



Legislation Text

File #: 28066, Version: 1

Fiscal Note

No appropriation is required.

Title

Amending and repealing various sections of the Madison General Ordinances to correct inconsistencies and improper references in the Madison General Ordinances, constituting the 2012 City Attorney Reviser'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. This year, there are three separate Reviser's ordinances. A second ordinance (Legistar 28067) is needed to correct an error in a charter ordinance and requires 14 votes for approval. A third ordinance (Legistar 28068) corrects errors in the zoning text, and must be referred to the Plan Commission.

The proposed changes in this ordinance are as follows:

1. Sec. 1.08(3)(b), MGO is amended to correct outdated offense description for violations of Olin Terrace use requirements.
2. Sec. 2.29(4) is amended to create consistency within the section relating to citizens speaking on issues at Common Council meetings and to make the section conform to current practice.
3. Sec. 3.09 is repealed to eliminate obsolete text governing the Overture Center Director and Overture Center.
4. Sec. 3.12(4)(a) is amended to correct outdated references to the Senior Center Board and the Senior Citizens Advisory Committee.
5. In accord with change 4, this directive provides the City Attorney authority to update throughout the MGO's all references to the above-mentioned board and committee.
6. Sec. 3.12(10)(c)1.a. is amended to correct an outdated reference to the Wisconsin Statutes.
7. Sec. 3.14(3) is amended to make explicit that the Mayor may assign the duties of the Director of Transportation to other city employees. There has been no Director of Transportation for some time and other employees carry out those duties now.
8. Sec. 3.14(4)(l) is recreated in this section due to inadvertently dropping this subdivision in a previous MGO revision.
9. Sec. 3.35(9)(i)3. is amended to clarify that those failing to file a Statement of Interests will have their positions revoked the second council meeting after the Clerk's report is introduced.
10. Sec. 3.54(26)(a) is amended to correct an erroneous reference to another MGO.
11. Sec. 4.01(3) is amended to correct the outdated reference to "Word Processing."
12. Sec. 9.24(7)(f) is amended to make language consistent with a previous subdivision.
13. Sec. 15.06 is repealed to eliminate outdated former ward descriptions.
14. Sec. 31.07(3) is amended to correct an outdated reference to the MGO's.
15. Sec. 31.10(6) is amended to correct an outdated reference to the MGO's.
16. Sec. 33.01(8)(c) is amended to replace bulky language on definition of a quorum and instead use the language from state law.
17. Sec. 33.27(1) is amended to correct a title of the subsection.
18. Sec. 33.27(2)(a) is amended to correct a typographical error.
19. Sec. 33.52(3) is amended to specify that the Mayor shall designate the Chairperson of the Food Policy Council.
20. Sec. 39.02(9)(f)3.a. is amended to clarify that contractors' records held by the Affirmative Action Division are not subject to public inspection if they are not subject to disclosure under the public

records law.

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

1. Subdivision (a) of Subsection (3) entitled "Schedule of Deposits" of Section 1.08 entitled "Issuance of Citations For Violations of Certain Ordinances and Providing a Schedule of Cash Deposits" is amended to read as follows:

<u>"Offense</u>	<u>Ord. No./Adopted Statute No.</u>	<u>Deposit</u>
Use of Olin Terrace without use permit prohibited violations.	8.39	\$100"

2. Subsection (4) entitled "Policy and Purpose" of Section 2.29 entitled "Continuity of Government" of the Madison General Ordinances is amended to read as follows:

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

3. Section 3.09 entitled "Overture Center Director" of the Madison General Ordinances is hereby repealed. The City Attorney is directed to make corresponding changes to other City ordinances to remove all references to the Overture Center Director and to the Overture Center, where appropriate.

4. Subdivision (a) of Subsection (4) entitled "Department Duties, Functions, and Responsibilities" of Section 3.12 entitled "Department of Planning and Community and Economic Development" of the Madison General Ordinances is amended to read as follows:

"(a) To provide the necessary administrative and staff support services to the Plan Commission; the Urban Design Commission; the Landmarks Commission; the Economic Development Committee; the Zoning Board of Appeals; the Community Development Block Grant Committee, the Community Services Committee, the Early Childhood Care and Education Committee, the ~~Senior Center Board, the Senior Citizens Advisory Committee~~ on Aging, the Board of Building Code, Fire Code, Conveyance Code and Licensing Appeals; the Madison Arts Commission; the Long Range Transportation and Planning Commission; the Madison Area Transportation Planning Board (and any successors to these boards and commissions); the Housing Strategy Committee; the Landlord and Tenant Issues Committee and any other so subsequently created boards, committees, or commissions functioning within the purview of the department's duties or functions."

5 The City Attorney is directed to make corresponding changes to other City ordinances to remove all references to the Senior Center Board and the Senior Citizens Advisory Committee.

