

Legistar File No. 91848 Body Version 3

DRAFTER’S ANALYSIS: This City Attorney Revisor’s Ordinance corrects certain parts of the Madison General Ordinances (MGO), the City’s code of ordinances.

The proposed changes in this ordinance are as follows:

- Section 1.08(3) is amended to correct references to Sections of the Madison General Ordinances and perform table reformatting in particular areas.
- Section 1.08(4) is amended to correct references to Sections of the Madison General Ordinances and consolidate enforcement official authority listings.
- Section 3.12(11) is amended to remove a reference to the Community Development Division Conference Committee, repealed by ORD-25-00022.
- Section 3.30(2) is amended to remove a reference to the Equal Opportunities Commission Employment Committee, repealed by ORD-17-00114.
- Section 5.04(2) is amended following repeal of §62.13(9), Wis. Stats. in 1977.
- Section 28.097(8) is amended following renaming of committee in 2018.
- Section 33.15(2) is amended to remove references to alternate members following amendments to 33.15(2)(a) by ORD-25-00022.
- Section 33.15(4)(g) is repealed, following the repeal of the Community Development Division Conference Committee by ORD-25-00022.

The SUBSTITUTE adds an additional revision, correcting the title of Section 33.16 to match the title reflected within the section.

The AMENDED SUBSTITUTE makes an additional change to Section 3.12, renaming the title of Community Services Committee to Community Resources Committee, based on recommendation from the Common Council Executive Committee.

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

1. Subsection (3) entitled “Schedule of Deposits” of Section 1.08 entitled “Issuance of Citations and Complaints for Violations of Certain Ordinances and Providing a Schedule of Cash Deposits” of the Madison General Ordinances is amended by amending therein the following:

<u>“Offense</u>	<u>Ord. No./Adopted Statute No.</u>	<u>Deposit *</u>
Fail to meet recycling or reuse requirements for multi-family dwellings or commercial buildings < 10,000 ft ² .	10.185(6)(a)2.	\$250, 1% to 10% \$500, 11% to 20% \$1,000, > 21%
<u>Fail to meet recycling or reuse requirements for multi-family dwellings or commercial buildings < 10,000 ft².</u>	<u>10.185(6)(a)2.</u>	<u>\$250, 1% to 10%</u> <u>\$500, 11% to 20%</u> <u>\$1,000, > 21%</u>
Removing or disabling a cat’s claws.	23.66(2)	\$300, 1st \$500, 2 nd \$1,000, 3 rd \$1,500, 4 th

		\$2,000, 5th & sub.
<u>Removing or disabling a cat's claws.</u>	<u>23.66(2)</u>	<u>\$300, 1st</u> <u>\$500, 2nd</u> <u>\$1,000, 3rd</u> <u>\$1,500, 4th</u> <u>\$2,000, 5th & sub.</u>
Drink or possess alcohol beverage in city park after 10:00 p.m.	38.07(4) <u>38.07(5)</u>	\$200
Unlawful to permit person to leave licensed premises with open container which contains alcohol beverage.	38.07(5) <u>38.07(6)</u>	\$200"

2. Subsection (4) entitled "Issuance of Citations" of Section 1.08 entitled "Issuance of Citations and Complaints for Violations of Certain Ordinances and Providing a Schedule of Cash Deposits" of the Madison General Ordinances is amended by amending therein the following:

<u>"Enforcement Official"</u>	<u>Ordinance Chapter or Section and Title</u>
Fire Chief, their designated Chief Officers and Officers assigned to Fire Prevention and Investigation Divisions.	Section 3.20, Emergency Management; Chapter 34, Fire Prevention Code; Section 38.07(21) <u>38.07(22)</u> , Exceeding Lawful Occupancy Capacity.
City Engineer, Street Superintendent, and Building Inspection Division Director or their designee.	<u>Section 7.10, Fugitive Dust; Section 8.15, Regulating Private Use of Greenways and Park Lands; Section 9.21, Scrap and Recycling Dealers; Section 19.16(6)(c), Failure to Modify Electrical Service; Chapter 10, Streets, Alleys, Sidewalks, and Gutters; Section 23.24(3), Damaging a City tree; Section 23.61, Internet Solicitation of Unlicensed Regulated Businesses; Section 34.5608(5)(a) and (c)4.a., Fireworks Event Permit Lake Clean-Up Plan; Section 34.5608(5)(a) and (c)4.c., Fireworks Event Permit General Clean-Up Plan; Chapter 37, The Public Stormwater System Including Erosion Control.</u>
Superintendent of Parks or designee, and Park Rangers.	Section 7.32, Deposit of Rubbish and Refuse on Streets, Public Grounds, or in Lakes or in Any Manner to Create Any Stench or Nuisance; Section 7.321, Depositing Human Waste Products Regulated; Section 7.322, Animal Defecation on Public or Private Property Regulated; Section 8.11, Forest Hill Cemetery; Section 8.15, Regulation of Private Use of Greenways, Park Lands, and the Southwest Bike Path; Section 8.16, Unauthorized Vehicles on Public Lands; Section 8.17, Vending in Public Parks; Section 8.18, Parking Regulated in Certain Parks; Section 8.185, Watercraft and/or Other Boating Equipment Storage on City Property Regulated; Section 8.188, Anchoring and Mooring of Watercraft Regulated; Section 8.19, Animals Prohibited in Certain Areas; Section 8.21, Public Parks To Be Closed During Certain Hours; Section 8.215, Lake Access Permits; Section 8.22, Fishing in Certain Parks of Tenney Park

