

CITY OF MADISON, WISCONSIN

SUBSTITUTE ORDINANCE  
CCOC AGENDA ITEM #7

SUBSTITUTE  
AN ORDINANCE \_\_\_\_\_

PRESENTED September 6, 2016  
REFERRED CCOC \_\_\_\_\_

Amending various sections of the Madison General Ordinances to correct inconsistencies and improper references in the Madison General Ordinances, constituting the 2016 City Attorney Revisor's Ordinance.

LEGISTAR #44167

Drafted by: Michael May

Date: October 28, 2016

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

DRAFTER'S ANALYSIS: This is the annual City Attorney's Reviser'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. 3.38(1)(c), MGO, is amended to update statutorily mandated court costs that were increased per statutes in 2013.
2. Sec. 2.39, MGO, is amended to correct an obsolete reference.
3. Sec. 3.53(1)(g), MGO, is amended to revise the title Assistant to the Mayor to Deputy Mayor per RES-15-00771.
4. In accord to change 1, this directive provides the City Attorney authority to update throughout the MGO's all references to Assistant to the Mayor.
5. Sec. 10.055(4)(a)2., MGO, is amended to update an incorrect reference.
6. Sec. 15.03(1), MGO, is amended to add Ward 137 to the First Aldermanic District which was inadvertently omitted from previous attachment ordinance.
7. Sec. 33.01(7)(c), MGO, is created to reflect current practice.
8. Sec. 38.07(15), MGO, is amended to add a title to Subsection (15).
9. Sec. 33.32(1)(a), MGO, is amended to allow designees of the village administrator or Village Board President of Shorewood Hills to serve as representatives on the Joint West Campus Area Committee.

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

1. Subdivision (c) 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 to read 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 \$2838 imposed by Wis. Stat. § 814.65. In the event

Approved as to form:

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."

2. Section 2.39 entitled "Informational Hearings" of the Madison General Ordinances is amended to read as follows:

**"2.39 INFORMATIONAL HEARINGS.**

The Common Council, by motion, or the Common Council President may set any item, except those items for which a public hearing is required by operation of law, for an informational hearing to be held before the Common Council pursuant to Sec. ~~2.04(9)~~2.01(7), MGO. Speakers registered to speak shall be subject to the time limits set forth in Sec. 2.30, MGO. Upon the conclusion of the informational hearing the item shall be referred to a subsequent meeting for consideration and no action shall be taken on the item at the time of the informational hearing unless noticed and the Common Council suspends this rule."

3. Subdivision (g) of Subsection (1) entitled "Civil Service Created - Exceptions Therefrom" of Section 3.53 entitled "Civil Service System" of the Madison General Ordinances is amended to read as follows:

"(g) ~~Assistant to the~~ Deputy Mayor."

4. The City Attorney is directed to make corresponding changes to other City ordinances to update the title of Assistant to Mayor to Deputy Mayor.

5. Paragraph 2. entitled "Insurance" of Subdivision (a) entitled "Responsibility for Occupation" of Subsection (4) entitled "Permit Conditions" of Section 10.055 entitled "Occupancy of Streets or Other Public Areas" of the Madison General Ordinances is amended to read as follows:

"2. Insurance. The permittee shall be required to furnish a Certificate of Insurance, providing evidence of commercial general liability insurance with the City of Madison, its officers, officials, agents and employees named as additional insureds. The insurance shall include contractual liability coverage, apply on a primary and non-contributory basis, and minimum limits of one million dollars (\$1,000,000) per occurrence. The Risk Manager reserves the right to require higher limits and other coverage terms and conditions at his/her discretion. Permittee shall keep required insurance in full force and effect throughout the term of the ~~privilege in streets~~ street occupation permit. This insurance condition may be waived for other governmental units and in those instances where the Risk Manager, in consultation with the City Attorney's Office, determines that this requirement can be waived."

6. Subsection (1) entitled "First Aldermanic District" of Section 15.03 entitled "Aldermanic Districts" of the Madison General Ordinances is amended to read as follows:

"(1) First Aldermanic District. Wards 101, 102, 103, 104, 105, 106, 114, 115, 116, 119, 121, ~~and~~ 125, and 137."

7. Subdivision (c) of Subsection (7) entitled "Officers; Chairperson Restriction" of Section 33.01 entitled "Boards, Commissions, and Committees Procedures" of the Madison General Ordinances is created to read as follows:

"(c) Unless modified by a rule of a sub-unit or as otherwise required by ordinance, the chair shall set the agenda for meetings, with the assistance of city staff as needed."

8. Subsection (15) of Section 38.07 entitled "General Restrictions" of the Madison General Ordinances is amended to read as follows:

"(15) Establishments Selling Motor Vehicle Fuels."

9. Subdivision (a) of Subsection (1) entitled "Joint West Campus Area Committee" of Section 33.32 entitled "Joint Campus Area Committees" of the Madison General Ordinances is amended to read as follows:

(a) There is hereby created a Joint West Campus Area Committee. The Committee will consist of 23 members: three ex-officio alders representing districts 5, 11 and 13; a mayoral representative; a representative from the following associations: Greenbush, Vilas, Dudgeon-Monroe, Sunset Village, and Regent; a member of the Plan Commission; and a member of a transportation-related committee. The UW-Madison will be represented by a Special Assistant to the Chancellor, a representative from Facilities and Planning, UW Transportation Committee, Division of Housing, School of Medicine, School of Engineering, UW Hospital, School of Nursing and an ASM representative. The Village of Shorewood Hills will be represented by its village administrator or designee, its Village Board president or designee and one additional member selected by the Village Board.”