6. Subparagraph a. of Paragraph 1. entitled "Organizational Prerequisites for Eligibility for Accreditation" of Subdivision (c) entitled "Accreditation" of Subsection (10) entitled "Child Care Program of Section 3.12 entitled "Department of Planning and Community and Economic Development" of the Madison General Ordinances is amended to read as follows:

"a. In order to be eligible for City accreditation and participation in the Child Care purchase of service system, a child care program must be organized in one of two ways; it may be incorporated as a single service, child care program or it may be a service component of a multi-service corporation. In either case, the corporation shall be registered with the Secretary of State as a corporation within the meaning of Wis. Stat. chs. 180, ~~and 181, and 183.~~

A government-sponsored child care program is eligible if it is directly administered by a government agency or public educational body which has authority to contract and to sue and be sued, or if it is administered through a contract between such a government agency or educational body and an accredited child care program."

7. The introductory paragraphs of Subsection (3) entitled "Director of Transportation" of Section 3.14 entitled "Director of Transportation" of the Madison General Ordinances is amended to read as follows:

"(3) Director of Transportation. The Department of Transportation shall be managed and directed by a Director of Transportation. Effective March 1, 1989, the positions of Director of Transportation and the City Traffic Engineer and Parking Manager, as they become vacant, shall be filled according to Sec. 3.54(6)(f) of these ordinances. The incumbent of the position as of the above date may enter into an employment contract as described in such section at his or her option. The Director of Transportation is

authorized, and is responsible for performing all duties as may be delegated by ordinance or resolution of the Common Council, and shall carry out all directives as may be issued by the Common Council or assigned by the Mayor. If the position of Director of Transportation is vacant, the Mayor may assign the duties of the position to other appropriate City employees.

The Director of the Department of Transportation shall be the chief administrative officer and executive secretary of the Transportation Commission and may be a member of such other boards, committees or commissions as may be determined by the Mayor or Common Council. The Director of Transportation shall be charged with the responsibility of preparing and presenting the annual budgets of the department. The Director of Transportation shall have authority to establish policies, technical standards, methods and procedures for the department, and is further authorized and directed to do any and all of the following:"

8. Subdivision (l) of Subsection (4) entitled "Transit and Parking Commission" of Section 3.14 entitled "Department of Transportation" of the Madison General Ordinances is recreated to read as follows:

"(l) The Transit General Manager and the Parking Manager shall have the authority and responsibility in their respective areas to administer and carry out the published standards, warrants, objectives and criteria as adopted by the Transit and Parking Commission and only in cases of an appeal of a staff decision will the Commission review the administration of the standard, warrant, objective or criterion."

9. Paragraph 3. of Subdivision (i) of Subsection (9) entitled "Disclosure of Interests" of Section 3.35 entitled "Code of Ethics" of the Madison General Ordinances is amended to read as follows:

"3. The Clerk shall report to the Common Council the name of any member of any board, committee, commission, subcommittee or ad hoc committee who has not filed the Statement within 10 days of the mailing of the Clerk's notice. A copy of the report shall be sent to the appropriate staff of the body on which the member serves. The Common Council shall, at the second meeting after receipt of the Clerk's notice introduction of the Clerk's report, revoke the appointment of any such member who has not filed the required disclosure statement by the time of such Council meeting."

10. Subdivision (a) of Subsection (26) entitled "Health Insurance" of Section 3.54 entitled "Compensation Plan" of the Madison General Ordinances is amended to read as follows:

"(a) Employees registered in domestic partnerships under Section ~~3.23~~ 39.03(11), Madison General Ordinances, will be eligible for family health insurance coverage when such coverage is permitted under the terms of the Wisconsin Public Employers' Group Health Insurance Plan."

11. Subsection (3) entitled "Functions" of Section 4.01 entitled "Finance Director" of the Madison General Ordinances is amended to read as follows:

"(3) Functions. The Finance Director shall see to the proper operation of the Accounting Division, the Purchasing Division, the Clerical Pool, the Risk Management Division, the Budget System, ~~the Word Processing Center~~ Document Services and Madison City Channel."

12. Subdivision (f) entitled "Photographs" of Subsection (7) entitled "Restrictions and Requirements" of Section 9.24 entitled "Licensing of Secondhand Dealers" of the Madison General Ordinances is amended to read as follows:

"(f) Label Required. Secondhand dealers must attach a label to every item at the time it is pawned, purchased, or received in inventory from any reportable transaction except as provided herein. Permanently recorded on this label must be the number or name that identifies the transaction in the dealership's records, the transaction date, the name of the item and the description or the model and serial number of the items as reported to the Police Department, whichever is applicable. Labels shall not be reused. ~~Labels are not required for items defined in "Articles," Paragraph 16. of Subsection (3) entitled "Definitions. Items defined in Sec. 9.24(3), "Article," Line 16, are exempt from this label requirement.~~

13. Section 15.06 entitled "Wards and Ward Boundaries" of the Madison General Ordinances is hereby repealed.

14. Subsection (3) entitled "Above-Roof Signs" of Section 31.07 entitled "Wall, Roof and Above-Roof Signs" of the Madison General Ordinances is amended to read as follows:

"(3) Above-Roof Signs. An above-roof sign is a sign, any portion of which is displayed above the roofline. Above-roof signs may be displayed in the M1 and M2 manufacturing districts and as allowed in Sec.

