

CITY OF MADISON, WISCONSIN

A SUBSTITUTE ORDINANCE _____

PRESENTED December 5, 2006
 REFERRED BOE

Amending Section 1.08(3)(a) of the Madison General Ordinances to modify, repeal and recreate bail deposit amounts for various ordinance violations, amending Sec. 23.35(2) of the Madison General Ordinances to increase the forfeiture for permitting animal to cause injury by bite, amending Section 24.09(6) of the Madison General Ordinances to be in conformity with state statute, amending Section 34.26 of the Madison General Ordinances to modify the forfeiture range for removal or tampering with Fire Protection Systems.

RULES SUSPENSION _____
 PUBLIC HEARING _____

Drafted by: Marci Paulsen
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Date: January 4, 2007

SPONSORS: Mayor Cieslewicz

DRAFTER'S ANALYSIS: This ordinance amends Section 1.08 to create uniformity among bail deposits for Section 9.13; increases the bail deposit for Section 10.05(6)(a), failure to obtain a permit for excavation of any public right-of-way; increases the bail deposit for Section 23.06, damage to property and Section 23.35, permitting animal to cause injury and Section 23.54, retail theft; and amends various additional bail deposits. It amends Section 24.09, light motor vehicle noise, to be in conformity with controlling state statute. This ordinance amends parts of Section 1.08 to create uniformity among bail deposits listed in the police bail book and Section 1.08.

 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 creating, amending or repealing therein the following:

<u>"Offense</u>	<u>Ord. No.</u>	<u>Deposit</u>
"No street vendors license.	9.13(1)	\$200 \$250, 2 nd in 1 yr \$300, 3 rd & subsequent in 1 yr
Violations of the "Regulations governing vending on State Street Mall/Capitol Concourse.	9.13(6)(e)	\$200, 1 st in 1 yr \$250, 2 nd in 1 yr \$300, 3 rd & subsequent in 1 yr
No license for vending in State Street	9.13(6)(g)	\$200, 1st in 1 yr

Approved as to form:

Mall/Capitol Concourse vending area.		\$250, 2nd in 1 yr \$300, 3rd & subsequent in 1 yr
Merchant vendor and sidewalk cafes regulated.	9.13(6)(j)	\$200
Violations of the "Regulations governing vending in high density areas".	9.13(7)(e)	<u>\$200, 1st in 1 yr \$250, 2nd in 1 yr \$300, 3rd & subsequent in 1 yr</u>
Failure to obtain permit before excavation of any public right-of-way.	10.05(6)(a)	\$250 <u>\$500</u>
<u>Unauthorized trash dumping on public property.</u>	<u>10.19(1)</u>	<u>\$200</u>
<u>Violation of Madison Metro Bus Rules.</u>	<u>11.045</u>	<u>\$25</u>
<u>Prohibition on vending from a parking meter.</u>	<u>12.145(1)(d)</u>	<u>\$30</u>
<u>Expired meter – multispace.</u>	<u>12.145(1)(e)</u>	<u>\$20</u>
<u>Operate boat within restricted area.</u>	<u>14.30(7)</u>	<u>\$50</u>
<u>Motor boat races prohibited.</u>	<u>14.30(8)</u>	<u>\$50</u>
Damage to property.	23.06(2),(5)	\$300 <u>\$500</u> , 1st within 5 yrs \$500 <u>\$750</u> , 2nd/subsequent within 5 yrs
Permitting animal to injure person or other animal.	23.35	\$75 <u>\$100</u> \$200 <u>\$300</u>
<u>Transport bark bearing elmwood.</u>	<u>23.40(7)</u>	<u>\$50</u>
Retail theft.	23.54	\$200 <u>\$300</u>
Light motor vehicle noise control.	24.09	\$400 <u>40</u> , 1 st \$200 <u>100</u> , 2 nd & subsequent \$300 , subsequent
Failing to impound or comply with Health Department restrictions, for confinement of a dangerous animal.	25.22(3)	\$200 , 1 st \$300 , 2 nd /subsequent
<u>Abandoned icebox/refrigerator.</u>	<u>25.24</u>	<u>\$300</u>
<u>Unapproved discharge of bows and arrows.</u>	<u>25.25</u>	<u>\$300</u>
<u>Prohibition of slingshots.</u>	<u>25.27</u>	<u>\$100</u>
<u>Prohibition of certain weapons (numchuk).</u>	<u>25.28</u>	<u>\$200</u>
<u>Skateboards prohibited in business districts.</u>	<u>25.29</u>	<u>\$20</u>
<u>Failure to obtain insulation inspection.</u>	<u>29.21</u>	<u>\$50</u>