	<p>Prohibited; Section 8.23, Use Of Public Golf Courses Restricted To Golfing Purposes; Section 8.24, Alcohol Beverage Control and Container Control on Certain Public Property; Section 8.25, Trapping On Public Lands Prohibited Except By Permit; Section 8.26, Temporary Structure Prohibited without Permit; Section 8.265, Lodging in Parks Prohibited; Section 8.27, Snow Mobile and Cross-Country Ski Regulations; Section 8.29, Public Address Systems in Parks; Section 8.30, Radio-Controlled Toys Prohibited in Parks; Section 8.31, Bicycles in Parks; Section 8.32, Disc Golf Without a Permit; Section 8.36, Play Golf on City Lands Restricted to Golf Courses; Section 8.37(1), Play of Tournament Without Permit Prohibited; Section 8.40, Preservation of Conservation Parks; Section 8.42, Feeding Birds on Public Property Prohibited; Section 9.13, License for Selling on Public Streets; Section 9.54, Equipment Placement on Sidewalks and Terraces, Permits for Information Tables and Expressive Street Vending; Section 10.056, Street Use Permit; Section 10.31, Privileges in Streets; Section 23.05(4)(d) and (f), Smoking Prohibited in Posted City Parks and Beaches and on Henry Vilas Zoo Property; Section 23.06, Damage to Property; Section 23.065, Scratchiti; Section 23.07(2), Unlawful Trespass; Section 23.19, Destruction of Birds Prohibited; Section 23.32, Regulation of Dogs and Cats Running at Large; Section 24.04, Prohibition of Noises Disturbing the Public Peace; Section 25.05, Sparklers Prohibited in Public Parks; Section 34.5608(5)(a) and (c)4.b., Fireworks Event Permit Park Clean-Up Plan; Section 38.07(4) <u>38.07(5)</u>, Drink or Possess Alcohol Beverage in City Park after 10:00 p.m.</p>
<p>City Engineer or their designee, Streets Superintendent or their designee and Building Inspection Division Director or their designee.</p>	<p>Chapter 37; Section 19.16(6)(c), Failure to Modify Electrical Service; Section 34.5608(5)(a) and (c)4.a., Fireworks Event Permit Lake Clean Up Plan; Section 7.10, Fugitive Dust. Section 9.21, Scrap and Recycling Dealers; Section 34.5608(5)(a) and (c)4.c., Fireworks Event Permit General Clean Up Plan.”</p>

3. Subsection (11) entitled “Emerging Opportunities Program” of Section 3.12 entitled “Department of Planning and Community and Economic Development” of the Madison General Ordinances is amended as follows:

“(11) Emerging Opportunities Program. The Community Development Division (CDD), in concert with the Community Development Block Grant and Community ~~Services Resources~~ Committees, and with the final approval of the ~~Community Development Division Conference Committee established in Sec. 33.18~~ will allocate City resources to a resident, groups of residents, and/or community organizations for projects and activities that serve prioritized issues or populations. Such allocations are generally made through structured and regularly scheduled funding processes. Emerging needs or unanticipated opportunities routinely occur throughout the calendar year that cannot be properly addressed by these funding processes. This program is created and maintained so that the City can respond to such developments in a more timely manner and seize

these opportunities as they are presented and most viable. It is also intended to offer opportunities for new and nascent organizations to receive financial support provided they can demonstrate broad engagement in the development of projects or activities they propose to undertake.”

