

AGENDA # _____

CITY OF MADISON, WISCONSIN

AN ORDINANCE _____

create Section 3.15(2) of the Madison General Ordinances to establish procedures by which the City Attorney may be authorized to commence public nuisance actions on behalf of the City under Wis. Stats. Chapter 823.

Drafted by: Marci A. Paulsen
Assistant City Attorney

Date: September 10, 2004

Fiscal Note: No expenditure

SPONSORS: Ald. Konkol

PRESENTED November 9, 2004
REFERRED CCOC

REREFERRED _____

REPORTED BACK _____

ADOPTED _____ POF _____

RULES SUSPENDED _____

PUBLIC HEARING _____

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MAYOR SIGNED _____

PUBLISHED _____

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APPROVAL OF FISCAL NOTE IS NEEDED
BY THE COMPTROLLER'S OFFICE
Approved By

Comptroller's Office

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ORDINANCE NUMBER _____

ID NUMBER _____

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

Subsection (2) entitled "Public Nuisance Authority" of Section 3.15 entitled "City Attorney" of the Madison General Ordinances is created to read as follows:

"(2) Public Nuisance Authority.

The City Attorney is authorized to commence public nuisance actions on behalf of the City under Wis. Stats. Chapter 823, if the following occurs:

1. The City Attorney provides written notice to the Mayor and Common Council of the intent to file a nuisance action. This written notice shall provide a description of the nuisance and why action is necessary.
2. The Mayor and Common Council have fifteen (15) days to provide written notification to the City Attorney of an objection to the commencement of a nuisance action and a request for the City Attorney to draft a resolution authorizing the action.
3. If there is an objection to the City Attorney's request, the City Attorney must draft a resolution requesting authorization to commence the nuisance action to be heard at the next scheduled Common Council Meeting.
4. If the City Attorney does not receive an objection within fifteen (15) days of the provided notice, the City Attorney is authorized to commence a nuisance action as authorized under Wis. Stats. Chapter 823."

Approved as to form:

Michael P. May, City Attorney