Street graphic erected/displayed in public right-of way.	31.04(6)(e)	\$100 \$200, 2nd & subsequent in 12 mos. <u>\$500, 3rd & subsequent in 12 mos.</u>
Portable street graphic prohibited.	31.04(6)(k)	\$100 \$200, 2nd & subsequent in 12 mos. <u>\$500, 3rd & subsequent in 12 mos.</u>
<u>Prohibition of displaying signs over expressways.</u>	31.04(6)(m)	\$100 \$200 <u>\$500, 3rd & subsequent in 12 mos.</u>
<u>Tampering with fire protection equipment.</u>	34.26	\$300
<u>Adult knowingly permits underage consumption.</u>	38.04(1)(a)3	\$250 \$300, 2nd \$500, 3rd <u>\$750, 4th & subsequent in 12 mos.</u>
<u>Adult intentionally encourage underage consumption.</u>	38.04(1)(a)4	\$250 \$300, 2nd \$500, 3rd <u>\$750, 4th & subsequent in 12 mos.</u>
<u>Carrying out alcohol beverage after 9:00 p.m.</u>	38.06(6)(3)	\$30"

2. Subsection (2) of Section 23.35 entitled "Permitting Animal To Cause Injury By Bite" of the Madison General Ordinances is amended to read as follows:

"(2) Any person violating this section shall upon conviction thereof be subject to a forfeiture of not more than ~~\$200~~five hundred dollars (\$500)."

3. Subsection (6) entitled "Sound Producing or Amplification Devices" of Section 24.09 entitled "Light Motor Vehicle Noise Control" of the Madison General Ordinances is amended to read as follows:

"(6) Sound Producing or Amplification Devices.

(a) Notwithstanding the noise limit expressed in Sec. 24.09(4) of these ordinances and except as provided in sec. 347.38(1), Wis. Stats., no person may operate or park, stop or leave standing a motor vehicle while using a radio or other electric sound amplification device emitting sound from the vehicle that is ~~plainly~~clearly audible under normal conditions from a distance of ~~75~~fifty (50) or more feet, unless the electric sound amplification device is being used to request assistance or warn against an unsafe condition. This subsection does not apply to any of the following:

1. The operator of an authorized emergency vehicle, when responding to an emergency call or when in the pursuit of an actual or suspected violator of the law or when responding to but not upon returning from a fire alarm.
2. The operator of a vehicle of a public utility, as defined in sec. ~~196.01(5), Wis. Stats~~
11.40(1)(a), Wis. Stats.

3. The operator of a vehicle that is being used in a community event or celebration, procession or assemblage.
 4. The activation of a theft alarm signal device.
 5. ~~The operator of a vehicle that is being used for advertising purposes.~~
 6. ~~The operator of a motorcycle being operated outside of a business district.~~
- (b) Any owner, operator, or agent having control over the subject equipment violating any provision of this section shall, for the first violation, be subject to a forfeiture of not less than ~~ten~~forty dollars (~~\$10~~40) nor more than ~~one hundred eighty~~ dollars (~~\$100~~80); for the second ~~and subsequent~~ violation ~~within one year~~, be subject to a forfeiture of not less than ~~forty~~one ~~hundred~~ dollars (~~\$50~~100) nor more than two hundred dollars (\$200); ~~and for the third and subsequent violations, be subject to a forfeiture of not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500).~~

4. Subsection (2) of Section 34.26 entitled "Removal or Tampering With Fire Protection Systems" of the Madison General Ordinances is amended to read as follows:

"(2) Any person violating this section shall be subject to a forfeiture of up to ~~four~~five hundred dollars (~~\$400~~500) for the first violation, and not less than ~~one hundred~~ dollars (~~\$100~~) nor more than ~~one thousand~~ dollars (~~\$300~~1000) for the second or subsequent violation within a three (3) year period."

EDITOR'S NOTE:

1. New or amended bail deposits must be approved by Municipal Judge prior to adoption. These deposits have been so approved.