

Legistar File No 79101 Body

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:

- Table in Section 1.08(3) is amended to correct a typo and a reference to a Madison General Ordinance section.
- Table in Section 1.08(4) is amended to add a reference to a Madison General Ordinance Section.
- Section 16.03(2) is amended to correct a typo.
- Section 28.185(3) is amended to correct a reference to a Madison General Ordinance section.
- Section 28.022(3)(c) is amended to correct a floodplain map case number.
- Section 29.18(4)(b) is amended to correct a grammatical error.
- Section 32.04(4)(a) is amended to correct a reference to a Madison General Ordinance section.
- Section 38.02 is amended to correct a grammatical error.

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

1. Table within 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:

"Offense	Ord. No./Adopted Statute No.	Deposit
Failure to comply with lawful order.	3.20	\$500, 1st \$1,000, 2nd \$2,000, 3rd \$4,000, 4th
Unlawful to possess or consume from open container of alcohol beverage on public street or alley.	38.07 (7) (8)	\$200"

2. Table within 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:

Enforcement Official	Ordinance Chapter or Section and Title
Director of Public Health Madison and Dane County or her/his designee and Police Department.	Chapter 7, Public Health; Section 9.05, Adult Entertainment Establishments; Section 23.05, Smoking Prohibited in Certain Public Areas; Section 23.12, Transient Hotels and Motels Regulated; Section 23.38, Possession of Tobacco Products by Children; Section 23.385, Sale of Tobacco Products to Children Forbidden; Section 23.44, Consumers to Be Offered Selection of Containers; Section 23.61, Internet

	Solicitation of Unlicensed Regulated Businesses; <u>23.66</u> , Prohibiting Declawing Procedures.
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3. Subsection (2) of Section 16.03 entitled “Transportation Demand Management” of the Madison General Ordinances is amended as follows:

“(2) There is created in the City of Madison a Transportation Demand Management Program which will be administered by the Department of Transportation in a manner consistent with this ordinance. The Council hereby adopts the Transportation Demand Management Program ~~Recommended~~ recommended by the Transportation Commission on November 30, 2022 as the initial Transportation Demand Management Program. The Department of Transportation may, from time to time, amend the TDM Program requirements, so long as the amendments are consistent with this ordinance and state law, and are approved by the Transportation Commission.”

4. Subsection (3) entitled “Requirement” of Section 28.185 entitled “Approval of Demolition (Razing, Wrecking) and Removal” of the Madison General Ordinances is amended as follows:

“(3) Requirement. No building, as defined in MGO Sec. 29.0304, shall be demolished or removed without a permit from the Building Inspection Division of the Department of Planning and Community and Economic Development.”

5. Subdivision (c) of Subsection (3) entitled “Floodplain Maps” of Section 28.022 entitled “Incorporation of Zoning District Maps” of the Madison General Ordinances is amended as follows:

“(c) Maps based on other studies, including Dane County Flood Storage Maps prepared and approved by the Department of Natural Resources, Panel numbers 3, 18, and 20, effective September 17, 2014, and Letter of Map Revision, Case #22-05-1179P effective February 1, 2023, #21-05-2252P effective April 12, 2022, #16-05-6112P dated March 10, 2017, #16-05-3204P dated October 27, 2016, #16-05-1781P dated June 14, 2016, and #12-05-5696P dated March 15, 2013.”

6. Subdivision (b) of Subsection (4) entitled “Director of the Building Inspection Division to Authorize Repairs” of Section 29.18 entitled “Powers and Duties of Director of the Building Inspection Division” of the Madison General Ordinances is amended as follows:

“(b) ~~After seventy-two~~ Seventy-two (72) hours after notification and after an inspection showing that any lack of such service still exists, the Director of the Building Inspection Division shall authorize the immediate repair or reconnection of any such service by private contractor. The cost of any such repair or reconnection shall be paid by the owner or shall be placed, with interest, upon the tax bill of such owner.”

7 Subdivision (a) entitled "Eligibility" of Subsection (4) entitled "Authorization of Rent Abatement" of Section 32.04 entitled "Rent Abatement" of the Madison General Ordinances is amended as follows:

"(a) Eligibility. Notwithstanding any other provision of law or any agreement, whether oral or written, tenants and provider agencies shall be eligible to abate a portion of the total rental payments, in accordance with this section at the maximum percentage available set forth in the Schedule of Rent Impairing Violations in (d) below, and pursuant to the order of the Building Inspection Division of the Department of Planning and Community and Economic Development or the Director of Public Health Madison and Dane County, the order of a Rent Abatement Hearing Examiner or by written agreement of the parties, if the landlord of the residential premises fails to comply with an order of the Building Inspection Division of the Department of Planning and Community and Economic Development or the Director of Public Health Madison and Dane County to correct by the original due date, unless such due date is found to be unreasonable upon appeal to the Board of Building Code, Fire Code, Conveyance Code and Licensing Appeals pursuant to Sec. ~~29.18~~28.21(3) of the Madison General Ordinances, a violation which is "rent impairing" as that term is defined in Sec. 32.04(3). Any such order of the Building Inspection Division or Public Health Madison and Dane County shall specifically state that uncorrected violations will be eligible for abatement in addition to any other penalties provided by law unless the landlord files a request for a hearing contesting the order within thirty (30) days. A tenant's eligibility to abate rent shall apply only to the eligible tenant(s) or successor tenant(s) upon whose rented premises the uncorrected rent impairing violation exists or to any eligible tenant(s) or successor tenant(s) in a building with an uncorrected rent impairing violation in a common area. A provider agency's ability to abate rent shall apply only to provider agencies which pay or have paid a portion of an eligible tenant's rent while an uncorrected rent-impairing violation exists on the premises or common area of the eligible tenant's building. Where an award is made and rent has been paid by both a tenant and a provider agency, the tenant's portion of the award shall be up to but not greater than the amount of rent the tenant has paid. Where the award amount is less than or equal to the amount of rent the tenant paid, the tenant shall receive all of the award. No rent may be abated pursuant to this Ordinance until abatement is ordered by the Building Inspection Division Department of Planning and Community and Economic Development or the Director of Public Health Madison and Dane County or the Rent Abatement Hearing Examiner or authorized by written agreement between the parties."

8. Section 38.02 entitled "Definitions" of the Madison General Ordinances is amended by amending therein the following:

"Department" means the ~~department of revenue~~ Department of Revenue, State of Wisconsin."