

Legistar File No. 93787 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:

- Section 1.08(3)(a) is amended to correct references to Sections of the Madison General Ordinances and remove repealed previously.
- Section 1.08(3)(c) is amended to update the court cost amount imposed by Wisconsin State Statute.
- Section 1.08(4) is amended to correct references to Sections of the Madison General Ordinances.
- Section 3.035(3)(j) is amended to correct an MGO reference.
- Section 3.12(8) is amended to correct an MGO reference.
- Section 3.12(10)(b)7 is amended to correct a reference to Wisconsin State Statute.
- Section 3.14(3)(a)3 is amended to correct an MGO reference.
- Section 3.14(3)(b)2 is amended to remove a responsibility repealed by ORD-23-00034, and renumber the section accordingly.
- Section 3.17(7) is amended to correct a reference to Wisconsin State Statute.
- Section 3.20(2)(a)1 is amended to correct a reference to the Code of Federal Regulations.
- Section 9.136(1)(k)2.b is amended to remove a reference to an MGO Section repealed by ORD-25-00001.
- Section 15.02(137) is amended to correct the description of Ward 137.
- Section 28.097(7)(b) is amended to correct a grammatical error.
- Section 33.10(3) is amended to correct an MGO reference.
- Section 33.15(3) is amended to correct term limits for alternate members and alders serving on the Community Development Block Grant Committee.
- Section 33.32(1) is modified to correct the number of voting and non-voting members of the Joint Campus Area Committee.

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

1. Table within Subdivision (a) of 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>
Failure to pay before exiting a municipal parking facility staffed by an attendant.	8.14(2)(c)2.	\$0-20, \$25 \$20.05-50.00, \$55 \$50.05 or more, \$105
Failure to pay before exiting unattended municipal parking facility.	8.14(2)(c)3.	\$0-20, \$25

		\$20.05-50.00, \$55 \$50.05 or more, \$105
Causing damage at municipal parking facility while exiting without paying.	8.14(2)(c)4.	\$100, 1st \$200, 2nd + sub.
Three-hour parking in parks.	8.18(1)	\$30
Three-hour parking in parks.	8.18(1) & (8)(b)(7)(b)	\$60, 1 st \$100, 2 nd +
Person under 19 <u>18</u> not to attend dances.	9.03(12)	\$25
Time limits on public dances.	9.03(13)	\$25
Transfer of registration symbol or registered amusement devices.	9.08(2)(c)(4)	\$25
Mobile home park license required.	9.23(4)(g)(d)1.	\$25
Failure to comply with driveway approach and parking facility construction requirements.	10.08(9)(d)	\$50, 1st \$100, 2nd \$200, 3rd/more
Emergency snow regulations.	12.045(1)(b)	\$20
No parking motor vehicle on highway without gas cap.	12.128(7)(a)	\$15
No parking of vehicle leaking gas, oil, other fluids.	12.128(7)(b)	\$40
Overtime parking—15 minute zone, 8 a.m. – 5 <u>6</u> p.m. (non-metered).	12.1338	\$35
Overtime parking - 2 hour zone, 8 a.m. – 6 p.m. misc. periods on streets.	12.139	\$35
State St. automobile parking for purposes not allowed.	12.915(5)(a)	\$45
State St. automobile permit violations.	12.915(5)(c)	\$45
State St. automobiles – manner of parking.	12.915(5)(d)	\$45
State St. automobile – loading zone violation.	12.915(5)(e)	\$45
State St. Automobile parking more than 30 minutes.	12.915(5)(f)	\$45
No stopping, standing, parking of "Motor Trucks" on State St. during restricted hours.	12.915(6)(a)	\$45
State St. "Motor Truck" parking for purposes not allowed.	12.915(6)(b)	\$45
State St. "Motor Truck" Loading Violation.	12.915(6)(d)	\$45
State St. "Motor Truck" – manner of parking.	12.915(6)(e)	\$45

