



Legislation Details (With Text)

File #: 48807 **Version:** 1 **Name:** 2017 City Attorney Revisor Ordinance
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On agenda: 10/17/2017 **Final action:** 10/17/2017
Enactment date: 10/26/2017 **Enactment #:** ORD-17-00109
Title: Amending various sections of the Madison General Ordinances to correct inconsistencies and improper references in the Madison General Ordinances, constituting the 2017 City Attorney Revisor's Ordinance.
Sponsors: CITY ATTORNEY

Indexes:

Code sections:

Attachments:

| Date | Ver. | Action By | Action | Result |
|------------|------|------------------------------------|---|--------|
| 10/17/2017 | 1 | COMMON COUNCIL | Adopt | Pass |
| 10/3/2017 | 1 | COMMON COUNCIL EXECUTIVE COMMITTEE | RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER | Pass |
| 9/19/2017 | 1 | COMMON COUNCIL | Refer | Pass |
| 9/12/2017 | 1 | Attorney's Office/Approval Group | Referred for Introduction | |

Fiscal Note

No fiscal impact.

Title

Amending various sections of the Madison General Ordinances to correct inconsistencies and improper references in the Madison General Ordinances, constituting the 2017 City Attorney Revisor's Ordinance.

Body

DRAFTER'S ANALYSIS: This is the annual City Attorney's Reviser's ordinance, correcting certain parts of the Madison General Ordinances (MGO), the City's code of ordinances.

The proposed changes in this ordinance are as follows:

1. Sec. 2.29(4), MGO, is amended to conform to practice that persons cannot speak regarding any matter when it is introduced for referral to the Common Council.
2. Sec. 4.07, MGO, is repealed to eliminate obsolete text.
3. Sec. 4.25(9)(b) & (e), MGO, are amended to correctly refer to the Committee on Sweatfree Purchases rather than a Task Force.
4. Sec. 8.11(5)(a), MGO, to correct the verb tense.
5. Sec. 8.14(4), MGO, is amended to correct incorrect terms relating to the Board of Parks Commissioners.
6. In accord to change 5, this directive provides the City Attorney authority to make corresponding changes related to the Board of Park Commissioners.
7. Sec. 9.05(1), MGO, to provide a more complete definition of Adult Book or Video Store.
8. Sec. 28.147(2), MGO, to correct obsolete cross-references.
9. Sec. 31.043, MGO, the introductory paragraph is amended to correct an erroneous reference.
10. Sec. 31.045(3)(c), MGO, to revise references to subsection to subdivision.
11. Sec. 39.03(8)(n), MGO, to clarify that the nature of the EOC Employment Subcommittee and that its

quorum will be based on the actual voting membership at any given time.

The Common Council of the City of Madison do hereby ordain as follows:

1. Subsection (4) of Section 2.29 entitled "Persons' Right to Address Common Council" of the Madison General Ordinances is amended to read as follows:

"(4) No person shall be permitted to speak on ~~petitions and communications~~ any matter when first introduced before the Common Council ~~and which are~~ when the matter is scheduled to be referred and reported back at a later meeting."

2. Section 4.07 entitled "Time for Payment of Taxes; Interest; Penalty" of the Madison General Ordinances is hereby repealed.

3. Subdivisions (b) entitled "Composition and Appointment of Members" and (e) entitled "Meeting Schedule" of Subsection (9) entitled "Committee on Sweatfree Purchases" of Section 4.25 entitled "Procurement of Items of Apparel" of the Madison General Ordinances are amended to read as follows:

"(b) Composition and Appointment of Members. The ~~Ad Hoc Task Force~~ Committee on Sweatfree Purchases shall consist of five (5) voting members and one (1) alternate member. Membership shall include one (1) alderperson who serves concurrently as an appointed member of the Finance Committee. The remaining four (4) members and one alternate shall be residents of the City of Madison of legal voting age. At least one (1) of the remaining four members shall be a student representative on the University of Wisconsin-Madison's Labor Licensing Committee. Appointments shall be made by the Mayor, subject to the approval of the Common Council."

"(e) Meeting Schedule. The ~~Task Force~~ Committee shall meet as often as necessary, but at minimum four times per year."

4. Subdivision (a) of Subsection (5) entitled "Assessment Upon Lots" of Section 8.11 entitled "Forest Hill Cemetery" of the Madison General Ordinances is amended to read as follows:

"(a) The Parks Commissioners ~~is~~ are hereby authorized and empowered to make annual assessments upon the lots, or parts of lots, in Forest Hill Cemetery subject to the limitations provided in Section 157.11 of the Wisconsin Statutes."

5. Subsection (4) of Section 8.14 entitled "Vending in Public Parks" of the Madison General Ordinances is amended to read as follows:

"(4) After review of the application under the criteria set forth above, and any other criteria or guidelines established by the Commission Board, the Commission Board may grant or deny the permit. If the designee of the Parks Division reviews an application, s/he may issue the permit or recommend denial to the Board of Parks Commissioners based upon the criteria set forth subsection (3) or any other criteria or guidelines established by the Commission. The designee shall place the matter of the application and recommended denial on the agenda for the next available Commission Board meeting and notify the applicant of the time and place for the meeting. The Commission Board may grant or deny the permit and shall consider the recommendation of the designee of the Parks Division and the criteria found herein. If a permit is denied, the Commission Board shall state the reasons in writing and provide the written determination to the applicant within ten (10) days of the determination."