~~31.04(2)(b)2.b.iii. and iv. 31.043(3)(b) and (c)~~, if no wall or roof sign is displayed on the corresponding facade. The signable area for an above-roof sign is calculated on the corresponding wall facade and can be transferred above the roof line. An above-roof sign may extend to a maximum height of ten (10) feet above the roofline.”

15. Subsection (6) entitled “Illumination” of Section 31.10 entitled “Window Signs” of the Madison General Ordinances is amended to read as follows:

“(6) Illumination. Window signs may be illuminated, subject to Sec. 31.04(65)(k). Window signs that are internally illuminated and flashing are prohibited.”

16. Subdivision (c) of Subsection (8) entitled “Attendance, Quorum and Voting” of Section 33.01 entitled “Boards, Commissions, and Committees Procedures” of the Madison General Ordinances is amended to read as follows:

“(c) In the absence of any statute or ordinance that establishes the quorum for any Sub-unit, the quorum of ~~any such body is the number that constitutes a majority of the authorized voting membership of the Sub-unit~~ number of members fixed by law. Vacant positions shall be counted in determining the quorum of such a body.”

17. Subsection (1) entitled “Full Committees” of Section 33.27 entitled “Staff Committees” of the Madison General Ordinances is amended to read as follows:

“(1) Full Formal Committees.

(a) Street Use Staff Commission. See Sec. 10.056(3), MGO.

(b) Board of Assessors. Sec. Sec. 33.03, MGO.

(c) Olin Terrace Use Commission. See Sec. 8.39, MGO.”

18. Subdivision (a) entitled “General” of Subsection (2) entitled “Quasi-Committees” of Section 33.27 entitled “Staff Committees” of the Madison General Ordinances is amended to read as follows:

“(a) General. On rare occasions, the City may establish formal committees of City staff. When such a committee is established, the following rules that apply to other committees will not apply to staff committees: term limits on members, attendance reports, filing of statements of interests, allowing Common Council members to participate in meetings, and the referral of legislative items to the staff committee. If input of a staff committee is ~~denied~~ desired, the matter should be referred to the department or division head related to the staff committee. Formal staff committees are subject to open meeting law requirements, quorum, terms for members, limits on meeting dates, public comment and the filing of minutes.”

19. Subsection (3) Section 33.52 entitled “Composition” of Section 33.52 entitled “Food Policy Council” of the Madison General Ordinances is amended to read as follows:

“(3) Composition. The adult citizen membership shall be composed as follows: one (1) member shall be a representative from the City of Madison Community Gardens committee, one (1) shall represent a direct-market producer, one (1) shall be a food-access advocate, one (1) shall represent or volunteer at a food bank, one (1) shall be a representative from a health care provider, one (1) shall be a representative of the Madison Metropolitan School District, one (1) shall be a representative from a neighborhood development group or organization group, one (1) shall be a local restaurateur, one (1) shall represent a small or mid-sized retailer, one (1) shall be a sustainable agriculture advocate, one (1) shall be a representative from or an advocate for an urban farm, one (1) shall be employed by an accredited university or college as an expert in food and/or agricultural systems, one (1) shall be an employee of UW-Extension, and one (1) shall represent a wholesale producer.

The remaining five (5) adult members shall represent any of the following categories, groups, or organizations: a consumer group, an economic development entity, an environmental advocate, a farmers’ market, a food cooperative, a food processing company, a mobile food vendor or retailer, a religious organization, a school district, a school food and/or nutrition expert, a staff member from a youth group organization, or a sitting member of a city or county committee that advises on food-related policy, including, but not limited to the Dane County Food Council or the Madison and Dane County Board of Health, or a representative from any of the other organizations listed above and making up the balance of the FPC. The youth member may but is not required to represent any of the interests set out in this ordinance.

The Chairperson of the Food Policy Council shall be designated by the Mayor or his or her designee, who may fulfill any of the citizen membership requirements above. The designee shall serve a three-year term beginning October 1st of the year of appointment.

20. Subparagraph a. of Paragraph 3. entitled "Public Inspection of Records" of Subdivision (f) entitled "Record-Keeping Requirements" of Subsection (9) entitled "Contract Compliance Provisions" of Section 39.02 entitled "Affirmative Action Ordinance" of the Madison General Ordinances is amended to read as follows:

"a. Records which are exempt from disclosure under the provisions Wis. Stat. § 19.36 or any other provision of Wis. Stat. §§ 19.31 through 19.39 (the Wisconsin Public Records laws) adopted through Sec. 3.70(1) of these ordinances."

EDITOR'S NOTE:

1. Sec. 3.09 currently reads as follows:

"3.09 OVERTURE CENTER DIRECTOR.

There is hereby created the position of Director - Overture Center. This position shall be filled according to Section 3.54(6)(f) of these ordinances, and the Mayor shall be the appointing authority for the position. The Director - Overture Center shall manage and administer all work involving the planning, organization, direction and control of the activities and operations, including programming, of the Madison Overture Center. The Director shall serve as staff to the Madison Cultural Arts District Board."

2. The obsolete Sec. 15.06 may be reviewed in Chapter 15, MGO.