No stopping, standing, parking of "Large Motor Trucks" on State St. during restricted hours.	12.915(7)(a)	\$45
State St. "Large Motor Truck" Parking for purposes not allowed.	12.915(7)(b)	\$45
State St. "Large Motor Truck" loading violation.	12.915(7)(d)	\$45
State St. "Large Motor Truck" manner of parking.	12.915(7)(e)	\$45
Type of vehicles permitted to use State St. between 10 p.m. and 4 a.m.	12.915(8)(a)	\$40
Restrictions on public passenger vehicle use of State St. between 4 a.m. and 10 p.m.	12.915(8)(b)	\$40
Habitual truancy prohibited.	23.45 (Mandatory Appearance)	\$0 (Mandatory Appearance)
Submission of petition containing fraudulent information.	24.04(9)(j)(g)2.	\$375
Failure to follow notification procedure.	24.04(9)-(j)(g)3.	\$375
Failing to obtain dangerous animal license.	25.225	\$200, 1st \$300, 2nd
Maintaining or permitting a public nuisance within the City.	27.05(3)(a) 27.08(7)(a) <u>27.085(2)</u>	\$200 \$200
Failure to return security deposit.	32.07(8)(7)	\$600
Sale of alcohol to Known Habitually Intoxicated Person.	38.12	\$200

2. Subdivision (c) of 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 as follows:

"(c) In addition to the appropriate cash deposit amount as established above, all citations issued under this ordinance shall further specify and include as part of the deposit any penalty assessment that would be applicable under Wis. Stat. § 757.05, any jail assessment that would be applicable under Wis. Stat. § 302.46(1), any crime labs and drug law enforcement assessment that would be applicable under Wis. Stat. § 165.755, any consumer information assessment that would be applicable under Wis. Stat. § 100.261, any domestic abuse assessment that would be applicable under Wis. Stat. § 973.055(1), and court costs of ~~twenty-eight dollars (\$28)~~ forty-eight dollars (\$48) imposed by Wis. Stat. § 814.65. In the event that the State amends Wis. Stat. § 814.65, to allow for increased court costs, the maximum amount allowable by the amendment enacted by the State shall take effect upon passage of the State's amendment, without further action by the Common Council."

3. 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>
<p>City Engineer, Street Superintendent, and Building Inspection Division Director or their designee.</p>	<p>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)(4)(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.</p>
<p>Humane Officers.</p>	<p>Section 7.29, Keeping Fowl in Unacceptable Area or Manner; Section 7.30, Animal Slaughtering without Permit or in grounds and lakes or on exterior property area; Unacceptable Area or Manner; 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 7.322, Animal Defecation on Public or Private Property Prohibited; Section 7.37(8), Accumulation of Animal Waste Prohibited; Section 7.38, Keeping Horse or Cattle Manure in Unacceptable Container; Section 8.19 Animals in Prohibited Areas; Section 8.25, Animal Trapping on Public Lands Without a Permit; Section 8.40(5), Prohibited Animal in Conservation Park; Section 8.42, Feeding Birds on Public Property Prohibited; Section 9.31, Cat License and Tags Required; Section 23.07, Unlawful Trespass; Section 23.18, Abusing Animals; Section 23.185, Harassment of Police Animals; Section 23.19, Injuring or Attempting to Injure or Destroy Wild Birds; Section 23.31(1), Permitting Animals Other than Dogs and Cats to Run <u>Running</u> at Large; Section 23.31(2), Harboring Swine; Section 23.32, Dogs or Cats Running at Large; Section 23.33, Tags Required for Animals, Failure to Quarantine; Section 23.35, Permitting Animal to Cause Injury; Section 23.39, Vaccination of Dogs and Cats Required; Section 23.49, Possession of Exotic or Wild Animals; Section 23.495, Exhibition of Certain Animals; Section 23.50, Selling, Dispensing, Giving Away or Dealing with Certain Turtles; <u>Section 23.52, Possession of Pigs Prohibited</u>; Section 23.61, Internet Solicitation</p>

