

CITY OF MADISON, WISCONSIN

AN ORDINANCE _____

PRESENTED October 7, 2008

REFERRED October 28 Common Council

Meeting

RULES SUSPENSION _____

PUBLIC HEARING _____

Amending Section 1.08(3)(a) of the Madison General Ordinances to add a bail deposit amount for violations of Section 10.056, amending 1.08(4) to add cross-references to the list of ordinances that can be enforced by the Neighborhood Preservation and Inspection Division, amending 10.056(11) to authorize the Superintendent of Parks to shut down a street use event in progress for violating conditions of the Street Use Permit, and amending 10.056(12)(d) to remove the word "knowingly."

Drafted by: Lara Mainella

Date: October 1, 2008

SPONSOR: Ald. Verveer

DRAFTER'S ANALYSIS: This amendment creates a bail deposit for section 10.056, the Street Use Permit ordinance, so that violations of this ordinance may be enforced by citation. The Police Department and Parks Division staff are currently authorized to enforce violations of the Street Use ordinance. This ordinance also authorizes the Special Event Coordinator to shut down an event in progress for violations of conditions of the Street Use Permit, or for specific vending violations that are not allowed during the event (such as commercial sales and solicitations on Library Mall or sales of non-homemade or handcrafted goods on the Mall/Concourse) and removes the word "knowingly" from the section creating a violation for participating in an activity for which a street use permit is required. This ordinance also makes editorial corrections: adding the Urban Design and Landmarks sections to the list of ordinances enforceable by citation by the Neighborhood Preservation and Inspection Division and adding cross-references to other ordinances NPID is already authorized to enforce.

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" of the Madison General Ordinances is amended by adding therein the following:

<u>"Offense</u>	<u>Ord. No.</u>	<u>Deposit</u>
Violations of Street Use Permit Ordinance	10.056	\$300"

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

“(4) Issuance of Citations. Any law enforcement officer may issue citations for enforcement of any ordinances authorized under this ordinance. In addition, the following officials of the City of Madison are hereby authorized to issue citations for enforcement of those ordinances specified only. Such officials may delegate this authority to their subordinates upon approval by the Common Council.

Approved as to form:

Michael P. May, City Attorney

Enforcement Official

Ordinance Chapter or Section and Title

Director of the Neighborhood Preservation and Inspection Division of the Department of Planning and Community and Economic Development or designee.

Section 8.15, Regulating Private Use of Greenways and Park Lands, and the Southwest Bike Path, Section 9.13, License for Selling on Public Streets, Section 12.128(14), Off-Driveway Parking; Section 12.145(1)(d), No Street Vending from Parking Meter; Section 36.30, Cable TV Connections; Chapter 22, Consumer Protection and Weights and Measures; 23.29, Noxious Weed Control, Section 24.08, Noise Control Regulation; Chapters 10, 18, 19, 27, 28, 29, 30, 31, and 37, Section 33.24 (Urban Design Commission,) and Section 33.19 (Landmarks Commission)."

3. Subsection (11) entitled "Termination of a Street Use Permit" of Section 10.056 entitled "Street Use Permit" of the Madison General Ordinances is amended to read as follows:

"(11) Termination of a Street Use Permit. A Street Use Permit for an event in progress may be terminated by the Chief of Police or designee if termination is a reasonable and necessary response in the face of imminent danger or threat to public safety, if the safety of the public is imminently endangered by activities generated during the event, if the participants engage in violent or destructive behavior causing injury to persons or damage to property, or if there is a violation of any condition of the permit such that the standards of issuance are no longer met. A Street Use Permit for an event in progress may be terminated by the Fire Chief or designee if termination is a reasonable and necessary response in the face of imminent danger or threat to public safety. A Street Use Permit for an event in progress may be terminated by the Superintendent of Parks, or designee, if there is a violation of any condition of the permit such that the standards of issuance are no longer met, or if the applicant, sponsor, or other person affiliated with the event has violated Sec. 9.13 (Street Vending), the regulations adopted thereto, or any resolution adopted pursuant to sec. 9.13(6)(k) (Vending and Exclusive Vending Rights During Special Events) within the perimeter of the event."

4. Subdivision (d) of Subsection (12) entitled "Penalties" of Section 10.056 entitled "Street Use Permit" of the Madison General Ordinances is amended to read as follows:

"(d) ~~Knowingly~~ Participate in an activity for which a street use permit is required without a valid street use permit having been granted or after a permit has been terminated pursuant to Subsection (11), above."

EDITOR'S NOTE:

New or amended bail deposits must be approved by Municipal Judge prior to adoption. The deposit in item 2 has been so approved.