

AGENDA # IV.B.

City of Madison, Wisconsin

REPORT OF: URBAN DESIGN COMMISSION

PRESENTED: April 20, 2005

TITLE: Ordinance File No. 00585, repealing Section 12.128(2) and creating Section 12.82 of the Madison General Ordinances to establish new regulations for advertising on vehicles or other mobile objects when operating or parked on the highway, and amending Section 1.08(3)(a) of the Madison General Ordinances to establish a bail deposit amount for violations of new Section 12.81

REFERRED:

REREFERRED:

REPORTED BACK:

AUTHOR: Alan J. Martin, Secretary

ADOPTED:

POF:

DATED: April 20, 2005

ID NUMBER:

Members present were: Paul Wagner, Chair; Lou Host-Jablonski, Todd Barnett, Robert March, Michael Barrett, Lisa Geer, Bruce Woods, and Ald. Noel Radomski.

SUMMARY:

At its meeting of April 20, 2005, the Urban Design Commission **RECOMMENDED APPROVAL** of the Substitute Ordinance File No. 00585. Appearing in opposition to the ordinance was David L. Mandell. Assistant City Attorney Lara Mainella explained to the Commission the various options for the enforcement of the provisions within the ordinance amendment regulating advertising on vehicles or other mobile objects as it affects both the operators and owners of the affected vehicles. The option to ticket either the owner or the operator of the vehicle would be determined by the enforcing police officer, depending on the situation. As an example, she explained that a parked vehicle with no apparent driver, in violation of the ordinance provisions, would likely result in the owner of the vehicle receiving the citation. She further elaborated that policy makers, such as the Plan Commission and Common Council, could write into the ordinance more specific requirements regarding enforcement. She further distinguished between the signage found on taxicabs versus subject vehicles whose "primary purpose" is display of graphics, whereas a taxicab is utilized primarily for transportation purposes. Attorney Mandell appeared and spoke in opposition to the ordinance amendment, as a representative of the owner of one of the sole vehicles regulated by this ordinance. He pointed out that his client has owned the vehicle prior to the creation and drafting of this ordinance, and should be grandfathered in. He also stated his client was willing to limit his use of the affected vehicle to only his own business uses. Mandell also recommended that the Commission consider provisions to grandfather in vehicles with a permit provided to verify their grandfathered status. The Commission felt that Attorney Mandell's issues were not relevant to the Urban Design Commission's consideration of the ordinance amendment and should be discussed further with the City Attorney's Office. The Commission also noted that prior discussions on the ordinance amendment with its original sponsor, former Ald. Holtzman, suggested a change in language to Section 12.182(3)(c) of the ordinance amendment to provide for its enforcement on a vehicle "as parked on the highway for more than six (6) hours" as a substitution for the previously proposed language of "twelve (12) hours."

ACTION:

On a motion by Geer, seconded by March, the Urban Design Commission **RECOMMENDED APPROVAL** of the substitute ordinance. The motion was passed, as amended, on a vote of (7-0-1) with Ald. Radomski abstaining.

After the Commission acts on an application, individual Commissioners rate the overall design on a scale of 1 to 10, including any changes required by the Commission. The ratings are for information only. They are not used to decide whether the project should be approved. The scale is 1 = complete failure; 2 = critically bad; 3 = very poor; 4 = poor; 5 = fair; 6 = good; 7 = very good; 8 = excellent; 9 = superior; and 10 = outstanding. The overall ratings for this project are 7 and 8.

URBAN DESIGN COMMISSION PROJECT RATING FOR: Ordinance File No. 00585

	Site Plan	Architecture	Landscape Plan	Site Amenities, Lighting, Etc.	Signs	Circulation (Pedestrian, Vehicular)	Urban Context	Overall Rating
Member Ratings	-	-	-	-	-	-	-	7
	-	-	-	-	-	-	-	8
	-	-	-	-	-	-	8	-
	-	-	-	-	-	-	-	-
	-	-	-	-	-	-	-	-
	-	-	-	-	-	-	-	-
	-	-	-	-	-	-	-	-
	-	-	-	-	-	-	-	-
	-	-	-	-	-	-	-	-
	-	-	-	-	-	-	-	-

General Comments:

- This is needed, especially during student move-in time.
- Good work, Steve.
- Advertising and billboards are already a blight on the landscape. This helps to take care of a small part of the problem.

AGENDA # IV.D.

City of Madison, Wisconsin

REPORT OF: URBAN DESIGN COMMISSION

PRESENTED: April 6, 2005

TITLE: Ordinance File No. 00585, Repealing Section 12.128(2) and Creating Section 12.82 of the Madison General Ordinances to Establish New Regulations for Advertising on Vehicles or Other Mobile Objects When Operating or Parked on the Highway, and Amending Section 1.08(3)(a) of the Madison General Ordinances to Establish a Bail Deposit Amount for Violations of New Section 12.81.

REFERRED:

REREFERRED:

REPORTED BACK:

AUTHOR: Alan J. Martin, Secretary

ADOPTED:

POF:

DATED: April 6, 2005

ID NUMBER:

Members present were: Lou Host-Jablonski, acting as Chair, Todd Barnett, Robert March, Michael Barrett, Lisa Geer, Bruce Woods, and Ald. Steve Holtzman.

SUMMARY:

At its meeting of April 6, 2005, the Urban Design Commission **REFERRED CONSIDERATION** of Ordinance File No. 00585. Ald. Holtzman, as sponsor of the ordinance amendment, compared the issue with advertising on vehicles to “portable billboards.” He noted to the Commission that the research behind the draft ordinance by Assistant City Attorney Lara Mainella was the result of several years of work in order to provide for its accommodation of free speech issues as well as conventional advertising contained on commercial vehicles not regulated by this ordinance. He noted that the stationary positioning and parking of these vehicles was most problematic, and felt that the provision relevant to enforcement for “more than twelve hours” should be more restrictive and be changed to six hours. The Commission, in discussing the ordinance amendment, questioned its enforcement on the driver of the vehicle rather than owners of the mobile billboards. It also questioned the provision for the ticketing of drivers as well as owners/operators of the mobile advertisements. Ald. Holtzman, as sponsor, felt that further input on the ordinance amendment was necessary, to be provided by Assistant City Attorney Lara Mainella, as its draftee.

ACTION:

On a motion by Ald. Holtzman, seconded by Geer, the Urban Design Commission **REFERRED CONSIDERATION** of Ordinance File No. 00585. The motion to refer requested that Assistant City Attorney Lara Mainella appear to answer questions on the technical aspects of the ordinance amendment. The motion was passed on a unanimous vote of (7-0).