



1 **City of Racine, Wisconsin**
2 **Common Council**

3 **AGENDA BRIEFING MEMORANDUM**

4 **COMMITTEE:** Finance and Personnel

LEGISLATION ITEM #: 1181-23

5 **AGENDA DATE:** January 8, 2024

7 **DEPARTMENT:** City Attorney's Office

8 **Prepared By:** Deputy City Attorney Marisa Roubik

10 **SUBJECT:** Communication sponsored by Alder West on behalf of the City Attorney's Office submitting
11 the claim of Jose Thomas Hernandez for consideration for disallowance.

13 **EXECUTIVE SUMMARY:**

14 Jose Thomas Hernandez filed a claim with the City requesting \$1,059.97 for alleged damages
15 resulting from him running over part of a traffic cone while he was riding his bicycle on the sidewalk in the
16 vicinity of 6th Street and Marquette Street in Racine on or about October 2, 2023. The Racine Municipal
17 Code of Ordinances, Section 66-707(1), prohibits any person over ten years of age from riding a bicycle on
18 a sidewalk within the City limits. The City is not liable for claimant's alleged damages because claimant
19 was over ten years of age, and, therefore, he was in violation of the City's Ordinance when he was riding
20 his bicycle on the sidewalk.

21 For this reason, it is the recommendation of the City Attorney's Office that this claim be
22 disallowed.

24 **BACKGROUND & ANALYSIS:**

25 Jose Thomas Hernandez, of 1808 Mead Street, filed a claim with the City requesting \$1,059.97 for
26 alleged damages resulting from him running over part of a traffic cone while he was riding his bicycle on
27 the sidewalk in the vicinity of 6th Street and Marquette Street in Racine on or about October 2, 2023.

28 The Racine Municipal Code of Ordinances, Section 66-707(1), prohibits any person over ten years
29 of age from riding a bicycle on a sidewalk within the City limits. Based on the photographs claimant
30 attached to his claim, it is apparent that claimant is over the age of ten years old. As such, claimant was in

31 was in violation of the City's Ordinance when he was riding his bicycle on the sidewalk. Therefore, the
32 City is not liable for claimant's alleged damages.

33 For this reason, it is the recommendation of the City Attorney's Office that this claim be disallowed

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35 **BUDGETARY IMPACT:**

36 Assuming the recommendation to deny this claim is adopted, this item would have a \$0.00 impact
37 on the City's budget.

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39 **RECOMMENDED ACTION:**

40 That the disallowance of this claim be recommended for approval.

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