

CITY OF MADISON, WISCONSIN

AN ORDINANCE _____

PRESENTED
REFERRED

October 29, 2013
CCOC

Amending and repealing various sections of the Madison General Ordinances to correct inconsistencies and improper references in the Madison General Ordinances, constituting the 2013 City Attorney Revisor's Ordinance.

Drafted by: Michael May

Date: October 23, 2013

SPONSOR: City Attorney pursuant to Sec. 2.05(6)(i), MGO

DRAFTER'S ANALYSIS: This is the annual City Attorney's Revisor's ordinance, correcting certain parts of the Madison General Ordinances (MGO), the City's code of ordinances.

The proposed changes in this ordinance are as follows:

1. Sec. 3.54(5), MGO, is amended to delete outdated text relating to IATSE members working at the Civic Center.
2. Sec. 6.01(2), MGO, is amended to correct gender-specific text,
3. In accord with change 2, this directive provides the City Attorney authority to update throughout the MGO's all references to man and men.
4. Sec. 7.06(3), MGO, is amended to update and correct gender-specific text.
5. In accord with change 4, this directive provides the City Attorney authority to update throughout the MGO's all references to him and her.
6. Sec 9.21, MGO, is amended to replace bulky language for the title of the section.
7. Sec. 9.49(6)(b)2., MGO, is amended to correct an outdated reference to the Wisconsin Statutes.
8. Sec. 10.28(2), MGO, is amended to accomplish a terminology change from "special tax" to "special charge" that was adopted by ordinance in 2004 but inadvertently omitted from the quarterly revision at that time.
9. Sec. 15.07, MGO, is repealed to eliminate outdated text regarding old aldermanic districts.
10. Sec. 16.23(9)(c)5., MGO, is amended to eliminate an outdated reference to the MGO's.
11. Sec. 24.08(3)(g), MGO, is amended to correct an obsolete reference to the MGO's.
12. Sec. 31.065(5), MGO, is amended to correct an outdated reference to the MGO's.
13. Sec. 33.01(8)(c), MGO, is amended to clarify the definition of quorum.
14. Sec. 33.26, MGO, is renumbered so the City-County Liaison Committee may be situated with like bodies.
15. Sec. 39.02(9)(f)3., MGO, is amended to clarify the laws and ordinances that justify exemptions from disclosure of certain Affirmative Action records.
16. Sec. 39.07, MGO, to correct the outdated reference to "public works contract."

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

1. Subsection (5) entitled "Prevailing Rate For Skilled Trades" of Section 3.54 entitled "Compensation Plan" of the Madison General Ordinances is amended to read as follows:

"(5) Prevailing Rate For Skilled Trades.

Approved as to form:

~~(a) Skilled trades workers employed on an hourly basis as Carpenters, Painters and Electricians shall be compensated at prevailing wage rates applicable to the Madison Area, and shall receive no other compensation or benefit incidental to said employment except as required by State or Federal law, notwithstanding any other ordinance or resolution specifically to the contrary.~~

~~(b) When IATSE Local No. 251 union members are employed at an hourly rate to work at the Madison Civic Center on a temporary basis as stagehands, spotlight operators, projectionists, riggers, truck loaders, or otherwise, and when no other wage rate for such work has been established by the City, they shall be paid at the prevailing hourly rate in the Madison community for such work and shall receive no other compensation or benefit incidental to said employment except as required by State or Federal law, notwithstanding any other ordinance or resolution to the contrary."~~

2. Subsection (2) entitled "Composition of Fire Department" of Section 6.01 entitled "Who Compose the Fire Department" of the Madison General Ordinances is amended to read as follows:

"(2) Composition of Fire Department. The Fire Department shall consist of one chief to be known as "Chief of the Fire Department"; two or more assistants to be known as "Assistant Chiefs of the Fire Department"; two or more Deputy Fire Chiefs; eleven (11) or more ~~men~~ firefighters to have charge of the fire stations who shall be known as Captains; eleven (11) or more ~~men~~ firefighters who shall have charge of the fire stations in the absence of the Captains, who shall be known as Lieutenants; a Fire Inspection Bureau one Assistant Mechanic, five Dispatchers, and one hundred twenty-nine (129) full paid ~~men~~ firefighters, such number to be consisting of one Captain and seven (7) or more Inspectors, one Master Mechanic to be known as a Captain, designated from time to time by the Common Council."

3. The City Attorney is directed to make corresponding changes to other City ordinances to eliminate gender specific terms and text relating to "men" and "man."

4. Subsection (3) entitled "Physicians to Report Existence of Communicable Diseases" of Section 7.06 entitled "Contagious Diseases" of the Madison General Ordinances is amended to read as follows:

"(3) Physicians to Report Existence of Communicable Diseases. A physician knowing or having reason to know that a person treated or visited by him or her has a communicable disease, or having such disease, has died, shall report the same to the Director of Public Health. Any physician who shall refuse or neglect to give such notice for a period of twenty-four (24) hours shall be subject to a fine of not less than five dollars (\$5) nor more than twenty-five dollars (\$25) for each day of such refusal or neglect after the expiration of said twenty-four (24) hours."

5. The City Attorney is directed to make corresponding changes to other City ordinances to eliminate gender specific terms and text relating to "his" and "him."

6. The title of Section 9.21 entitled "Licensing and Regulating Combined Scrap and Recycling Motor Vehicle Salvage and Solid Waste Hauler Businesses, Scrap and Recycling Collectors, and Motor Vehicle Storage Businesses" of the Madison General Ordinances is amended to read as "Scrap/Recycling License."