	<p>of Unlicensed Regulated Businesses; Section 24.04(4), Dogs Habitually Barking; Section 24.04(5), Leaving Animal in Parked Vehicle for More Than 15 Minutes; Section 25.22, Dangerous Animals Regulated; Section 25.225 Failure to License Dangerous Animals.</p>
<p>Superintendent of Parks or designee, and Park Rangers.</p>	<p>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 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) (<u>c</u>) and (<u>e</u>), 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,</p>

	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(5), Drink or Possess Alcohol Beverage in City Park after 10:00 p.m.
Director of Transportation or their designee.	Section 8.18(5), Blair Parking Lot Regulations; Section 12.138(10), Transferability - Residential. Parking Permits; Section 11.08, Adoption by Reference: State Code; Section 11.09, Payment of Taxicab and Motor Bus Fare Required; Section 11.06, Licensing and Regulating Para-Transit Services; Section 11.20, Penalty; Section 12.96(1) and (3), When Lighted Lamps Required; Section 12.99(1)(a), Head Lamps on Motor Vehicles; Section 12.103(1)–(4), Tail Lamps and Registration Plate Lamps; Section 12.104(1) and (2), Stop Lamps; Section 12.105(1) and (2), Direction Signal Lamps or Devices; Section 12.108(1)–(4), Mounting and Visibility of Lamps and Reflectors; Section 12.111(4) and (5), Restrictions on Certain Optional Lighting Equipment; Section 12.114(1) and (5)(a)–(c), Brakes; Wis. Stat. § 347.38, 347.39, 347.40, 347.41, 347.42 and 347.45, Other Required Equipment; Section 31.075(2), Banners. The Revised Uniform State Traffic Deposit Schedule, as amended, shall apply for Chapter 12 violations.
City-County Building Facility Manager or their designee.	Section 12.128(9)(6)(a), Parking in City-County Building Garage.

4. Subdivision (j) of Subsection (3) entitled “Recruitment, Appointment, and Confirmation of the Chief of Staff” of Section 3.035 entitled “Office of the Common Council and Common Council Chief of Staff” of the Madison General Ordinances is amended as follows:

“(j) If the preferred candidate withdraws, is disqualified due to a background check, does not agree to terms of an employment agreement, or if the appointment is not approved by the Common Council, the steps in Sec. ~~3.305~~ 3.035(3)(h) and (i), shall be repeated with regard to the next ranked candidates until the Common Council completes an appointment.”

5. Subsection (8) entitled “Building Inspection Division” of Section 3.12 entitled “Department of Planning and Community and Economic Development” of the Madison General Ordinances is amended as follows:

“(8) Building Inspection Division. Under the direction of the Building Inspection Division Director, this division is responsible for building inspection, consumer protection inspection, systematic code enforcement, zoning and sign administration, as well as those functions specified in Sec. ~~29.14~~ 29.17 of these ordinances.”

6. Paragraph 7 of Subdivision (b) entitled "Definitions" 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 as follows:

"7. The term "parent" as used in this ordinance shall mean parent, guardian, or legal custodian as defined in Wis. Stat. ch. 48.02, or guardian of the person appointed under Wis. Stat. ch. ~~880.04~~ 54.01.

7. Paragraph 3 entitled "Crossing Guards" of Subdivision (a) entitled "Traffic Engineering Division" of Subsection (3) entitled "Divisions" of Section 3.14 entitled "Department of Transportation" of the Madison General Ordinances is amended as follows:

"3. Crossing Guards. Crossing guards, the location of which shall be determined by the Transportation Commission subject to Sec. ~~33.56(5)(e)~~ 33.56(7)(n) of the Madison General Ordinances, after study and recommendation by the Director of Traffic Engineering, shall be under the direction of the Director of Traffic Engineering. The Transportation Commission shall adopt guidelines to be used in determining the need for crossing guards. The Director of Traffic Engineering shall consult with the Police Department and the designee of the impacted school district before making a recommendation. Crossing guards shall direct and guide children at street and railroad crossings where assigned. All crossing guards shall be furnished a standard uniform and insignia that designate them as crossing guards and shall be equipped with signals or signs to direct traffic to stop at school crossings. Training and supervision of crossing guards shall be under the direction of the Traffic Engineering Division."