6. The City Attorney is directed to make corresponding changes to other City ordinances to correct the terms related to Board of Parks Commissioners, Parks Commissioners and the Board.

7. Subsection (1) entitled “Definitions” of Section 9.05 entitled “Adult Entertainment Establishments and Adult Entertainment Taverns” of the Madison General Ordinances is amended by amending therein the following to read as follows:

“Adult Book or Video Store. An adult book store or video store is an establishment which is used for selling, renting or loaning, for monetary consideration, the following materials, when such activity constitutes a substantial or significant part of the business conducted therein:”

8. Subsection (2) entitled “Prohibitions” of Section 28.147 entitled “Negative Use Restrictions Prohibited as Against Public Policy” of the Madison General Ordinances is amended to read as follows:

“(2) Prohibitions. Notwithstanding Sec. ~~28.04(1)(c)~~ 28.004(4), a private agreement that purports to impose negative use restrictions upon real property in the City so as to prohibit or have the economic or practical effect of prohibiting the use of such real property for grocery store or drug store purposes after a grocery store or drug store owner or operator has terminated grocery store or drug store operations on such real property, when such use would otherwise be permitted (including as a conditional use) under the zoning ordinance, shall be against public policy, void, and unenforceable. The foregoing prohibition shall apply whether the private agreement is incorporated in a deed restriction, a restrictive covenant, a lease or memorandum of lease, or any other instrument. This prohibition applies to all such private agreements, including those created prior to the effective date of this section. In addition to any penalty imposed by Sec. ~~28.12(14)~~ 28.207(1), the City may institute appropriate action relating to any such private agreement pursuant to Wis. Stat. § 62.23(8). The penalty provisions of Sec. ~~28.12(14)~~ 28.207(1) shall not apply to such private agreements entered into prior to the effective date of this section.”

9. The introductory paragraph of Section 31.043 entitled “Urban Design Commission and Comprehensive Design Review” of the Madison General Ordinances is amended to read as follows:

“The authority of the Urban Design Commission of the City of Madison (“UDC”) to act upon all matters relating to signs shall be exclusively as described herein and Sec. 33.24. The fee for any application to the UDC under this section shall be as described in the fee section, 31.041(3).”

10. Paragraphs 2., 3., and 4. of Subdivision (c) entitled “Public Right-of-Ways” of Subsection (3) entitled “Hazardous or Prohibited Signs, Structures and Conditions” of Section 31.045 entitled “Unsafe and Unlawful Signs and Structures” of the Madison General Ordinances are amended to read as follows:

- “2. This ~~subsection~~ subdivision does not apply to those matters set forth in Sec. 3.14(4)(i), MGO.
This is a Charter Ordinance adopted pursuant to Wis. Stat. § 66.0101, and Article XI, Sec. 3 of the Wisconsin Constitution.
3. This ~~subsection~~ subdivision does not apply to signs on City-sponsored bicycle-sharing facilities set forth in Sec. 10.33, MGO.
This is a Charter Ordinance adopted pursuant to Wis. Stat. § 66.0101, and Article XI, Sec. 3 of the Wisconsin Constitution, and shall be effective upon sixty (60) days from passage and publication, subject to the referendum procedures of Wis. Stat. § 66.0101(5).
4. This ~~subsection~~ subdivision does not apply to Government Building Identification Signs and Promotional and Decorative Banners under Sec. 31.07(5)(f).
This is a Charter Ordinance adopted pursuant to Wis. Stat. § 66.0101, and Article XI, Sec. 3 of the Wisconsin Constitution, and shall be effective upon sixty (60) days from passage and publication, subject to the referendum procedures of Wis. Stat. § 66.0101(5).”

11. Subdivision (n) entitled “Equal Opportunities Commission Employment Subcommittee” of Subsection (8) entitled “Employment Practices” of Section 39.03 entitled “Equal Opportunities Ordinance” of

the Madison General Ordinances is amended to read as follows:

- “(n) Equal Opportunities Commission Employment Subcommittee. The EOC Employment ~~C~~Subcommittee shall consist of ~~45~~ a maximum of fifteen (15) voting members including one member of the Equal Opportunities Commission. Additional persons may participate as non-voting members. Membership ~~of~~ on the Employment ~~C~~Subcommittee is open to a City of Madison company, business or non-profit designee and to individual representatives. Members may be non-residents of the City of Madison. Members will be appointed by the Mayor and confirmed by the Common Council. Quorum will be measured by the actual voting membership at any given time.”

EDITOR’S NOTE:

Section 4.07 currently reads as follows:

“4.07 TIME FOR PAYMENT OF TAXES; INTEREST; PENALTY.

- (1) All personal property taxes shall be paid on or before January 31. All real estate taxes and special assessments levied pursuant to Wis. Stat. § 62.21 and 66.0701 may be paid in two installments, the first installment to be paid on or before January 31 and the second installment on or before July 31 next succeeding, in accordance with the provisions of Wis. Stat. §74.11(2)(b).
- (2) Overdue or delinquent real estate taxes, personal property taxes and special assessments are subject to an interest charge of one percent per month or fraction of a month.
- (3) This Section 4.07, MGO, will only apply to tax bills until the City Treasurer implements the multiple payment option ordinance in revised Sec. 4.07, MGO.”