7. Paragraph 2. entitled "Hearing" of Subdivision (b) entitled "Appeal From Determination" of Subsection (6) entitled "Procedure for Review" of Section 9.49 entitled "Review of Administrative Determination" of the Madison General Ordinances is amended to read as follows:

"2. Hearing. At the hearing, the appellant and the responsible City official or authority may be represented by counsel, may present evidence, and may call and examine witnesses and cross-examine witnesses of the other party. The Chair of the CCOC shall act as the chair of the ARB and shall conduct the hearing, administer oaths to witnesses, and may issue subpoenas. The rules of evidence provided in ~~Wis. Stat., 227.08~~ Wis. Stat. § 227.45 for administrative proceedings shall be followed. The Common Council staff shall receive and mark all exhibits, and the staff shall record all

of the proceedings on tape. If either of the parties requests a stenographic recording, the staff shall make the necessary arrangements but the expense shall be borne by the requesting party.”

8. Subsection (2) of Section 10.28 entitled “Snow and Ice to be Removed From Sidewalks” of the Madison General Ordinances is amended to read as follows:

“(2) The Department of Planning and Community and Economic Development shall cause all sidewalks which shall not have been cleared of snow and ice as above described, to be cleared upon default of the person whose duty it shall be to clear the same. An accurate account of the expenses incurred shall be kept and ~~reported to the Finance Director, who shall annually prepare a statement of the expense so incurred in front of each lot or parcel of land and report the same to the City Clerk, and the amount therein charged to each lot or parcel of land shall be by said Clerk entered in the tax roll as a special tax against said lot or parcel of land, and the same shall be collected in all respects like other taxes upon real estate~~ the costs thereof shall be assessed against the property as a special charge under Section 4.09(13). Prosecution under Subsection (1) of this ordinance shall not bar the City from proceeding under Subsection (2) of this ordinance, nor shall proceeding under Subsection (2) bar prosecution under Subsection (1).”

9. Section 15.07 entitled “Aldermanic Districts” of the Madison General Ordinances, and governing aldermanic districts from 2001 – 2011, is hereby repealed.

10. Paragraph 5. entitled “Contractor Qualifications” of Subdivision (c) entitled “Contract for Public Improvements for Subdivisions” of Subsection (9) entitled “Required Improvements for Subdivisions” of Section 16.23 entitled “Land Subdivision Regulations” of the Madison General Ordinances is amended to read as follows:

“5. Contractor Qualifications. The contractor(s) employed by the subdivider to construct the public improvements shall be prequalified by the Board of Public Works for the appropriate category of work. The contractor(s) shall maintain insurance as required by the City of Madison Standard Specifications for Public Works Construction.
The contractor(s) shall comply with ~~Section 23.04 of the Madison General Ordinances~~ Wis. Stat. § 66.0903 which provides for the payment of the prevailing wage rates to the contractor’s employees.”

11. Subdivision (g) of Subsection (3) entitled “Exemptions” of Section 24.08 entitled “Noise Control Regulation” of the Madison General Ordinances is amended to read as follows:

“(g) Any fireworks display licensed under and operated in compliance with Sec. ~~25.04(2)~~ 34.105(14)(b), Madison General Ordinances, provided that such displays comply with any and all licensing and permit requirements of the Madison General Ordinances.”

12. Subsection (5) entitled “Illumination” of Section 31.065 entitled “Business Opening Signs” of the Madison General Ordinances is amended to read as follows as well as Secs. 31.044(1)(k), 31.065, 31.071, 31.08(1), 31.09(1)(d) and 31.10(6):

“(5) Illumination. Business opening signs may be illuminated subject to Sec. 31.04(~~65~~)(k).”

13. Subdivision (c) of Subsection (8) entitled “Attendance, Quorum and Voting” of Section 33.01 entitled “Boards, Commissions, and Committees Procedures” of the Madison General Ordinances is amended to read as follows:

“(c) In the absence of any statute or ordinance that establishes the quorum for any Sub-unit, ~~the quorum of any such body is the number that constitutes a majority of the authorized voting membership of the Sub-unit~~ is a majority of the number of members fixed by law. Vacant positions shall be counted in determining the quorum of such a body.”

14. Section 33.26 entitled “City-County Liaison Committee” is renumbered to Section 33.09(1) of the Madison General Ordinances.

15. Subparagraph a. of Paragraph 3. entitled "Public Inspection of Records" of Subdivision (f) entitled "Record-Keeping Requirements" of Subsection (9) entitled "Contract Compliance Provisions" of Section 39.02 entitled "Affirmative Action Ordinance" of the Madison General Ordinances is amended to read as follows:

"a. Records which are exempt from disclosure under ~~the provisions~~ Wis. Stat. § 19.36 or any other provision of Wis. Stat. §§ 19.31 through 19.39 (the Wisconsin Public Records laws) adopted through Sec. 3.70(1) of these ordinances."

16. Subdivision (i) of Subsection (2) entitled "Definitions" of Section 39.07 entitled "Equal Benefits" of the Madison General Ordinances is amended to read as follows:

"(i) "Public Works Contract" means any contract meeting the definition of "public works contract" in ~~Sec. 23.04(4)~~ Wis. Stat. § 66.0901(1), if the value of such contract requires it to be let to the lowest responsible bidder under Wis. Stat. § 62.15."