8. Paragraph 2 entitled "Management" of Subdivision (b) entitled "Transit Division" of Subsection (3) entitled "Divisions" of Section 3.14 entitled "Department of Transportation" of the Madison General Ordinances is amended as follows:

"2. Management. The Transit Division shall be managed by the City Transit Manager, who shall also:

- a. Serve as the executive secretary of the Transportation Commission as provided in Sec. 33.56(4);
- b. ~~Serve as executive secretary of the Regional Transit Subcommittee as provided in Sec. 33.55(6)(h); and~~
- e.b. Under the direction of the Director of Transportation, work with the Director of Traffic Engineering and Parking Division Manager to ensure the duties outlined in sub. (2) above are fulfilled."

9. Subsection (7) entitled "Meetings; Quorum; Bylaws" of Section 3.17 entitled "Community Development Authority" of the Madison General Ordinances is amended as follows:

"(7) Meetings; Quorum; Bylaws. All meetings of the CDA shall be held in compliance with the provisions of Subchapter ~~IV~~ V of Chapter 19 of the Wisconsin Statutes and Sec. 3.71 of the Madison General Ordinances. No vacancy in the membership of the CDA shall

impair the right of a quorum to exercise the powers and perform the functions of the CDA. The CDA may adopt and from time to time amend or repeal such bylaws and other rules and regulations not inconsistent with applicable law as it deems necessary in the performance of its functions.”

10. Paragraph 1 of Subdivision (a) of Subsection (2) entitled “Definitions” of Section 3.20 entitled “Emergency Management” of the Madison General Ordinances is amended as follows:

“1. A select agent that is a virus, bacterium, rickettsia, fungus, or toxin that is specified under 42 CFR ~~72, Appendix A~~ 73 and all subsequent and amendments.”

11. Subparagraph b of Paragraph 2 entitled “Special Approvals Process” of Subdivision (k) entitled “Vending During Street Use Events” of Subsection (1) of Section 9.136 entitled “Street Vending on the State Street Mall/Capitol Concourse” of the Madison General Ordinances is amended as follows:

“b. The Parks Division shall prepare each year, prior to the event season, one or more resolutions for the Common Council listing all known events for the calendar year seeking special approvals under this Section and the type of approval(s) requested. ~~(Events seeking approval under Sec. 9.136(1)(k)1.d. for the 700 or 800 block of State Street need not be included).~~ The resolution shall include sufficient details for the Council to consider the requested approvals, and additional details about first-time events if deemed necessary by Parks Division..”

12. Section (137) entitled “Ward 137” of Section 15.02 entitled “Wards and Ward Boundaries” of the Madison General Ordinances is amended as follows:

“(137) Ward 137. Commencing at the Southeast corner of said Section 29; thence S89°35’53”W, 411.96 feet along the South line of said SE1/4; thence N00°36’52”E, 1049.17 feet to the Northwest corner of Outlot 20, Western Addition to 1000 Oaks and the Point of Beginning; thence N00°36’52”E, 187.98 feet along the East lines of Outlot 26 and 27, Southern Addition to Birchwood Point to a point of curve; thence Northeasterly along a curve to the right which has a radius of 340.00 feet and a chord which bears N10°21’54”E, 115.16 feet; thence S27°27’52”E, 88.07 feet; thence N57°50’58”E, 1.09 feet; thence S33°48’46”E, 215.26 feet to a point of curve; thence Southeasterly along a curve to the left which has a radius of 335.00 feet and a chord which bears S38°39’50”E, 56.66 feet to a point on the existing North right-of-way line of Sugar Maple Lane and the Northwest corner of Outlot 23, Western Addition to 1000 Oaks; thence S89°50’38”W, 219.47 feet along said existing North right-of-way line and the North line of Outlot 20, Western Addition to 1000 Oaks to the Point of Beginning.