4. Subsection (2) entitled “Residence: Boards, Commissions and Committees” of Section 3.30 entitled “Qualifications—City Officers, Members of Commissions, and Employees” of the Madison General Ordinances is amended as follows:

“(2) Residence: Boards, Commissions and Committees. Each person who is or shall be eligible for appointment as a member of a City of Madison board, committee or commission shall be a resident of the City of Madison, provided, however, that this provision shall not apply to a member of or candidate for appointment to a City of Madison board, committee or commission where, in the judgment of the Mayor and two-thirds ($\frac{2}{3}$) of the Common Council, the best interests of the City will be served by the appointment of a non-resident member who is particularly well qualified by reasons of education, background, and experience with Madison business concerns or other Madison-based employers and the Mayor specifies fully to the Common Council the reasons why he or she is recommending such appointment. The provisions of this subsection shall not apply to persons who are employed under a joint and cooperative arrangement with Dane County, ~~nor shall it apply to appointments to the Equal Opportunities Commission Employment Committee~~ if the appointee works for a business located in Madison. Wherever in these ordinances a reference is made to a resident member of a committee, the appointment is subject to this section.

In the event that any person required to reside in the City of Madison or ceases to reside in his or her respective jurisdiction, his or her position shall be deemed vacated. Such vacancy shall be filled in the manner prescribed by law or ordinance for the original appointment of that position.”

5. Subsection (2) of Section 5.04 entitled “Salaries” of the Madison General Ordinances is amended as follows:

“(2) The salaries of members of the department shall be in lieu of all fees, percentages, and commissions; and all fees, percentages and commissions of every kind, ~~other than rewards offered for the apprehension of criminals which may be retained by the member receiving the same,~~ shall be paid into the City Treasury and applied by the Treasurer as provided in Section 62.13 (9) (a) of the Wisconsin Statutes.”

6. Subsection (8) entitled “Review by University of Wisconsin-Madison Campus Area Committees Prior to Final Building Design Review” of Section 28.097 entitled “Campus-Institutional District” of the Madison General Ordinances is amended as follows:

“(8) Review by University of Wisconsin-Madison Campus Area Committees Committee Prior to Final Building Design Review. Prior to presenting final building design to the architectural review committee under Sub. (7) above, the University of Wisconsin-Madison shall present the final building design plans to a meeting of the Joint ~~West and Joint Southeast area review committees~~ Campus Area Committee after giving notice of the joint meeting by first class mail to the owners of record, as listed in the office of the

City assessor, and occupants of multi-tenant buildings, of property in whole or in part situated within two hundred (200) feet of the boundaries of the properties affected.”

7. Subsection (2) of Section 33.15 entitled “Community Development Block Grant (CDBG) Committee” of the Madison General Ordinances is amended as follows:

- “(2) (a) Membership. The Committee shall consist of nine (9) members appointed by the Mayor, subject to the approval of the Common Council. Members shall serve without compensation. Two (2) members shall be alderpersons. The other members shall be resident members, at least two of whom reside within a low- or moderate-income census tract as defined by the U.S. Department of Housing and Urban Development, and the remaining residents shall be residents who through their expertise, lived experience or strong interest in the work of the Committee will represent a broad range of perspectives on issues before the Committee.
- (b) ~~Alternate Members.~~ ~~In addition to the nine (9) members, as provided in Subdivision (a) above, the Mayor shall appoint a first alternate and a second alternate member. Alternate members shall serve a term of one (1) year, and may be re-appointed. The first alternate shall act with full power when any other member of the Committee is absent or refuses to act because of a conflict of interest. The second alternate shall act only when the first alternate is absent or refuses to act, or when more than one (1) Committee member is absent or refuses to act because of a conflict of interest. Alternates may serve as the CDBG Committee representative on other City committees at any time.~~”

8. Subdivision (g) of Subsection (4) entitled “Powers and Duties” of Section 33.15 entitled “Community Development Block Grant (CDBG) Committee” of the Madison General Ordinances is repealed.

9. Section 33.16 entitled “Community Services Committee” of the Madison General Ordinances is amended as follows:

“33.16 COMMUNITY SERVICES RESOURCES COMMITTEE”

EDITOR’S NOTE:

Subdivision (g) of Subsection (4) entitled “Powers and Duties” of Section 33.15 entitled “Community Development Block Grant (CDBG) Committee” of the Madison General Ordinances currently reads as follows:

- “(g) The Community Development Block Grant Committee (CDBG) shall recommend to the Mayor three (3) of its regular members (not alternate members), including one alderperson, to serve as members of the Community Development Division Conference Committee. The term of each appointment shall be one year.”