mall Entrance
Merle Hay Rd and Sutton Dr
Merle Hay Rd and Urbandale Ave
Park Ave and SW 56th St
Park Ave and SW 61st St
SE 14th St and Cummins Rd
SE 14th St and E Bell Ave
SE 14th St and E Diehl Ave
SE 14th St and E Edison Ave
SE 14th St and E Emma Ave
SE 14th St and E Herold Ave
SE 14th St and E Kenyon Ave
SE 14th St and E Lacona Ave
SE 14th St and E Park Ave
SE 14th St and E Railroad Ave
SE 14th St and E Thornton Ave
SE 14th St and E Virginia Ave
SE 14th St and Harriet St
SE 14th St and Hart Ave
SE 14th St and Hartford Ave
SE 14th St and Indianola Ave
SE 14th St and King Ave

SE 14th St and Maury St
SE 14th St and McKinley Ave
SE 14th St And Pioneer Rd
SE 14th St and SE Peach/Bloomfield Rd
SE 14th St and Watrous Ave
SE 5th St and Army Post Rd
SW 63rd St and Locust/Welker Ave
SW 63rd St and Scout Trail
SW 63rd St and Thornton Ave
SW 63rd St and Tonka Ave
SW 63rd St and Veterans Pkwy
SW 63rd St and Walnut/Muskogee Ave
SW 63rd St and Watrous Ave
SW 7th St and Thomas Beck/Indianola Rd
SW 9th St and Army Post Rd
SW 9th St and Herold Ave
SW 9th St and Hillside Ave
SW 9th St and McKinley Ave
SW 9th St and Morgan St
SW 9th St and SW 9th/Bancroft St
Thomas Beck Rd and SW 9th St
Thomas Beck/Indianola Rd and SW 7th and Courtland Dr
University Ave and Illinois St
University Ave and 2nd Ave
W Martin Luther King, Jr Pkwy and Fleur Dr
W Martin Luther King, Jr Pkwy and SW 16th St

- (c) Section 114-328.01(b) does not apply to:
- (1) Police officers, peace officers and parking enforcement personnel of the police department or employees of the fire department while performing official duties of the city.
 - (2) Employees or contactors for the city or other individuals authorized by the city to perform construction or maintenance work on city streets or rights-of-way, while performing construction or maintenance work on the street provided that proper street signage is used and streets are blocked off as required by the city.
 - (3) Any individual responding to an emergency in the street.

Section 2. This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

FORM APPROVED:

Thomas G. Fisher Jr., Assistant City Attorney

T. M. Franklin Cownie, Mayor

Attest:

I, Diane Rauh, City Clerk of the City of Des Moines, Iowa, hereby certify that the above and foregoing is a true copy of an ordinance (Roll Call No. 19-0668), passed by the City Council of said City at a meeting held April 22, 2019 signed by the Mayor on April 22, 2019 and published and provided by law in the Business Record on May 10, 2019. Authorized by Publication Order No. 10742.

Diane Rauh, City Clerk