Together with:

Commencing at the ~~Southeast~~ Southwest Corner of said Section 28; thence N 00°56’27 E, 2648.52 feet to the West 1/4 Corner of said Section 28; thence N89°56’47”E, 486.13 feet along the South line of Lot 10, Silicon Prairie Business Park, to the Northwest corner of Lot 1, 1000 Oaks; thence S00°55’38”W, 492.53 feet along the West line of said Lot 1 to the Southwest corner thereof, also being the Southeast corner of Outlot 14, Southern Addition to Birchwood Point, and said point also being on the North right-of-way line of

Watts Road, and the Point of Beginning; thence S89°51'24"W, 317.76 feet along a southern line of said Southern Addition to Birchwood Point; thence Southeasterly along a curve to the left which has a radius of 490.00 feet and a chord which bears S73°32'39"E, 280.06 feet; thence N89°51'04"E, 47.88 feet; thence N00°55'38"E, 80.01 feet to the Point of Beginning. Said described area contains 18,457 square feet, 0.424 acres, and 0.0025853 square miles, more or less. Polling place at Blackhawk Church, 9620 Brader Way."

13. Subdivision (b) of Subsection (7) entitled "Final Building, Structured Parking, and Surface Parking Design Review" of Section 28.097 entitled "Campus-Institutional District" of the Madison General Ordinances is amended as follows:

"(b) In addition to undergoing the design review process in sub. (7)(a) above, and in order to minimize impact on City ~~right-of-ways~~ rights-of-way, all structured or surfaced parking facilities properly identified in a Campus Master Plan must be reviewed by the Transportation Commission and Board of Public Works and approved by the Common Council prior to construction. In approving a structured or surface parking facility under this section, the Common Council may require a Traffic Impact Analysis (TIA) prepared by the applicant, a permanent right-of-way dedication to the city, and/or city right-of-way improvements, if deemed necessary by a Traffic Impact Analysis or an analysis prepared by the Director of Traffic Engineering. Any such analysis shall consider the cumulative effect of other structured and surface parking facilities in the area when determining whether a permanent right-of-way dedication or right-of-way improvement is necessary."

14. Subsection (3) of Section 33.10 entitled "Committee on Employee Relations" of the Madison General Ordinances is amended as follows:

"(3) The offices of Chair and Vice-Chair shall be filled by majority vote at the first meeting in May annually. Consistent with Sec. 33.01(7)(~~b~~)(d), MGO, alders are not eligible to serve as Chair or Vice-Chair. In the event the resident chair and vice-chair are absent from a meeting, an alder, upon consensus of the members present, may assume the chair. However, in no event shall an alder serve as chair of the Committee for more than two (2) consecutive meetings. The Committee shall adopt rules for the governance of its proceedings not inconsistent with Federal, State or local law. Such rules may include a provision for delegation of the powers and responsibilities of the Committee to subcommittees composed exclusively of Committee members."

15. Subsection (3) entitled "Terms" of Section 33.15 entitled "Community Development Block Grant (CDBG) Committee" of the Madison General Ordinances is amended as follows:

"(3) Terms. All members except ~~alternate members~~ alders shall be appointed for two (2) year terms. The terms of alderpersons shall expire on the third Tuesday of the following April pursuant to Sec. 33.01(6)(a)."

16. Subsection (1) entitled "Creation" of Section 33.32 entitled "Joint Campus Area Committee" of the Madison General Ordinances is amended as follows:

“(1) Creation. There is hereby created a Joint Campus Area Committee consisting of ~~twenty-two (22)~~ twenty (20) voting members and two (2) non-voting members.”